

PARISH Ault Hucknall Parish

APPLICATION Proposed means of access to facilitate the erection of residential development on adjoining land, that is in the administrative area of North East Derbyshire District Council (subject to a separate planning application to that Council)

LOCATION Land Off Central Street To The North East Of Tibshelf Road Stainsby Common

APPLICANT Homes By Honey (Partnerships) Ltd & Together Housing/Synergy

APPLICATION NO. 24/00257/FUL **FILE NO.**

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 7th June 2024

APPLICATION Consultation from North East Derbyshire District Council for the Erection of residential dwellings with associated means of access, landscaping and associated works (Major Development) (NEDDC Ref. 24/00473/MFL)

LOCATION Land East Of Central Street Holmewood Chesterfield

APPLICANT Homes By Honey (Partnerships) Ltd & Together Housing/Synergy

APPLICATION NO. 24/00278/NCO **FILE NO.** N/A

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 20th June 2024

SUMMARY

This item relates to a cross-boundary development proposal, located within Bolsover District Council's (BDC) and North East Derbyshire District Council's (NEDDC) planning areas. The application is being reported to Planning Committee given the number of representations received, and additionally as the parts of the proposal within BDC's planning area are not in line with adopted planning policy regarding proposed development in the countryside.

In summary, given the likely public benefit of providing 100% affordable housing and the limited harm to BDC's planning interests, with only a very limited impact on a small area of countryside, the following is recommended:

1. 24/00257/FUL - planning permission be granted for the parts of the development within Bolsover District Council's planning area, subject to NEDDC resolving to grant planning permission for the substantive part of the proposed development in their planning area.
2. 24/00278/NCO - that no objections be raised to the substantive parts of the development within NEDDC's planning area.

SITE & SURROUNDINGS

The application site is 1.87 ha of land located within the two local planning authority areas of NEDDC and BDC. The proposed development is mostly in NEDDC's planning area, adjacent to Holmewood, with just a small area of the proposed access road being within BDC's planning area. The current use of the site is stated in the application form as 'undeveloped'

land.'



Figure 1: Planning Application 24/00257/FUL. Planning Layout Drawing No 2412.01. Rev. M.



Figure 2: Bolsover district boundary Source: Site Central Street, Holmewood. Source:

PROPOSAL

The overall development comprises fifty-nine affordable dwellings that would comprise forty-six semi-detached, three detached and ten terraced dwellings. All dwellings would be of brick and tile construction with on plot parking and garden spaces provided and car charging points.

Vehicular access to the development would be via an extension to Central Street, which includes upgrading the existing track that leads to an existing former garage site. It is this part of the development within Bolsover which would include the removal of part of an exiting grassed/planted margin between the existing track and the adjacent mature woodland, also within the Bolsover area, which is to the southwest (see photograph 1 below).



Photograph 1: Case officer photo showing the view from the access point at the end of Central Street, Holmewood

The submitted Tree Assessment and Tree Protection Plan shows that the proposal would not result in the removal of any trees to the west of the site but would impact on two small sections of the root protection area for the eastern edge of the wood (see figure 3 below).



Figure 3: Extract from revised Tree Protection Plan ref. 1613-002 Rev E.

AMENDMENTS

Various documents have been submitted containing amendments, albeit the amendments relate to the parts of the development within NEDDC's planning area, with the access road elements in BDC's planning area being unaltered.

The latest amended drawings that are directly related to the section of proposed roadway in the Bolsover District Council area are: -

Document submitted 09.04.2026: -

- Revised Biodiversity Assessment and Net Gain Plan March 2026

Documents submitted on 15.05.2026: -

- layout plan is ref. 2412.01 REV M
- tree protection plan ref. 1613-002 REV E

all planning application documents can be viewed on the Council's website.

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

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

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

HISTORY

No relevant history in Bolsover District Council's planning area.

CONSULTATIONS

Ault Hucknall Parish Council (Only received in respect of 24/00278/NCO)

11/07/2024 - Whilst the actual development does not fall within the parish it actually sits immediately on its boundary, and the Parish Council have extreme concerns about this erosion into a greenfield and woodland site. Not only is this considered unacceptable, but could prove a precedent for further breakage into the surrounding greenfield area. The proposed development impacts on the Five Pits Trail, creating both a visual and physical intrusion onto an area which should be protected for the quiet enjoyment of walkers. As a neighbouring parish there are also real concerns about the likely impact on health and education resources. Heath and Holmewood parish are already struggling with their resources due to the immense level of existing and approved development in the area - which could certainly result in an overspill into adjoining parishes which also are at capacity. This Parish Council are aware of and support the objections and concerns already raised by Heath and Holmewood Parish Council and local residents. In addition, the parish council has received an ecology summary undertaken by a member of this parish council in relation to this development, and I submit it herewith for your attention.

Bolsover District Council Planning Policy

13/06/2026 – Consider that North East Derbyshire District Council may be minded to approve their application reference 24/00473/MFL if they judge that the proposal meets their policy framework. Should this be the case, whilst the land in Bolsover District providing part of the highway access is in the countryside and does not relate to any settlement within Bolsover District or meet any of the categories set out in Policy SS9: Development in the Countryside, the impact of the proposed development in Bolsover District is considered to be limited and therefore not compromise the policies of the Local Plan for Bolsover District (March 2020). On this basis, we would raise no policy objection to the approval of BDC application reference 24/00257/FUL.

Derbyshire County Council as Lead Local Flood Authority (LLFA)

03/06/2025 – refer to its response to NEDDC, in which it raises no objections subject to recommended conditions and advisory notes.

Derbyshire County Council as Local Highway Authority (LHA)

01/11/2024 – Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions and advisory notes are recommended by the Highway Authority, along with a request for contributions to be secured through a S106 for ongoing monitoring of any Travel Plan.

Derbyshire Wildlife Trust

17/07/2024 – Response deals with the development as a whole, including the elements of the scheme within North East Derbyshire District Council's area. Improvements should be considered to the design to better reduce impacts of the development and to mitigate any losses on site. Once that process has been undertaken, if offsite mitigation is needed to deliver mandatory Biodiversity Net Gain, then this will need to be identified and a legal agreement to secure this entered into. Conditions will likely include District Level Licensing, a CEMP (to include all mitigation measures outlined in the ecology and BNG report), Species Enhancement Plan (to secure boxes, habitat piles etc), Sensitive Lighting Plan, Invasive

Species Protocol and Habitat Management and Monitoring Plan (HMMP); wording can be provided once further details regarding BNG have been submitted.

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

PUBLICITY

Application 24/00257/FUL was publicised by site notice, press advert and 5 neighbour letters. Representation have been received from 31 contributors, which includes a letter from the adjoining Heath and Holmewood Parish Council.

No publicity is undertaken by Bolsover District Council in respect of consultations from adjoining Authorities, given such publicity is carried out by the relevant Authority as the determining body. Notwithstanding this, representations have been received from 20 contributors in respect of application 24/00278/NCO.

For the purposes of this report, the following is a summary of all representations that have been received in respect of the overall development proposal, given these raise broadly the same issues across both planning applications.

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

Due to legal restrictions regarding data sharing, as contained in the Data Protection Act, letters of representation have not been copied to NEDDC, despite many of these referencing their application on the adjoining land. That said, NEDDC officers have been made aware that many issues raised in the representations directly relate to their applications, and that these are available for them to view on this Council website.

Conversely, the BDC case officer has also undertaken a review of the representations that have been received by NEDDC, via that Council's website; of note is that again, these raise broadly the same issues that have been raised directly to this Council.

The issues raised are summarised as follows: -

Principle

- Local services (GPs, schools, dentists) are already operating at or beyond capacity.
- Local schools are full, with no spare capacity identified.
- Concern that cumulative development in Holmewood and surrounding settlements (circa 1,500 dwellings) has already placed significant strain on infrastructure, including public transport, sports centres, green spaces, play spaces, shops or other amenities, that have not been expanded to accommodate the existing significant growth in the area.
- Further loss of countryside in the area to other developments, such as solar farms.
- Perception that the village has expanded considerably in recent years (cited as approximately 30%), changing its character.
- Concern that further development would contribute to Holmewood, Temple Normanton, Heath and North Wingfield merging, resulting in loss of village identity.
- Limited public transport provision, with bus services operating on an hourly basis.
- Lack of local employment opportunities, shops and services, resulting in unsustainable

patterns of movement.

- Loss of one of the last remaining undeveloped fields within Holmewood; the site serves as a vital community hub where residents engage in walking, cycling, running, and socialising.
- The site is not allocated for housing within the development plan.
- The field is said to have historical significance linked to the area's mining heritage.
- Loss of Green Belt Land.
- The impact on adjoining assets should be thoroughly assessed (sports fields and woodland as well as the 5-pits trail).
- Will impact water pressure and internet connectivity. Water pressure is already low and electricity, gas and other services are barely adequate to cope with existing residents; the sewage and drainage system in Holmewood is failing already.
- Reliance is placed on a CNB Housing report (November 2023), which suggests affordable housing need may be met by existing supply.
- Uncertainty regarding whether the proposed housing will be genuinely affordable or prioritised for those with local connections; stated that this has not happened before.
- Type and tenure mix of affordable housing is queried.
- The development is not viable. The developers claim it meets the needs of the local area; it does not.
- None of these houses built recently built in the area are affordable to most people.
- While residential development is acceptable in principle, it must align with sustainable development principles; the proposal should contribute positively to the local community and environment.
- Concerns regarding community impacts of social housing seen elsewhere (gives example of boarded up broken windows on existing properties).
- Every new house should be installed with solar panels.
- It is not considered that the provision of affordable housing would outweigh the harm it would cause that is contrary to national and local planning policies.
- The development is contrary to Policies SS1 (sustainable development), SS2 (Spatial Strategy and the Distribution of Development) and SS9 (Development in the Countryside) of the North East Derbyshire Local Plan (NEDDCLP).
- Do not consider that this is a rural exceptions site under Policy LC3 (Exception Sites for Affordable Housing) of the NEDDCLP, as it would not meet a proven need. No evidence that there is no suitable alternative sites.
- It is not a suitable or sustainable location for this type of development.

Residential Amenity and Health

- Loss of privacy, including overlooking of existing gardens.
- Potential harm to residents of nearby nursing and care homes, including vulnerable and end-of-life residents.
- Increased noise, disturbance and pollution during construction and occupation.
- Dust and airborne emissions during construction raising concerns for residents with breathing difficulties.
- Concern over the length of the construction period and prolonged disruption.
- Increased risk of vermin (rats).
- Adverse effects on mental, physical and social wellbeing.

- Increased traffic movements adversely affecting air quality.
- Development will stop children playing in the street., removing important social interaction; more children will stay at home playing on their computers.
- Will worsen disruption and impacts of existing industrial noise to residents.
- The footpath on site is not retained.
- There is no green space for wildlife or local recreation.

Design and Layout

- Density of development viewed as excessive.
- Scale, layout and appearance considered not in keeping with the character of the area.
- Potential harm to woodland and adjacent sports fields.
- Requests for trees to be protected by Tree Preservation Orders.

Highway Impacts

- Local roads are narrow, congested and subject to on-street parking and are not designed for current volumes of traffic.
- Springfield Road, Mornington Road and Central Street considered unsuitable for additional traffic and HGV movements.
- Existing issues with rat-running and congestion will be worsened, especially at peak times and when there are issues on the M1, A38 or with temporary traffic lights.
- Increased traffic raising highway safety concerns, particularly for pedestrians and children; already chaotic and unsafe parking around schools, exacerbated by the growing number of children attending local schools and being driven there.
- Concerns regarding access for emergency services.
- Perceived increase in accident risk at nearby junctions and roads.
- Concern that no junction capacity assessment has been undertaken due to vehicle trip thresholds.
- Reference to advisory 7.5t signage and perceived unsuitability of access routes for HGVs.
- Damage to roads and property from increased traffic; roads are crumbling and already pitted with potholes, with eroded kerbs.
- Loss or disruption of a well-used informal footpath connecting to the playing fields and Five Pits Trail.
- Concern that alternative routes would be less direct, less overlooked and feel less safe.
- The planned access road through Bolsover District Council land cuts across an established right of way footpath that would qualify as such given used for decades; a legal order to divert or extinguish the path must therefore be sought by the applicant.

Wildlife and Ecology

- Loss of natural habitat, including wildflower meadow.
- Potential harm to wildlife including birds (including birds of prey), badgers, hedgehogs, deer, foxes and reptiles.
- Concern over an intermittent pond near the recreation ground and reported sightings of frogs, newts and other wildlife.
- Lack of survey work, including for bats and great crested newts; an environmental assessment of the land within the district of Bolsover has not been registered by the applicant.

- Objection that the ecological appraisal understates the site's existing biodiversity value following long-term rewilding.
- Concern that reliance on a 20-year habitat recovery period is unreasonable.
- Presence and risk of spread of Japanese knotweed has not been assessed.
- Absence of a Construction Environmental Management Plan (biodiversity), Species Enhancement Plan and lighting strategy.

Drainage

- The site is said to flood regularly, particularly towards the southern end; existing gardens have previously flooded in winter months.
- Concern that development would exacerbate flooding elsewhere.
- Objection that the drainage strategy is inadequate; flood risk mitigation measures and sustainable drainage solutions are essential.
- Site is clay based and will not drain.

Other

- Difficulties accessing the website or do not own computers.
- Not all residents have been informed about this proposal, undermining the transparency and fairness of the process.
- The notification letter lacks the land title number, impeding our ability to fully understand the impact.
- The QR code provided does not work, preventing access to detailed information and proper comment submission.
- Impact on house values.
- There has been no pre-application consultation with residents.

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. The development plan should be read as a whole, but it is considered the key policies that have relevance to the application in the Bolsover District Council area are:

- Policy SS1: Sustainable Development.
- Policy SS3: Spatial Strategy and Distribution of Development.
- Policy SS9: Development in the Countryside.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Design.
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity.
- Policy SC10: Trees, Woodlands and Hedgerows.
- Policy SC11: Environmental Quality (Amenity).

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for

England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Chapter 5 (Paragraphs 61 – 84): Delivering a sufficient supply of homes.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

NPPF paragraph 6 identifies that Written Ministerial Statements may be material when deciding planning applications. The Written Ministerial Statement, “Building the Homes We Need” 30th July 2024 and 12th December 2024 expresses the intention to raise housing targets and facilitate housing delivery and are a material consideration.

Supplementary Planning Documents

Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design:
To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

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.

Biodiversity Net Gain Design Note:

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

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development
- the landscape and visual impact of the proposed development
- layout and amenity considerations
- highway safety.
- drainage and flood risk
- ecology and biodiversity

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

Principle of development (whole proposal)

It is noted that the strategy for the location of new development in North East Derbyshire District, including housing, is set out in Policy SS2: Spatial Strategy and the Distribution of Development of the North East Derbyshire District Local Plan (November 2021). The Policy sets out that development will be focused on:

- the four Level 1 towns of Clay Cross, Dronfield, Eckington and Killamarsh;
- the Avenue and former Biwaters Strategic Sites; and
- level 2 settlements as defined in the Settlement Hierarchy in Table 4.2.

Table 4.2 of the supporting text to the Policy SS2 identifies Holmewood as a Level 2 settlement with, under Table 4.3, a housing provision of 484 dwellings. The Plan makes provision for the delivery of a minimum of 6,600 dwellings over the period 2014-2034 (330 dwellings per annum²), of which 3,523 are allocated in the Plan.

Four sites are allocated for housing at Holmewood under Policy LC1: Housing Allocation providing 291 dwellings. However, the application site is not an allocated housing site, and it is outside the Settlement Development Limit for Holmewood, Figure 3. The Policy also identifies that land which lies outside a Settlement Development Limit and is not allocated for development will be treated as 'countryside', where development will only be permitted in accordance with Policies SS1 (Sustainable Development) and SS9 (Development in the Countryside).



Figure 3: Holmewood NEDDC Local Plan provisions

Source: NEDDC Policies Map 4 Inset G-I: Holmewood, North Wingfield & Clay Cross

However, as the application is for affordable housing on a site that is adjacent to the settlement boundary of Holmewood, it is noted that policy LC3: Exception Sites for Affordable Housing within the NEDDC Local Plan enables affordable housing development in the countryside provided all the criteria in the policy have been met. The evidence also indicates that there is a need for affordable housing within the district.

Paragraph 5.56 identifies from the evidence base for the Plan a requirement for 172 affordable units per annum in North East Derbyshire District with the housing requirements in the Plan being uplifted to contribute towards affordable housing delivery. The NEDDC Local Plan in Policy LC2: Affordable Housing requires that “An agreed mix of affordable housing tenures will be determined through local evidence of housing need at the time of granting planning permission.” A Housing Need Survey for Heath and Holmewood Parish, has been submitted with the application. It concludes that there is a need for affordable home ownership dwellings, together with raising issues for the level of need for social and affordable rented housing as well as a mismatch between the supply of social and affordable rented other than family housing. The response from the NEDDC Housing Strategy Officer to the application identifies that “these statistics demonstrate the increasing demand and need for affordable homes within this area and the District as a whole.” The North East Derbyshire Housing Needs Assessment, October 2024, concludes that there is a strong basis for seeking to maximise the delivery of affordable housing; but policies for affordable housing provision will also need to take account of residential development viability and funding availability.

No designated statutory or non-statutory environmental designation have been identified on or adjacent to the site through Natural England’s Magic Map or the NEDDC Local Plan Policy Map. The site is not located within a SSSI Impact Zone Risk for residential development.

The above demonstrates a likely identified need for the proposed affordable housing and NEDDC will need to decide whether this is considered to outweigh any other policy conflict from the proposed development outside of Holmewood.

The case officer at NEDDC has indicated, at officer level the proposal is likely to receive support and that the application is due to be reported to the NEDDC Planning Committee after the date of the BDC Planning Committee date.

Principle of development (Bolsover part of the proposal)

As stated above, the land forming part of the access road is in the countryside as defined in the Local Plan for Bolsover District (March 2020) and as a result Policy SS9: Development in the Countryside applies. This Policy identifies that proposals in the countryside outside the development envelopes will only be granted planning permission where it can be demonstrated that they fall within the one or more of the categories in the Policy and the development respects the form scale and character of the landscape through careful location, design and use of materials.

The categories include a change of use or re-use of previous developed land. However, whilst a small area of the land is surfaced (see Photograph 1 below), the land would appear to be substantially 'green field'. Therefore, unless evidence is provided to the contrary, it is considered that the proposal does not meet the categories set out in Policy SS9 of the Local Plan for Bolsover District.

Policy SS1: Sustainable Development sets out the factors that will inform the assessment of whether a development contributes to sustainable development. The Policy does not require a proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits, which will then be considered by the Council in the overall 'Planning Balance'. The proposed development will also need to be considered against the requirements set out in Policy SC2 Sustainable Design and Construction, Policy SC3: High Quality Design with its emphasis on creating good quality, attractive, durable and well connected places, and Policy SC11: Environmental Quality (Amenity) reflecting whether there are any amenity issues with the application.

The NPPF and planning practice guidance are material considerations. The NPPF at paragraph 61 sets out the Government's objective of significantly boosting the supply of homes and meeting the needs of groups with specific housing requirements. Paragraph 63 identifies that affordable housing is included within these groups. A substantial emphasis on meeting future housing need has been set out in the Written Ministerial Statement "Building the Homes We Need" of 30 July 2024 and Building the homes we need Statement made on 12 December 2024.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, paragraph 8 provides three overarching objectives: economic, social and environmental. The proposal would provide up to 59 houses which would have economic benefits. As the proposal is for 100% affordable housing it would have social benefits. The NPPF refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. (Para. 8 b). Therefore, there is the potential for the proposed housing provision to have both economic and social benefits.

Depending on other factors to be assessed later in this report, the final decision on this application will be a balance as to whether the public benefits of this proposal, derived from the

delivery of affordable housing in a sustainable location and contribution to the need to deliver new housing, but particularly new affordable housing, in line with objectives of the NPPF, are sufficient to outweigh any identified harm.

Not all issues regarding the wider impacts on infrastructure requirements need to be considered by Bolsover District Council, as these are directly related to the provision of new dwellings which are wholly contained within NEDDC and will have to form part of the consideration of that separate application.

Landscape and visual impact of the proposed development

Parts of the site in BDC's planning area already contain the existing access track to the former garage site that is in NEDDC's planning area and which contains remnants of that former use. Those parts of the site in Bolsover that is crossed by the track can be treated as previously development land, although it is not considered that such a designation could be extended to include the undeveloped margin to the south west side of that track alongside the existing woodland.

The existence of the mature woodland and other landscape features mean the site is visually self-contained when viewed from most public vantage points in Bolsover, except when viewed from the exiting access track to be utilised as part of the development. Any loss of countryside results in some harm, but the landscape in this area has no special designations and it is not considered, where justified / warranted, that the limited loss of this small area of land would result in any material harm to the wider landscape, with only localised views affected, mainly within NEDDC's area.

The impacts on Bolsover District Council's planning interests from the development are not therefore considered to be significantly harmed by the proposals.

Layout and amenity considerations

These are issues for NEDDC to satisfy itself on in terms of the suitability of the design and impacts on the amenities of existing and proposed residents, all of whom are contained in NEDDC; there are no direct privacy and amenity impacts on any residents of Bolsover District Council.

The layout of the access would appear to make full and effective use of the site and contributes to a high quality layout and sense of place, whilst minimising the impact on the local landscape.

It is acknowledged that additional traffic will need to pass alongside the existing dwellings in Holmewood, but this is a common arrangement with most housing developments and will not give rise to any unusual or unexpected impacts that could be deemed harmful to existing residents that would justify a refusal of planning permission.

Highway Safety

Derbyshire County Council as the Local Highway Authority has assessed the proposals noting the provision of a widened and improved road into the development site and consider the design to be appropriate. In conclusion, they state that based on the analysis of the

information submitted, and a review of Local and National policy, they conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions and advisory notes are recommended by the Highway Authority, along with a request for contributions to be secured through a S106 for ongoing monitoring of any Travel Plan.

Whilst noting the Highway Authority’s recommendations, 4 of the suggested conditions, along with the request for a S106 contribution, relate solely to the housing areas proposed in NEDDC, and are not relevant to the small part of the site that is in Bolsover, such that only the one condition that directly relates to the road construction part of the site in Bolsover is proposed for inclusion, should planning permission be granted for that part of the development, and no requirements for a S106 contribution should be made for this part either (NEDDC will have to determine whether it makes any requirement for S106 contributions to a travel plan relating to its decision for the proposed houses).

The issue raised regarding a potential ‘deemed public footpath’ along the route of the access road is noted, but for the purposes of the consideration of this proposal, this is not presently a statutory footpath. That said a route along the parts in Bolsover will be maintained in any event, such that no harm to that route will result. Should a formal diversion prove necessary, there are separate legal procedures that would have to be followed. Should this affect any established private access rights, this would be a private civil matter for resolution between the parties concerned and is not a material planning consideration.

Drainage and Flood Risk

The Flood Map for Planning identifies that the site is in Flood Zone 1 and does not identify any flood issues relating to the access in Bolsover.

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has referred this Council to its comments to NEDDC, in which it raised no objections to the proposal, subject to conditions to control details of the development.

Given the controls over drainage intended to be covered by the recommended conditions of the LLFA will extend to the small section of highway as well as the remainder of the housing in NEDDC, it is considered that these conditions would be needed for any grant of planning permission for the Bolsover District Council part.

Ecology and Biodiversity Considerations

N.B. The figures in the following Biodiversity Net Gain (BNG) table have been calculated for the development as a whole and have not been split into the component parts for NEDDC and BDC.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Not exempt.
If Biodiversity Gain Plan Condition Applies	

Biodiversity Metric Used	The Statutory Biodiversity Metric Calculation Tool		
Overall Net Unit Change (From Re-assessment carried out March 2026 to update in line with latest layout and landscaping proposals)	Habitat Units	Hedgerow Units	River Units
	-2.37	+1.69	0
	Total % change	Total % change	Total % change
	-37.96	+263.70	

Policy SC9: Biodiversity and Geodiversity of the Local Plan for Bolsover District requires development proposals to conserve and enhance biodiversity and provide net gain where possible, however, national Biodiversity Net Gain requirements would mean that a minimum 10% of biodiversity net gain must be provided.

Additionally, policy SC10 intends to ensure that trees and hedgerows are protected and, if possible, enhanced.

In respect of the issues raised in representations, The Derbyshire Wildlife Trust (DWT) has not raised any issues with the quality of the studies submitted; they suggest that an alternative housing layout could help to deliver more onsite biodiversity and that additional work may be needed to achieve this, however, this also recognises that this would have to be achieved within the parts of the site in NEDDC.

DWT has noted the proposed Biodiversity losses on site are such that offsite units will be required to reach the mandatory 10% gain. The BNG Assessment sets out the three options to deliver offsite gains:

1. Habitat delivery on offsite land owned by the applicant.
2. Purchase of units from a Habitat Bank.
3. Purchase of Statutory Credits, as a last resort.

Whilst the DWT has expressed a preference as to which of these options would be proposed should be decided now, this is not considered necessary at this stage, given this will be captured by the standard national condition that will apply to the development under the regulations, which allow for this to be established later. Whilst noting that the provision of BNG on the applicant's own land would need to be subject of a S106 planning obligation, such an obligation can be entered into at the time should that be the chosen response to mandatory BNG requirements.

The DWT recommends conditions relating to controls over works that may affect Great Crested Newts, Invasive Species Protocol, Construction Environmental Management Plan and the provision of a sensitive lighting plan. Given that these all relate to the construction of the proposed access within Bolsover, these are proposed for inclusion on any planning permission should it be resolved to approve the development.

As mentioned in the proposals section of the report, the submitted Tree Protection Plan shows that the very edge of the development would marginally impact on the root protection area for the adjoining woodland. That plan identifies this area as being an area of Goat Willow and Hawthorns that are young to early mature in age and are around 4 to 10m in

height; the trees are stated to be category B1 trees, which are moderate-quality specimens that will likely survive for at least 20 years. Given that there is development within the root protection area, there is a risk that some damage may occur to the trees on the very edge of the woodland. Any re-design of the access to avoid this small area would not be straightforward and would impact on the ability to deliver an efficient housing layout. Additionally, given the extensive amount of existing planting in the wider woodland to the west, should any tree loss occur on its edge, this would not be harmful to the overall group value of these trees, and it is not considered that this would result in any significant harm that would be unacceptable in planning terms, such that no amendments to the layout of the road are considered to be reasonable or necessary in this case. Therefore, subject to a tree protection condition to ensure that no further works inside the root protection area are permitted as part of the development, including its construction phase, to ensure that any impact is minimised, it is considered that this element of the scheme is acceptable.

The woodland, whilst of amenity value, is not considered to be at significant risk from the development and there is not considered to be a case to justify serving a formal tree preservation order on it. Of note is that protections for woodlands exist in any event, enforced by the Forestry Commission, that restricts the amount of felling that can be undertaken without a licence; this permits necessary woodland management to be undertaken without resulting in significant losses or other impacts.

Given the statutory control through the national standard condition for BNG, along with the inclusion of other conditions relative to the Bolsover parts of the development to cover biodiversity mitigation, it is considered that the development is not contrary to Policies SC9 and SC10 of the adopted Local Plan for Bolsover.

Other matters

The above assessment has considered most issues raised in representations.

Issues raised about access to the website are already managed by this Council's provision of alternative methods of viewing applications at its main offices and contact centres.

Some issues regarding notification to residents were raised early in the application processes at a time that this Council had publicised its more limited scale application ahead of the separate publicity undertaken by NEDDC for the larger housing development. It is considered that the publicity carried out by BDC is in line with national guidance and our locally published procedures, that exceed those national requirements.

Whilst developers are encouraged in both national and local guidance to carry out pre-application community consultation, this is not mandatory and developers cannot be forced to do this.

The inability to use the QR code was investigated, and it was noted that this Council's initial notices had been re-produced (presumably photographed and re-printed) and re-posted across a wider area. As these had not re-produced the QR code accurately, the code on those notices, for which the Council is not responsible, did not work.

Impact on house values is not a material planning consideration.

CONCLUSION / PLANNING BALANCE

The above assessment shows there to be a minor conflict with Bolsover District Council's countryside protection policies. However, in circumstances where the wider proposal is deemed to constitute sustainable / acceptable development, the associated access within BDC's planning area would be justified and comprise acceptable development in the countryside in principle, where the benefits, including the weight to be afforded to affordable housing delivery outweigh the costs. The decision on the substantive part of the proposal rests with NEDDC, given that all the houses are to be located within that Authority's area, such that any grant of planning permission for the Bolsover parts of the development is predicated on the grant of planning permission by NEDDC. Without such a consent by NEDDC, the material planning considerations that outweigh the limited harm would not exist.

Given that a resolution on this application is sought in advance of a decision being taken by NEDDC on application code ref. 24/00473/MFL, it is recommended that authority be delegated to the Development Management and Land Charges Manager and/or Development Management Principal Planners to grant planning permission for the development within BDC's planning area upon the grant of this application (through the issuing of the decision notice).

Should NEDDC's Planning Committee resolve not to grant planning permission for the substantive development, the matter would be reported back to Planning Committee for its further consideration.

RECOMMENDATIONS

24/00278/NCO –

That no objections be raised to the proposed housing development in the adjoining authority area; and

24/00257/FUL –

Upon the grant of planning permission code ref. 24/00473/MFL by North East Derbyshire District Council that the application be granted, subject to the following conditions, which are provided below in draft form, allowing the final wording to be agreed by the Development Management and Land Charges Manager and/or Development Management Principal Planners: -

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
[REASON: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]
2. Unless otherwise required and/or approved under other conditions of this consent, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

- Planning Layout plan ref. 2412.01 REV M
- Tree Protection Plan ref. 1613-002 REV E

[REASON: To clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by the Department for Communities and Local Government, November 2009 and for the avoidance of doubt having regard to the amended and additional documents that have been submitted.]

3. Prior to the commencement of the development, including site clearance and preparatory works which may affect great crested newts and/or their habitat, a copy of the Natural England District Level Licence shall be submitted to the Local Planning Authority. All works shall then proceed in accordance with the requirements of the license.
[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]
4. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal (as appropriate) of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]
5. Prior to the commencement of the development (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall be produced by an ecologist and shall include the mitigation measures detailed in the Ecological Appraisal & Biodiversity Net Gain Assessment V2 (Envance, June 2024). It shall include the following sections:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones", including retained vegetation.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to nesting birds, reptiles, badgers and hedgehogs. Reasonable Avoidance Measures for reptiles shall also be applied to GCN, as individual GCN can be legally moved away from harm under a District level Licensing approach.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

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

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

6. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

7. Before any equipment, machinery or materials are brought onto the site, protective fencing must have been erected in accordance with the details included on the revised Tree Protection Plan ref. 1613-002 rev. E, submitted on the 15th May 2026. The fencing must then be maintained at all times in accordance with the details on that plan during the period of construction of both the proposed highway and the adjoining and associated housing development in the administrative area of North East Derbyshire District Council (planning permission ref. no. 24/00473/MFL).

[REASON: To ensure adequate protection is provided to the adjoining woodland to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

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

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;

- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

[REASON: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.]

9. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. The Drainage Assessment, Issue 3, Document Ref: 48293-ECE-XX-XX-RP-C-0005, Dated: 10 May 2024, prepared by Eastwood Consulting Engineers and Flood Risk Assessment, Issue number 3, Document Ref: 48293-ECE-XX-XX-RP-C-0004, Dated: 10 May 2024, prepared by Eastwood Consulting Engineers, “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”.
 - b. And DEFRA’s National standards for sustainable drainage systems (2025), have been submitted to and approved in writing by the Local Planning Authority.

[REASON: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted, and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.]

10. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

[REASON: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development, and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.]

Statement of Decision Process for application 24/00257/FUL

Whilst noting a minor conflict with Bolsover District Council’s countryside protection policies, this is considered to result in very limited harm that is outweighed by the need for additional

affordable housing, in line with National Planning Policies that are seeking to boost the delivery of housing generally

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.