

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 8 January 2020 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane, Derek Adams, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, Steve Fritchley, Natalie Hoy, Graham Parkin, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson.

Officers:- Richard Purcell (Joint Head of Planning), Steve Phillipson (Principal Planning Officer), Chris McKinney (Principal Planning Officer), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

### **534 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Duncan McGregor.

### **535 URGENT ITEMS OF BUSINESS**

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

### **536 DECLARATIONS OF INTEREST**

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

There were no declarations made at the meeting.

### **537 MINUTES**

Moved by Councillor Steve Fritchley and seconded by Councillor Derek Adams  
**RESOLVED** that the minutes of a meeting of the Planning Committee held on 27<sup>th</sup> November 2019 be approved as a true and correct record.

### **538 ADOPTION OF 5 LOCAL DEVELOPMENT ORDERS TO SUPPORT THE REDEVELOPMENT OF UNDERUTILISED SITES IN THE COUNCIL'S OWNERSHIP FOR CUSTOM AND SELF BUILD.**

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Committee considered the report of the Head of Planning which sought approval for a Local Development Order to grant planning permission for residential development on five Council-owned sites. The report also recommended the adoption of Local Development Orders for custom and self-build on these five sites subject to conditions.

The location of the proposed sites were:

- Castle Green, Hillstown (Appendix 1);
- Adin Avenue, Shuttlewood (Appendix 2);
- Woodfield Road – North, Pinxtton (Appendix 3);
- Meadow Close 1, Tibshelf (Appendix 4);
- Duke Street, Creswell (Appendix 5).

The sites were chosen because they were within the settlement framework where housing was acceptable in principle, had safe and suitable accesses and residential development on these sites was unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following standard conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development;
- The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide;
- Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans;
- Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; and
- site specific conditions set out in the detailed planning analysis of each site.

Appendices 1-5 to the report provided a further detailed planning analysis of each of these sites and these reports included any site-specific conditions and the reasons for those conditions.

The following condition was also proposed to be applied imposed to ensure that the Local Development Orders were prioritised for custom and self-build in accordance with the principal reasons for their adoption:

Any new build dwelling granted prior approval under this order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Moved by Councillor Tom Munro and seconded by Councillor Graham Parkin

**RESOLVED** – That Local Development Orders be adopted to grant planning permission for residential development on the following sites:

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- Castle Green, Hillstown (Appendix 1);
- Adin Avenue, Shuttlewood (Appendix 2);
- Woodfield Road – North, Pinxton (Appendix 3);
- Meadow Close 1, Tibshelf (Appendix 4);
- Duke Street, Creswell (Appendix 5).

Subject to the following standard conditions:

1. Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
2. The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans.
4. Any new build dwelling granted prior approval under this order must meet the statutory definition of custom and/or self-build housing as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
5. Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; **and**
6. the site specific conditions set out in the detailed planning analysis of each site set out in appendices 1-5 to this report.

6.2 The reasons for the adoption of the Local Development Orders are:

- i. to allow the council to obtain best value for underutilised pieces of land whilst improving the environmental quality of the District
- ii. to attract private investment in this land through a simplified and less costly planning process which provides a guarantee the land can be developed
- iii. to address the Council's duties under the Self-build and Custom Housebuilding Act 2015; and
- iv. to ensure a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and add variation to the existing housing stock.

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### 539 UPDATE ON SECTION 106 AGREEMENTS

Committee considered the report which gave information on Section 106 Agreements and their status to ensure that the Council had a robust procedure for recording and monitoring Section 106 obligations (also referred to as S106 agreements).

The report detailed the S106 money received in the Bolsover District Council Holding Account and the S106 obligations soon due on active development sites.

An update to the report was provided at the meeting that further money had been received in respect of Mansfield Road, Tibshelf, which included an £82k sports and recreation and £32k for health provision.

Members expressed concern that in one case an amount of money had to be returned to a developer. It was explained that this particular case was due to a miscalculation of VAT and that officers work pro-actively to ensure that money is spent within the spending deadlines to avoid repayments to developers.

Committee were advised that the triggers for receiving funds that were due from developers were working effectively and were regularly monitored.

Moved by Councillor Graham Parkin and seconded by Councillor Derek Adams  
**RESOLVED** - That the report be noted.

### 540 ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2018/19

Committee considered a report which outlined the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements. The report also recommended that arrangements be made to publish the Annual Infrastructure Funding Statement 2018/19.

The Principal Planning Officer referred to the appendix which included the Annual Infrastructure Funding Statement 2018/19 and explained the following parts of the 'Key Information' section:

- Part 1 – The Community Infrastructure Levy (CIL) Infrastructure List Statement.  
The Council had not pursued a CIL and therefore provided a 'nil return' for this part of the Annual Infrastructure Funding Statement.
- Part 2 – The CIL Report.  
The Council had not pursued a CIL and therefore provided a 'nil return' for this part of the Annual Infrastructure Funding Statement.
- Part 3 – The Section 106 Report.  
The Council had a large number of live Section 106 Agreements which informed this part of the Annual Infrastructure Funding Statement, and this was set out in detail.

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Members were advised that the aim of the Annual Infrastructure Funding Statement work was increased transparency for the whole Section 106 progression process, from the signing of a S106 Agreement, through to the Council's receipt of the money, and eventually to the spend of Section 106 money.

The Local Plan Steering Group had received the report at its meeting on 3<sup>rd</sup> December 2019 and had recommended some formatting changes to make the document clearer and easier to read.

Members were informed of the two S106 case studies set out in the statement, namely the outdoor gyms at Weavers Gardens in South Normanton and the highway and health improvements in Shirebrook. It was noted that these case studies highlighted the timelines of these processes from the approval of planning permission to the delivery of the infrastructure.

The Chair commented on the importance of the delivery of infrastructure necessary to support approved developments with S106 agreements as quickly as possible. He noted that officers across many departments work together to progress this, however continued efforts were needed to speed up the process wherever possible.

Moved by Councillor Graham Parkin and seconded by Councillor Liz Smyth.

**RESOLVED** - That

- 1) the format and content of the Annual Infrastructure Funding Statement 2018/19 be approved;
- 2) authority be delegated to the Head of Planning, in consultation with the Chair and Vice Chair of Planning Committee, to approve the final wording of the Annual Infrastructure Funding Statement 2018/19 and secure its publication.

### **541 APPEAL DECISIONS: JULY 2019 - DECEMBER 2019**

Committee considered the report of the Planning Manager (Development Control) on the Planning Service's performance against the Government's quality of decision making targets.

It was noted that in the 6 months since the last monitoring period ended the Council had no appeals on major planning applications determined and no appeals against enforcement notices but had won 100% of appeals on non-major applications. The appeal decisions indicated that the Council decision-making on planning applications continued to be sound.

Moved by Councillor Steve Fritchley and seconded by Councillor Derek Adams.

**RESOLVED** that the report be noted and that appeal decisions continue to be reported to Committee every 6 months.

## **PLANNING COMMITTEE**

The meeting concluded at 10:25 hours.