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To: Chair & Members of the Planning
Committee

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Friday 20th December 2019

Dear Councillor

PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 8th January, 2020 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 2 onwards.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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**PLANNING COMMITTEE
AGENDA**

Wednesday, 8th January, 2020 at 10:00 hours in the Council Chamber, The Arc, Clowne

Item No.	<u>PART 1 – OPEN ITEMS</u>	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 27 th November 2019.	3 - 22
<u>REPORTS OF THE HEAD OF PLANNING</u>		
5.	Adoption of 5 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self build.	23 - 70
6.	Update on Section 106 Agreements	71 - 78
7.	Annual Infrastructure Funding Statement 2018/19	79 - 95
8.	Appeal Decisions: July 2019 - December 2019	96 - 106

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Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 27 November 2019 at 11:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Chris Fridlington (Planning Manager), Julie-Ann Middleditch (Heritage Conservation Manager), Steve Phillipson (Principal Planning Officer), Jim Fieldsend (Solicitor - Team Manager (Non Contentious)) and Donna Cairns (Senior Governance Officer).

470 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Natalie Hoy.

471 URGENT ITEMS OF BUSINESS

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

472 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.

In relation to Agenda Item 6 – Application No. 18/00471/OUT Councillor Graham Parkin declared that he had participated in the discussion at South Normanton Parish Council and the Parish Council had submitted an objection. Councillor Parkin therefore did not take part in the discussion or vote on this application.

In relation to Agenda Item 7 – Application No. 19/00432/OUT, Councillor Janet Tait declared a significant other interest arising from the application site being close to her home. She did not take part in consideration of the application, however she would speak during public speaking and then leave the room.

In relation to Agenda Item 7 – Application No. 19/00432/OUT, Councillor Jen Wilson declared an interest arising from her personal right of way across the application site. Councillor J. Wilson withdrew from the meeting for consideration of this item and did not participate in the discussion or vote.

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473 MINUTES

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams.

RESOLVED that the minutes of a meeting of the Planning Committee held on 23rd October 2019 be approved as a true and correct record.

474 NOTES OF SITE VISITS

It was noted that site visits scheduled for 22nd November 2019 were cancelled because of the nature of the development proposals on the agenda.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

RESOLVED that the cancellation of the site visits be noted.

475 18/00471/OUT - REAR PART OF A MIXED USE RETAIL, LEISURE AND EMPLOYMENT DEVELOPMENT COMPRISING THE ERECTION OF CLASS B8 EMPLOYMENT UNITS WITH PROVISION FOR TRADE COUNTER AND/OR CLASS D2 GYMNASIUM USES WITH ALL MATTERS EXCEPT FOR MEANS OF ACCESS RESERVED FOR SUBSEQUENT APPROVAL (ON LAND ALSO KNOWN AS WINCOBANK FARM, NORTH OF CARTWRIGHT LANE) - LAND TO THE NORTH AND WEST OF BERRISTOW FARM MANSFIELD ROAD SOUTH NORMANTON

Further details relating to the application were included in the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Committee considered the application having regard to the Bolsover District Local Plan, the emerging Local Plan and the National Planning Policy Framework.

This application was one of two submitted together for a total of 15.37ha of land on the eastern side of South Normanton.

A separate but related application for full planning permission for retail and hotel uses (application no. 18/00470/FUL) on the southern part of the site utilising the same access off the enlarged Berristow Lane/Carter Lane East/A38 roundabout, had been considered by the Planning Committee on 23rd October 2019 which resolved to approve the application subject to referral to the Secretary of State.

This application related to the northern part of the site which sought outline planning permission for the erection of Class B8 employment units with provision for trade counter and/or Class D2 Gymnasium Uses, with all matters reserved for future approval other than the means of access. Class B8 was use for storage or as a distribution centre.

As a result of discussions with the applicant, the proposals for trade counter and leisure uses were deleted from the application and Members considered the appropriateness of

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the use of the site for B8 employment uses only, which would accord with the new Local Plan allocation set out in policy WC1.

In the absence of any other overriding planning considerations, the Planning Committee resolved to approve the application subject to an appropriate condition that would restrict the use of any buildings on the site to B8 uses and the full range of conditions suggested in the officer report.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that application 18/00471/OUT be approved subject to the following conditions:

Reserved Matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
3. The development hereby permitted shall commence within 3 years from the date of this permission or not later than 2 years from the date of approval of the last of the reserved matters, whichever is the later. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)

Approved Plans and Specifications

4. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Corstorphine + Wright Plans and drawings:

0201 P-00	Existing Site Plan
0202 P-00	Existing Topographical Section
0204 P-02	Site B Location Plan – Outline Application
0301 P-08	Proposed Masterplan
0313 P-01	Masterplan Biodiversity Areas

Figure 8 Ecological Mitigation Compensation and Enhancement Plan as contained within the Ecological Appraisal (July 2019) by BSG ecology.

(Reason: For clarity and to ensure the development is developed in accordance with submitted plans and drawings to accord with the policies of the Bolsover District Local Plan in particular policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District)

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5. Notwithstanding the submitted plans drawings and supporting information and other than the associated access and ecological mitigation works, the land and any buildings hereby permitted shall be used solely for B8 storage or distribution uses as defined by the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose at any time during the lifetime of the development hereby permitted.

(Reason: To accord with the policies of the emerging Local Plan for Bolsover District in particular policy WC1: Employment Land Allocations, D2 gymnasium and trade counters are contrary to this policy and the saved policies of the adopted Bolsover District Local Plan being main town centres uses as defined by the National Planning Policy Framework.)

Archaeology:

6. a) 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
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site Investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

(In the interests of affording protection for any archaeological interest on the site and in compliance with policies GEN2 (Impact of Development on the Environment) and CON13 (Archaeological Sites and Ancient Monuments) of the Bolsover District Local Plan).

Coal mining legacy and reserves

7. Prior to the commencement of development an appropriate scheme of intrusive site investigations for shallow coal mine workings and any economically viable workable coal reserves shall be undertaken and a report of the findings together with a scheme for any necessary remedial works shall be submitted to and

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approved in writing by the local planning authority. The remedial works shall be implemented as so approved.

(To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan)

Drainage

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 principles outlined within:
 - a. the submitted Flood Risk Assessment Including Surface Water Strategy, Cartwright Lane, South Normanton, Bolsover, for Limes Development Ltd (June 2017 Rev D, Report Ref: 2327-FRA01) and any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
 - b. 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. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of any building commencing.

(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 compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

9. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the national planning practice guidance.

(To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options, in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

10. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved by the Local Planning Authority. 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

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lead to increased surface water run-off from site during the construction phase.

(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 compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

(To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan).

Employment Scheme

12. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

(To maximise potential local skills, training and employment opportunities).

13. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

(To maximise potential local skills, training and employment opportunities).

Travel Plan

14. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local

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Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

(In the interests of highway safety and to encourage the use of sustainable modes of travel and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Highways

15. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

16. The gradient of the access into the site shall not exceed 1 in 30 for the first 10m into the site from the highway boundary.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

17. Prior to any other works commencing on site, any temporary access for construction purposes shall be constructed to Cartwright Lane, such access shall have a minimum width of 7.3m, visibility splays of 2.4m x 43m in each direction and a 10m radius on the western side with appropriate surfacing to inhibit the deposit of mud and debris on the public highway.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

18. Prior to the first occupation of any premises hereby permitted, the enlarged Berristow Lane roundabout and access road, together with servicing, car parking and manoeuvring space shall be laid out in accordance with the application drawings, constructed to base level, drained and lit and maintained throughout the life of the development free of any impediment to its designated use.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

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Contaminated Land

19. a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed prior to the commencement of development in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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d. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of paragraph a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with paragraph c.

e Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

(The site has the potential to be contaminated because of past uses on or near the site and to ensure all contaminated land is dealt with without risk to human health and wildlife in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Noise

20. Notwithstanding the information already provided, the development hereby approved shall not be brought into use unless and until:

- a Further information has been submitted regarding the acoustic assessment dated September 2019 (Peter Brett Associates Project Ref: 41960/3001 rev 4) along with an updated scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the boundary of any neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound. The scheme shall also include details of a delivery management scheme.
- b Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
- c The approved scheme shall be implemented in full and retained thereafter.

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(To protect the noise environment and amenity of nearby residential properties, to avoid an increase in overall noise levels in the area and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Environmental Impacts

21. Prior to the start of any phase of development, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details such as (but not limited to) working hours, noise and dust mitigation measures including demolition and construction methods and locations of any stockpiles/site compounds, use of temporary acoustic barriers, wheel washes etc. where required. This CEMP shall then be implemented throughout the course of the development.

(To protect the environment and amenity of nearby residential properties and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Air Quality

22. Prior to the first occupation of any unit developed on the site, a scheme of air quality improvement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include any mitigation measures such as (but not limited to) requirements for green infrastructure, electrical vehicle charging points and requirements for low emission vehicle fleets as appropriate. The approved scheme shall be implemented for the life of the development.

(To minimise and mitigate any potential impacts on air quality in the area as there is an on-going issue with respect to air quality along the A38 in the vicinity of the development, and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Biodiversity

23. Prior to the commencement of development (which includes removal of trees and the demolition of buildings) a detailed bat mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and a copy of the EPS license once obtained shall be submitted to the Local Planning Authority.
24. The mitigation and habitat enhancement measures for great crested newt outlined in the submitted ecological appraisal (sections 5.50 and 5.51) shall be implemented in full, a copy of the EPS licence, once obtained, shall be submitted to the Local Planning Authority.
25. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by

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a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Construction Environmental Management Plan (Biodiversity)

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- i. Risk assessment of potentially damaging construction activities.
 - ii. Identification of “biodiversity protection zones”.
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. for reptiles).
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features.
 - v. The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi. Responsible persons and lines of communication.
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

27. Ecological Mitigation and Management Plan (EMMP)

The Ecological Mitigation and Management Plan (EMMP) described in the submitted Ecological Appraisal shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The EMMP should include the following:

- i. Details of the Ecological Mitigation Areas and the habitats to be created and managed.
- ii. Aims and objectives of management.
- iii. Timescales for habitat creation and management
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

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- vii. Details of the body or organization responsible for implementation of the plan.
- viii. Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the EMMP are not being met.
- ix. Locations of bat boxes, bird boxes, hedgehog holes and habitat piles and/or other (include specifications/installation guidance/numbers)
- x. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved EMMP shall be implemented in accordance with the approved details.

(Reason conditions 23 – 27 To mitigate for the loss of established biodiversity as a result of the development and to provide a net gain in compliance with policies ENV5 (Nature Conservation Interests throughout the District) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan and the policies of the National Planning Policy Framework).

Councillor Jen Wilson left the meeting at this point.

476 19/00432/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS DETAIL SUBMITTED FOR APPROVAL FOR UP TO 20 DWELLINGS (100% AFFORDABLE) AND ALL OTHER MATTERS TO BE RESERVED - LAND BEHIND NICHOLSON'S ROW, 43 TO 69 MAIN STREET, CHURCH DRIVE AND LONG LANE SHIREBROOK.

The Principal Planning Officer presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Councillor Janet Tait spoke against the application and the left the room for the remainder of this item.

County Councillor Christine Dale attended the meeting and spoke against the application.

Committee considered the application having regard to the Bolsover District Local Plan, the emerging Local Plan and the National Planning Policy Framework.

Members had regard to the principle of development on the site for residential purposes; any benefits that would arise from the proposal, the effects of the development on the character of and appearance of the area; impacts on the amenities of neighbouring residents; impact on heritage asses; impact on biodiversity interests and impact on highway safety.

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Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor
RESOLVED that application 19/00432/OUT be approved subject to:

A. The prior completion of a S106 obligation requiring the dwellings to be 100% affordable rent; and

B. The following conditions:

Reserved Matters

1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. This permission shall relate to the application an access location as amended by the revised Indicative layout Plan 18/2143/SK003 Rev D.

Archaeology

4. (a) No development resulting in ground disturbance 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
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. (b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
4. (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

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Investigation for Potential Ground Contamination

5. Development other than that required to be carried out to discharge conditions 4 to 8 of this planning permission must not commence until parts A to D of condition 5 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority (LPA). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Drainage

6. No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
7. No below ground development shall commence on site or on a part of the site until provision has been made for the satisfactory disposal of foul water from the site or that part of the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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Ecology

8. The development shall be carried out in general accordance with the recommendations and mitigation/enhancement measures contained within the submitted Ecology/Protected Species Report (by Graham Colborne Dec 2018).

Finished Floor Levels

9. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels on and adjacent to the site and the proposed ground floor level(s) of the buildings.

Highway Safety, Access and Parking

10. Before any other above ground operations are commenced, a new vehicular and pedestrian access shall be created to Long Lane in accordance with application drawing number 18/2143/SK003 Rev D, laid out, constructed in a hard bound material and provided with 2.4m x 33m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents', visitors' and service and delivery vehicles as demonstrated by swept path analysis, located, designed, laid out constructed and lit all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Each dwelling shall be provided with 2 off-street parking spaces.
12. The new access street shall not be provided until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
13. No dwelling shall be occupied until definitive footpath 19 (as realigned) has been laid out and surfaced to an adoptable standard and lit.
14. Measures first submitted to and approved in writing by the local planning authority shall be taken to prevent the discharge of water from the development onto the highway prior to the first occupation of any of the dwellings hereby permitted.
15. Prior to the occupation of any new dwelling, details and a scheme for the siting and design of a lockable gate to allow continued vehicular access to No's 1 and 2 Hollycroft Farm from Main Street but prevent general vehicular access from/to Main Street, shall have been submitted to and approved in writing by the local planning authority. Before any new dwelling is occupied and thereafter the approved scheme shall be implemented.

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Thereafter all means of vehicular access to the site for the new dwellings hereby approved shall be from Long Lane. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no other access shall be formed or permitted unless planning permission is first obtained from the Local Planning Authority.

Hedgerow

16. Prior to the occupation of any new dwelling the Beech hedgerow to the east side of Hollycroft shall have been either translocated or planted (in a double staggered row at 35cm centres) in accordance with drawing 18/2143/SK003 Rev D and planting details which have been submitted to the Local Planning Authority and approved under condition 1 above (Landscaping Details reserved by condition 1). Thereafter the hedgerow shall be retained, and maintained and replanted as necessary.

(Planning Manager (Development Control))

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

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.

Dorothy Platts attended the meeting and spoke against the Local Development Order Application – 19/00398/OTHER – Garage Block, Hawthorne Avenue, Tibshelf.

The location of the proposed sites were:

- Hawthorne Avenue, Tibshelf (Appendix 1);
- Hazel Grove B, South Normanton (Appendix 2);
- Baker Street, Creswell (Appendix 3);
- Blind Lane, Bolsover (Appendix 4);
- 263A Creswell Road, Clowne (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;

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- 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 Duncan McGregor and seconded by Councillor Steve Fritchley
RESOLVED that

- (1) Local Development Orders be adopted to grant planning permission for residential development on the following sites:
 - Hawthorne Avenue, Tibshelf
 - Hazel Grove B, South Normanton
 - Baker Street, Creswell
 - Blind Lane, Bolsover
 - 263A Creswell Road, Clowne

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

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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 A-E to this report.

(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.

(Planning Manager (Development Control))

478 CONSERVATION AREA APPRAISALS

Committee considered the report of the Head of Planning which sought approval for the adoption of the following 6 Conservation Area Appraisals:

- Pleasley Village
- Barlborough
- Bolsover
- Palterton
- Tibshelf
- Clowne

The report also sought approval for amendments to the Conservation Area boundaries of the designated Tibshelf and Barlborough Conservation Areas and approval to carry out an appraisal of the suitability of the Oxcroft settlement for Conservation Area status.

A Conservation Area Appraisal was a statement of significance that provided the

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supporting justification for a Conservation Area designation. It was a statement of what defined the character and appearance of a Conservation Area, identifying those elements in particular which were significant.

An appraisal gave a conservation area designation greater weight in appeals. It informed the Local Plan, providing the necessary detail to support Conservation policies. In providing an understanding of the particular significance of an area, an appraisal supported the Council in its obligation to 'preserve or enhance' when making decisions on development proposals.

The report outlined the 27 Conservation Areas in the Bolsover District and the number with adopted appraisals, those proposed in this report and those proposed to be developed next. It was also proposed that an appraisal of Oxcroft be carried out to assess the suitability for the designation as a Conservation Area.

Boundary changes were proposed to Tibshelf and Barlborough Conservation Areas.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that

- (1) the Conservation Area Appraisal documents for Barlborough, Bolsover, Clowne, Pleasley Village, Tibshelf and Palterton, be adopted by the Council and the authority to make any minor amendments to these documents is delegated to the Heritage Conservation Manager.
- (2) the proposed amendments to the Conservation Area of Tibshelf as shown in Appendix 1 to the report, be designated as a conservation area, as an extension to the Tibshelf Conservation Area to be known as Extension No. 1.
- (3) the proposed amendment to the Conservation Area of Barlborough as shown in Appendix 2 to the report, be designated as a conservation area, as an extension to the Barlborough Conservation Area to be known as Extension No. 3.
- (4) That approval be given for the formal appraisal of Oxcroft settlement to assess whether it has the special architectural or historic interest to justify designation following the completion of the appraisals for the existing designated conservation areas.

(Heritage Conservation Manager)

The meeting concluded at 11:45 hours.

Bolsover District Council

Planning Committee

8th January 2020

Adoption of 5 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self build.

Report of the Head of Planning

This report is public

Purpose of the Report

- To set out the reasons for adopting Local Development Orders granting planning permission for residential development on five Council-owned sites.
- The report recommends adoption of Local Development Orders for custom and self build on these five sites subject to conditions.

1 Report Details

Introduction

- 1.1 It is government policy that local authorities should dispose of surplus and under-used land and property wherever possible. The Council also has fairly wide discretion to dispose of its assets (such as land or buildings) in any manner it wishes, subject to the provisions under sections 123 and 127 of the Local Government Act 1972 and section 87-89 of the Localism Act 2011.
- 1.2 In addition, the way the Council manages its land/property assets can have a significant impact both on the quality of services delivered to the public and the local environment. For example, the redevelopment of the sites have the capacity to:
- reduce anti-social behaviour through eliminating poorly overlooked and poorly lit pieces of land
 - reduce fly tipping and the potential for fly tipping
 - Improve safety and perceived safety around people's homes; and
 - Accommodate new homes in sustainable locations.
- 1.3 The disposal of sites can also help to reduce the council's expenditure on maintaining pieces of land that have become a liability or no longer provide viable streams of income for the council.

- 1.4 With these objectives in mind, officers have identified a list of sites owned by the council which are not suitable for retention and which have been approved for disposal by elected members.
- 1.5 In particular, the sites approved for disposal are not considered suitable for the councils own house building projects (B @ Home or Dragon Fly) but a number of these sites are suitable for disposal.

Local Development Orders

- 1.6 Therefore, to assist with the disposal of these sites and subsequent redevelopment of garage sites (and other pieces of under-utilised) Council-owned land, officers consider a Local Development Order (“an LDO”) could be made by the Council (in its capacity as the local planning authority) to give a grant of planning permission for residential development in line with a planning brief drafted for each site and subject to prior approval of what would normally be considered reserved matters(i.e. landscaping, external appearance, layout and scale.
- 1.7 This type of LDO would encourage prospective buyers by providing a guarantee that the site is suitable for residential development ‘in principle’ and therefore reduces the risk involved in buying land without a permission in place.
- 1.8 At the same time, the LDO would facilitate development by: informing prospective buyers about the type of development likely to gain permission and reducing the costs for prospective buyers who can avoid the fess associated with submitting a planning application through the formal process.
- 1.9 The LDO has the benefit that it would allow the council to achieve best value for the sites with permissions in principle for residential development that would assist with regeneration across the District and help to address unmet housing demand across the district.

Custom and Self Build

- 1.10 In particular, the Council has not yet granted planning permission for a sufficient number of serviced plots to meet the demand for custom and self-build houses. National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.
- 1.11 Therefore, an LDO could be used to discharge the Councils duties under the Self Build & Custom Housebuilding Act 2015 by only making the LDO route for residential development available to individuals registered on the custom and self-build register. For example:

- Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.
 - Section 2A(2) of the revised Self-build and Custom Housebuilding Act 2015 places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.
- 1.12 In these terms, an appropriately worded LDO (or LDOs) could be able to simultaneously address Government policy on disposal of surplus land, address the Council's own objectives in terms of addressing the issues associated with retention of un-used or under-utilised garage sites and other land in its ownership and help the Council meet its targets in in terms of granting permission for serviced for custom and self-builders.

2 Conclusions and Reasons for Recommendation

- 2.1 In summary, an LDO would support the disposal of surplus land by providing more certainty to prospective buyers about the type of development suitable for the site and what is likely to be acceptable in planning terms.
- 2.2 An LDO would also be an effective tool to make the planning process easier and less costly, thereby encouraging the sale and development of the sites. In addition the LDO would encourage desirable improvement, within the scope of the Design Guide, on sites that are untidy and which don't contribute positively to the character or amenities of the local area.
- 2.3 An LDO would also allow the council to discharge its statutory duties under the Self Build and Custom Housebuilding Act 2015.
- 2.4 In this case, it is proposed to adopt LDOs for residential development on the following five sites:
- 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).
- 2.5 These sites have been chosen because they lie within the settlement framework where housing is acceptable in principle, have safe and suitable accesses and residential development on these sites is 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.

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

2.7 The following condition should also be applied imposed to ensure that the LDOs are 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)

3 Consultation and Equality Impact

3.1 The current proposals for the adoption of multiple LDOs to support the redevelopment of garage sites and other council owned land have already been subject to formal consultation and where required, the draft LDOs have been amended with regard to relevant consultation responses.

3.2 In all other respects, the proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics because the proposals are designed to improve the quality of local communities for everybody.

3.3 In the alternative, accessible homes (which meet the needs of those with limited mobility or specific lifestyle needs) can be proposed under the LDO process and the LDO would make it easier and more affordable for those wishing to make an application in order to build an accessible home that meets the requirements of themselves or their family members.

4 Alternative Options and Reasons for Rejection

- 4.1 Alternative options for the council to pursue could be to 'do nothing' or follow the more conventional routes of achieving a permission, which include:
- i. Applying for outline planning permission with reserved matters to follow
 - ii. Applying for full planning permission
 - iii. The Brownfield Register
- 4.2 The first option (i), provides certainty to prospective buyers but is more costly than the LDO route i.e. £462 x 0.1 hectare or part thereof and an additional £462 per dwelling to submit the reserved matters. In addition to the cost, there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.3 The second option (ii), also provides certainty but offers no flexibility to the buyer on the type and appearance of development and would therefore not tie into the Custom & Self Build objectives. It would also be costly for the council i.e. £462 per dwelling in addition to commissioning technical drawings. Apart from the cost and rigidity there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.4 The third option (iii), is to put the sites onto the Brownfield Register. However, the minimum size requirements of at least 0.25 hectares cannot be met by many of the garage sites or other pieces of council owned land. The process is also less well known and familiar to the market.
- 4.5 If the council were to do nothing, the sites would become an increasing liability and continue to detract from the character and amenities of the local area.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 If the Council were to accept applications of prior approval under the LDO without an application fee then there would be some loss of income. The normal fee for an application for full planning permission for a single dwelling would be £462.
- 5.1.2 Therefore, there would be a potential loss of income of c. £12,000 based on the loss of fee income from all 26 sites identified for disposal and suitable for residential development.
- 5.1.3 There is an option to recover some of the costs of office time by setting a fee of the councils choosing, should it opt to do so.

5.2 Legal Implication including Data Protection

- 5.2.1 The LDO process is regulated through the planning acts and once and LDO is in place, the LDO would grant planning permission for residential development

subject to conditions. The Council's solicitors are satisfied that the process carried out by officers follows the legal process and that the LDOs subject of this report would grant lawful consents.

- 5.2.2 The proposed LDO would not otherwise grant planning permission for EIA development because the sites are not in a sensitive area (as defined by the EIA regulations) and the types of development that would be granted planning permission by the LDO would be highly unlikely to have any significant effects on the environmental quality of the local area (from an EIA perspective).
- 5.2.3 The LDO process does not give rise to any specific data protection issues other than the processing of personal details of any consultees responding to consultation on the LDOs, which have been dealt with in accordance with the Planning Service's existing privacy statement.

5.3 Human Resources Implications

- 5.3.1 These proposals do not give rise to any significant increase in existing workloads as the council has already employed additional resources to work on the disposal of the garage sites.

6 Recommendations

- 6.1 Local Development Orders be adopted to grant planning permission for residential development on the following sites:
- 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.

7 **Decision Information**

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	19/00408/OTHER: Castle Green, Hillstown
2	19/00/373/OTHER: Adin Avenue, Shuttlewood
3	19/00406/OTHER: Woodfield Road – North, Pinxton
4	19/00396/OTHER: Meadow Close 1, Tibshelf
5	19/00389/OTHER: Duke Street, Creswell
Background Papers	
Successful Places: Design Guide	
Report Authors	Contact Number
Chris Fridlington/ Amelia Carter	EXT2265

Appendix 1: 19/00408/OTHER

PARISH Scarcliffe Parish

APPLICATION Local development order for residential development

LOCATION Garage Block, Castle Green, Hillstown

APPLICATION NO. 19/00408/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 15/07/2019

SITE

Level garage site which currently houses approximately 6 garages. The surrounding area is characterised by mostly semidetached two storey dwellings and there are a couple of detached properties to the west of the site which are separated by a hedgerow and a public footpath. There is Valley View sheltered housing to the south west of the site.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- Awaiting comments

Derbyshire County Council Archaeologist

- Does not consider that the development of the site will have significant archaeological impact and it is unlikely that development of this site will have any impact on the former line of the Lancashire, Derbyshire and East Coast Railway, which is a non-designated heritage asset closed in 1950's.

PUBLICITY

Site notices erected and neighbours 6 neighbours individually notified. There has been two representations which have been summarised below.

1. One garage tenant objects to the LDO based on the loss of garage use on the site and the councils reasoning for choosing to redevelop the land, which are detailed in the document 'Statement of Reasons' on the planning register. The objectors raised a variety of points some of which are planning matters and these are briefly addressed below:
 - The management of the garage courts have shown for a number of years that the cost of maintenance of the garages is more than the income stream that is generated from them and for this reason they have been put forward as a planning application for alternative uses.
 - This garage court, like many others built around the same time are no longer compatible with modern building practices and large rear parking courts are viewed unfavourably in current planning applications due a reduced sense of ownership and the potential for crime and antisocial behaviour. This site is considered a poorly designed garage court which has discouraged its use over the years and has displaced parking onto the surrounding roads. The council's approach to rear parking courts of this nature are explained in the adopted supplementary planning document Successful Places 2013 (para. 3.8.23) and the redevelopment of this rear garage court is considered to have a positive impact on the appearance of the area and deliver much needed housing in sustainable locations in the district.
2. Another representation has queried existing access rights down the private drive. Any existing legal access rights down the private drive, including to the public footpath will not be affected by the redevelopment of the garage court.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The immediate street scene is made up of predominantly two storey, semi-detached dwellings. The plot is not visible from Castle Green road as it is concealed to the rear of neighbouring properties. However, the proposed development should be designed to relate well to neighbouring properties so that it becomes embedded within local surroundings.

Residential amenity

The site is sufficient distance from properties to the north and west of the site which is screened by existing hedgerow. No 19 and 21 Castle Green have first floor and gable end windows that overlook the site. However due to the length of the plot the site appears sufficient length to position the proposed development as not to impact on privacy of existing dwellings or appear overbearing.

Site Access

The site is accessed via a private drive off Castle Green, the drive is fairly narrow, however, the site is currently used as a garage site and any residential development is likely to have fewer vehicles making trips due to the small scale development

potential of the site.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual/s who want to be involved in the design and/or construction of their own home(s).

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Hillstown where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local area, subject to the following conditions:

Condition(s)

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling house(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for 19/00408/OTHER Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Bolsover District Council as local planning authority under the above Act (as amended), and the relevant Orders and Regulations made under that Act, and with reference to the Local Planning Authority on xx Month 2019 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land Garage Block, Castle Green, Hillstown **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling house(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no alterations, extensions or modifications shall be carried out to the exterior of any new dwelling granted prior approval under this Order following its substantial completion.

Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

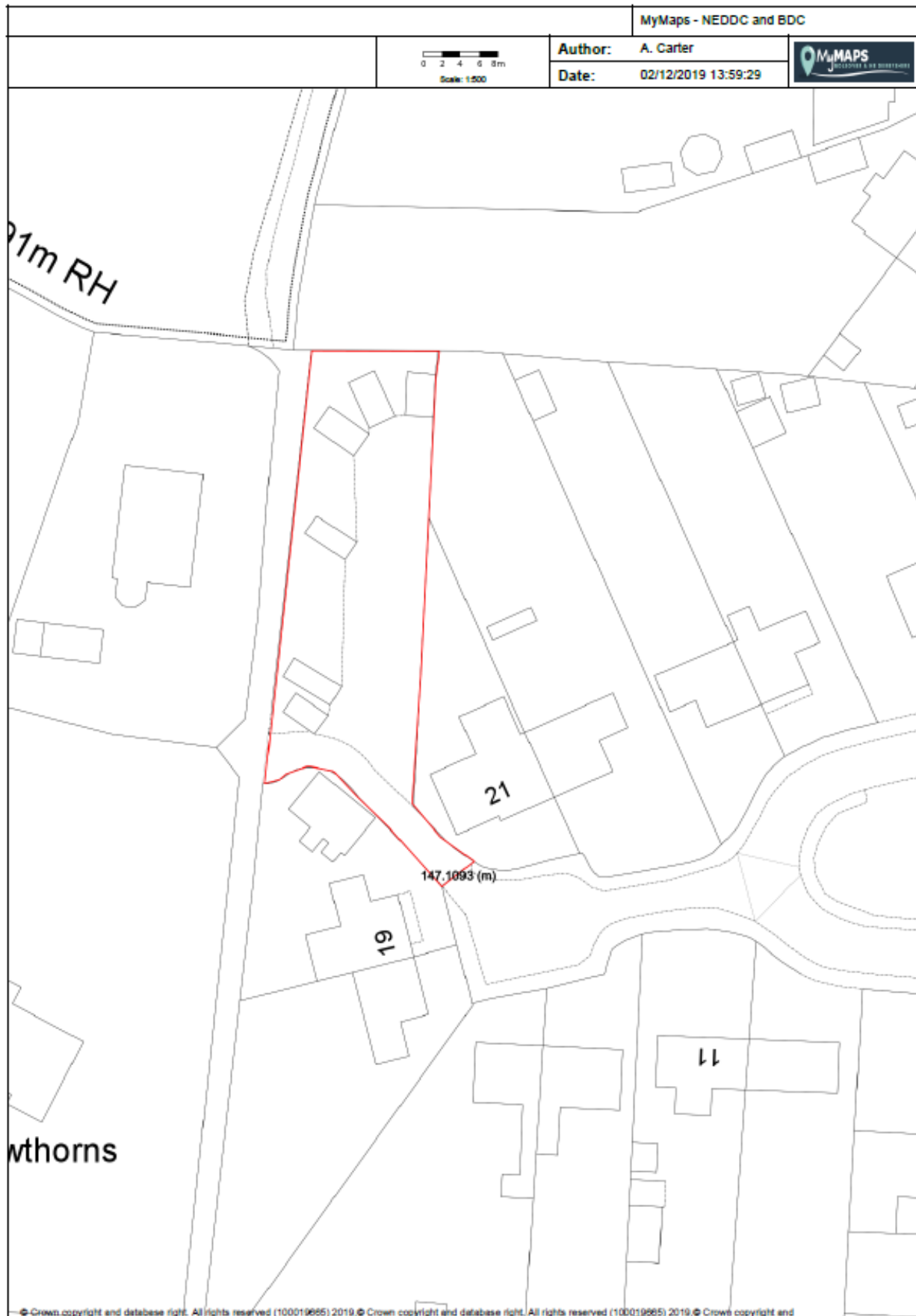
- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring spaces within the site.
- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order

Date January 2020

Signed
Authorised Officer of the Council

Schedule 1: Garage Block, Castle Green, Hillstown



Appendix 2: 19/00373/OTHER

PARISH Old Bolsover Parish

APPLICATION Local development order for residential development

LOCATION Land To The North West Of 31, Adin Avenue, Shuttlewood

APPLICATION NO. 19/00373/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 03/07/2019

SITE

The first section of the site is made up of a level concrete surface with overgrown scrub land to the rear. There are a collection of existing trees which are growing across the middle of the site separating these two zones. The site is located at the end of Adin Avenue on a street that is characterised by semidetached two storey dwellings. To the west of the site are fields of open countryside.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections in principle

Parish Council

- Awaiting comments

PUBLICITY

Site notices erected and 9 neighbours individually notified. There have been no representations.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map) and GEN 11 (Development adjoining the settlement framework boundary¹).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development)

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Supplementary Planning Document (SPD):

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Guidance:

¹ The title of this policy is slightly unclear - it refers to development on the edge, but within, the settlement framework (which has now been replaced with the term 'development envelope' in the emerging plan 2019).

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The immediate street scene is made up of predominantly two storey, semi-detached dwellings. The proposed development should follow similar character and/or proportions of neighbouring properties so that it becomes embedded within local surroundings.

Residential amenity

There is a side window on the adjacent property, No. 31 which appears to be either a secondary window to a habitable room or a window to a stairwell or bathroom. In either case the impact of a development would have a minimal impact on the residents of the adjacent dwelling and therefore, does not provide much cause for concern. In addition, there are a couple of windows in the side elevation of the house adjacent to the rear of the plot which has windows on both the ground and first floor windows. If the new development follows a similar footprint to the pair of adjacent semi-detached dwellings a separation distance of 28(m) could be achieved from the rear window of the proposed dwelling(s) and the existing dwelling to the rear of the site. This distance significantly exceeds the minimum guidance of 12(m) separation distance from a rear wall to a side wall/gable, set out in the council's SPD 'Successful Places'. It is therefore considered there will be minimal impact on adjacent dwellings.

Site Access

The site has a good access of Adin Avenue and appears large enough to accommodate sufficient off street parking.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual(s) who want to be involved in the design and/or construction of their own home(s).

Other Considerations

There are 3 Sycamore and 3 Willow of some sort (about 10-12m high) plus a few smaller trees around the edge. The site couldn't be developed without removing most of them. Whilst their loss weighs negatively in the planning balance they are not considered to be worthy of a TPO at present. We would require a Phase 1 ecology survey in order to assess the ecological impact of the site and any necessary mitigation to be incorporated into the final design.

Other Matter

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): Yes, detailed above.

SSSI Impacts: N/A

Biodiversity: To be investigated

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Shuttlewood where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted ecology survey and the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application 19/00373/OTHER for Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Bolsover District Council as local planning authority under the above Act (as amended), and the relevant Orders and Regulations made under that Act, and with reference to the Local Planning Authority on xx Month 2019 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on Land to the North West of 31, Adin Avenue, Shuttlewood **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted ecology survey and the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided

with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no alterations, extensions or modifications shall be carried out to the exterior of any new dwelling granted prior approval under this Order following its substantial completion.

Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

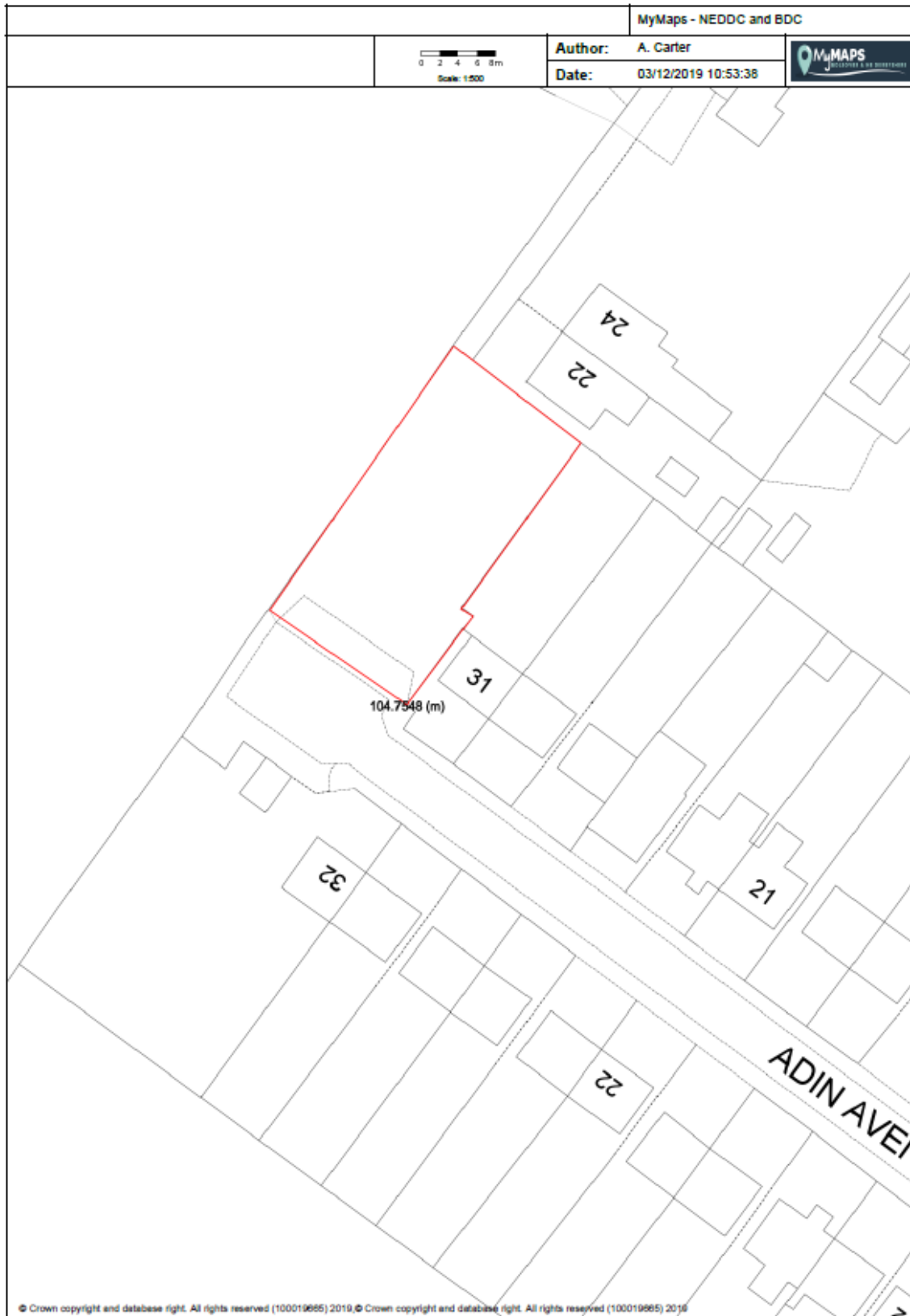
- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring spaces within the site.
- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)
- Phase 1 Ecology Survey and Site Investigation (and any necessary supporting documents), which must:
 - i. Assess the potential for the presence of protected species and species of principal conservation importance within the site and its surroundings;
 - ii. demonstrate how any unacceptable risks will be managed to prevent an unacceptable risk to species of principal importance within the site.

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order.

Date January 2020

Signed
Authorised Officer of the Council

Schedule 1: Land to the North West of 3, Adin Avenue, Shuttlewood



Appendix 3: 19/00406/OTHER

PARISH Pinxton Parish

APPLICATION Local development order for residential development

LOCATION North Garage Block, Woodfield Road, Pinxton

APPLICATION NO. 19/00406/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 15.07.2019

SITE

Level site which previously housed 24 garages which have now been demolished. The site also houses an electric substation to the eastern corner to which access will need to be maintained. To the North of the site there are a variety of established trees which screen the M1 motorway beyond. The area is characterised by a variety of dwelling types which range from semidetached two storey dwellings to blocks of flats.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None.

CONSULTATIONS

Derbyshire County Council Highways

- No objections in principle. Retention of adequate off-street parking, or replacement parking should be taken into consideration.

Parish Council

- Awaiting comment

PUBLICITY

Site has been displayed and 9 neighbours individually notified. We have received one representation which queried access to the rear of their property for bin collection. The neighbour was written to explaining the access that they currently use will remain unaffected by development proposals as the passageway that is used is outside of the red line on the plans.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development

envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The street scene is made up of a variety of house types, including single storey dwellings, two storey dwellings and blocks of flats. The site is not visible from Woodfield Road due to the site's location to the rear of existing properties but any proposals should be sensitive to surrounding character so it becomes imbedded in its local context.

Residential amenity

The site is overlooked from the first floor windows of dwelling on Woodfield road. However, it appears possible to achieve a separation distance of 12m from the rear windows of existing dwellings to the side wall of a proposed dwelling, in line with the minimum separation distances set out in the Successful Places supplementary planning document. A noise assessment and a contamination survey would also be required to ensure the site is suitable for future residential accommodation.

Site Access

The site is accessed via the private drive off Woodfield Lane, which also provides access to the electric substation in the corner of the site.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual(s) who want to be involved in the design and/or construction of their own home(s).

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Pinxton where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
 2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted noise impact assessment and Phase 1 Desktop Survey and the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
 3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
 4. Any new dwelling house 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)
 5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.
-

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for 19/00406/OTHER Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Bolsover District Council as local planning authority under the above Act (as amended), and the relevant Orders and Regulations made under that Act, and with reference to the Local Planning Authority on xx Month 2019 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land to the North Garage Block, Woodfield Road Pinxton **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted noise impact assessment and Phase 1 Desktop Survey and the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no alterations, extensions or modifications shall be carried out to the exterior of any new dwelling granted prior approval under this Order following its substantial completion.

Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring spaces within the site.
- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)
- A noise impact assessment (in order to assess the impact of noise associated with the railway on future residents); and
- Phase 1 Desktop Study and Site Investigation (and any necessary supporting documents), which must:
 - i. identify and assess the level of risk from any potential contaminants including gas;
 - ii. demonstrate how any unacceptable risks will be managed to prevent an unacceptable risk to identified receptors such as human health or the environment

The applicant is advised that there is a right of way across the site to the electric substation.

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order

Date January 2020

Signed
Authorised Officer of the Council

Schedule 1: North Garage Block, Woodfield Road, Pinxton



Appendix 4: 19/00396/OTHER

PARISH Tibshelf Parish

APPLICATION Local development order for residential development

LOCATION Garage Block, Meadow Close, Tibshelf

APPLICATION NO. 19/00396/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 12/07/2019

SITE

Meadow close is characterised by semidetached single storey dwellings and the Garage site houses approx. 6 garages. To the east of the site is the M1 motorway which is screened by established trees, to the north is open countryside.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections in principle. Retention of adequate off-street parking or replacement parking should be taken into consideration.

Parish Council

- Awaiting comments

Coal Authority

- Their records indicate that the site is in an area of likely historic unrecorded coal mine workings at shallow depth. It is recommended that relevant condition/s are incorporated into the conditions list in order to ensure that the risks posed by past coal mining activity have been properly assessed, investigated and remediated, where necessary, and that the developer has demonstrated to the LPA that the site is safe and stable prior to commencement of development.

PUBLICITY

Site notices displayed and 3 neighbours individually notified. No representations have been received.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom

housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013
National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The immediate street scene is made up of single storey, semi-detached dwellings. The proposed development should follow similar character and/ or proportions of neighbouring properties so that it becomes embedded within local surroundings.

Residential amenity

There are no immediate concerns about residential amenity due to surrounding properties being single storey. There are no windows on the gable end of the adjacent property and the habitable room windows of properties opposite are approximately 24m in distance.

A noise survey, coal mining risk assessment and phase one contamination study and any appropriate mitigation or remediation would also be required to ensure this site is suitable for residential use.

Site Access

The site has good access with no visibility or accessibility concerns.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual(s) who want to be involved in the design and/or construction of their own home(s).

Other Consideration

The site is in close proximity to the M1 and so a noise survey will need to be carried out in order to assess the possible impact on future residents.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site

would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding (or an ordinary planning application) because it lies within the development envelope of Tibshelf where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted noise impact assessment and Phase 1 Desktop Study into the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
3. Any new dwelling houses granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.
6. No development shall take place until any risks posed by past coal mining activity have been properly assessed, investigated and remediated, and where

necessary, no development shall take place until the developer has demonstrated to the Local Planning Authority that the site is safe and stable prior to commencement of any development on the site.

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for 19/00396/OTHER Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Bolsover District Council as local planning authority under the above Act (as amended), and the relevant Orders and Regulations made under that Act, and with reference to the Local Planning Authority on xx Month 2019 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on the Garage Block, Meadow Close, Tibshelf **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted noise impact assessment and Phase 1 Desktop Study into the final layout and external appearance of any new dwelling houses(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the council.
3. Any new dwelling houses granted prior approval under this Order must be built in complete accordance with the approved plans.

4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.
6. No development shall take place until any risks posed by past coal mining activity have been properly assessed, investigated and remediated, and where necessary, no development shall take place until the developer has demonstrated to the Local Planning Authority that the site is safe and stable prior to commencement of any development on the site.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no alterations, extensions or modifications shall be carried out to the exterior of any new dwelling granted prior approval under this Order following its substantial completion.

Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring

spaces within the site.

- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)
- A Coal Mining Risk Assessment survey
- A noise impact assessment (in order to assess the impact of noise associated with the railway on future residents); and
- Phase 1 Desktop Study and Site Investigation (and any necessary supporting documents), which must:
 - i. identify and assess the level of risk from any potential contaminants including gas;
 - ii. demonstrate how any unacceptable risks will be managed to prevent an unacceptable risk to identified receptors such as human health or the environment

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order

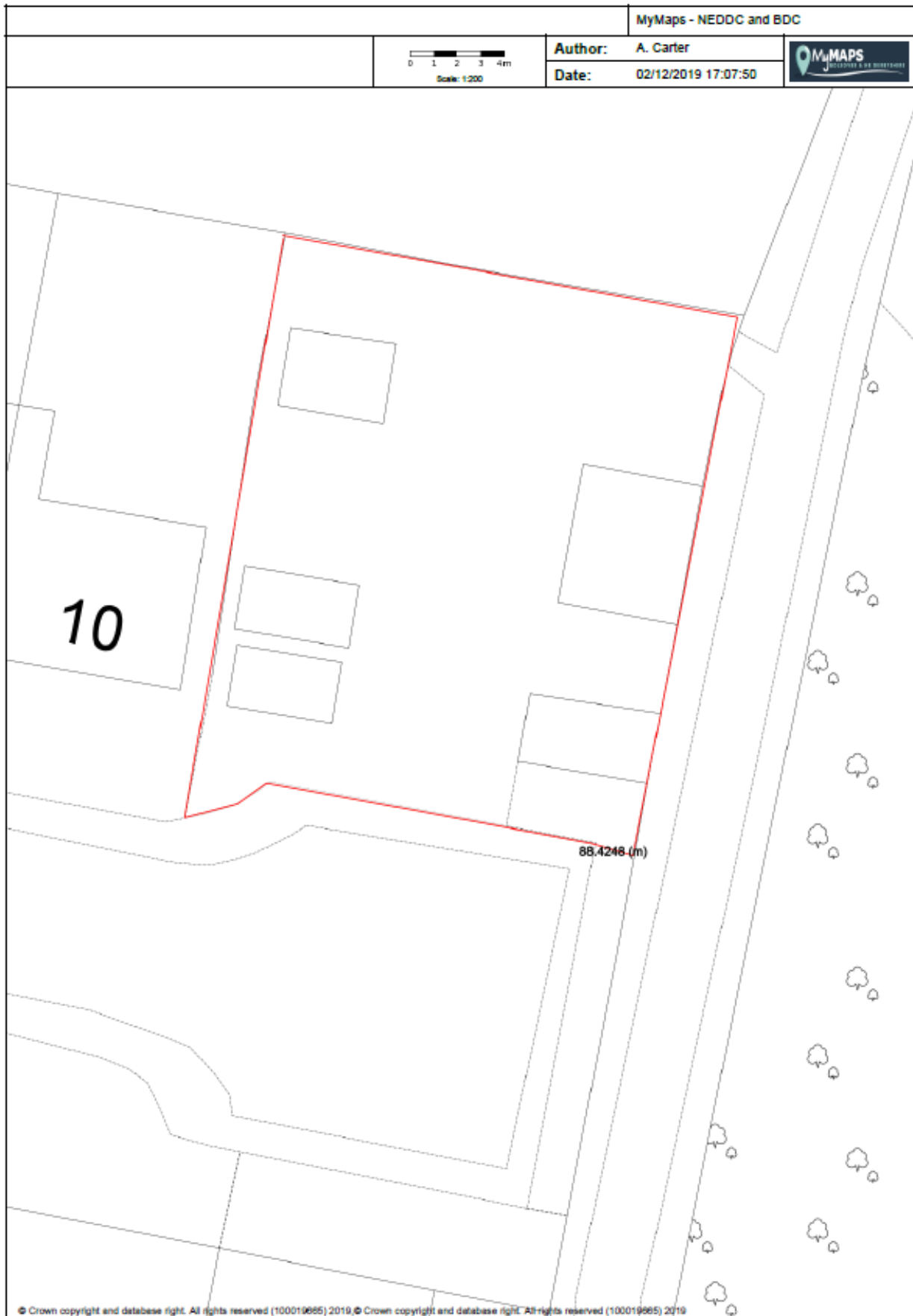
Date January 2020

Signed

Authorised Officer of the

Council

Schedule 1: Garage Block, Meadow Close, Tibshelf



Appendix 5: 19/00389/OTHER

PARISH Elmton with Creswell Parish

APPLICATION Local development order for residential development

LOCATION Land To The Rear Of 71, Duke Street, Creswell

APPLICATION NO. 19/00389/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 12/07/2019

SITE

Level site previously housing garages, which have now been demolished. To the north of the site is a detached single storey dwelling, to the east a two storey semidetached dwelling with a gable end window overlooking the site. To the south is another two storey semidetached dwelling with gable end ground floor and first floor windows overlooking the site. To the west of the site there is a public footpath which separates the rear gardens of 1930's terraced housing on Duke Street.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

In 2008 a permission for a pair of semi-detached dwellings was granted conditionally on the site, application reference: 08/00263/FREG4

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- Awaiting comments

PUBLICITY

Site notice displayed and 9 neighbours individually notified. No representations have been received.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register. Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The design of the proposed dwelling(s) should be informed by local character and proportions so that it becomes imbedded within its surroundings.

Residential amenity

There are two adjacent properties with first floor windows overlooking the site. Any proposals should take into consideration these windows when considering the design proposals in order to avoid reducing the daylight entering the windows or creating an unacceptable outlook for residents.

Site Access

The site has good access off Duke Street and appears sufficient size to accommodate adequate off street parking.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual(s) who want to be involved in the design and/or construction of their own home(s).

Other Considerations

None

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Creswell where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
 2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling house must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
 3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
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-

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application 19/00389/OTHER for Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

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LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on Land To The Rear Of 71, Duke Street, Creswell **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling house must be in accordance with the design principles set out in the supplementary planning document: Successful Places – A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house 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).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, 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 dwelling house granted prior approval under this Order.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

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Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

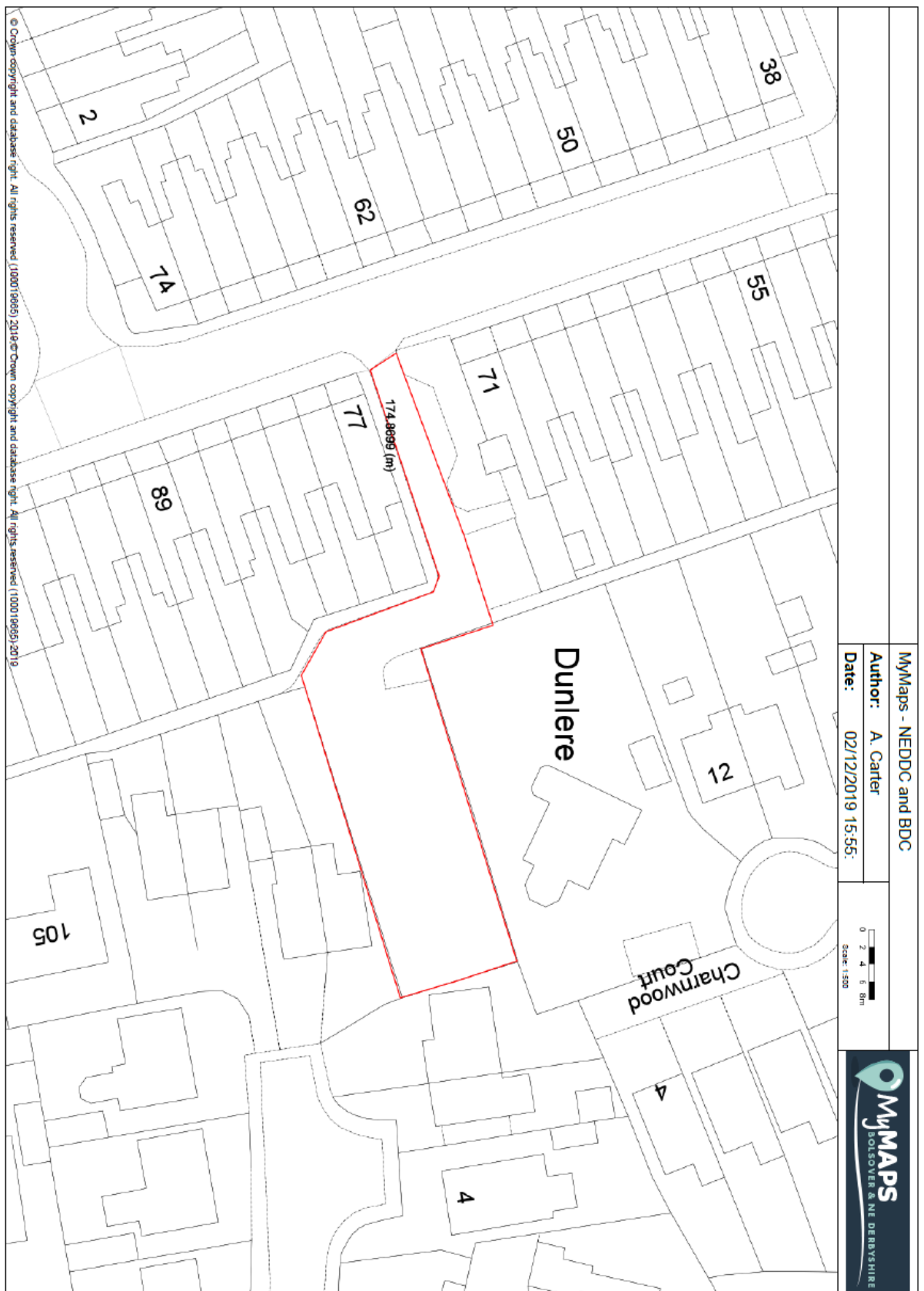
- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring spaces within the site.
- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order

Date January 2020

Signed
Authorised Officer of the Council

Schedule 1. Land To The Rear Of 71, Duke Street, Creswell



Bolsover District Council

Planning Committee

8th January 2020

<u>Update on Section 106 Agreements</u>
--

Report of the Head of Planning

Purpose of the Report

- To ensure that the District Council has a robust procedure for recording and monitoring Section 106 obligations (also referred to as S106 agreements).
- S106 agreements are a type of legal agreement between the Council and landowners/developers often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.

1. Report Details

Background

- 1.1 In accordance with the Council's procedures for recording and monitoring Section 106 obligations this report is the quarterly status report and is intended to inform and give members the opportunity to assess the effectiveness of the monitoring procedures as well as receive up-to-date information on ongoing cases where planning obligations are involved.
- 1.2 It is important to provide this information to members for two key reasons: (i) if obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making; and (ii) there are strict criteria on how and when Section 106 contributions received by the District Council should be spent; if these criteria aren't met then there is a risk the proposed contribution will have to be returned to the developer and the associated infrastructure will not be provided.
- 1.3 Consequently, it is not only important that the District Council has a robust procedure for recording and monitoring Section 106 obligations, it is also important that there is appropriate oversight of how effectively these procedures work in practice: hence the purpose of this report.

S106 Money Received in BDC Holding Account

- 1.4 The current financial spreadsheet is attached as Appendix 1. Line numbers referred to below are on the left hand side of the table at Appendix 1. The spreadsheet shows that there is currently a total balance on hand for all S106 contributions of £1,141,070.47.
- 1.5 In accordance with the Council's procedure the following cases are highlighted because the deadline for spending S106 money is approaching and within 1 year of the 5 year spending deadline on the Council:-
- a. Line 47 The Brambles Doe Lea, art work money. The majority of the sum received has now been spent, however £4,361.11 was not spent before the deadline. This will now need to be returned to the developer in accordance with the legal agreement (unless the Developer agrees otherwise – The Arts Officer is awaiting a response from the developer on this matter).
 - b. Line 61 Former Woodside Stables site, Rotherham Road, Clowne. £6,939.67 for public art needs to be spent before 14/01/21.
 - c. Line 62 Former Woodside Stables site, Rotherham Road, Clowne. £37,957.75 for outdoor sports needs to be spent before 14/01/21.
 - d. Line 63 Former Woodside Stables site, Rotherham Road, Clowne. £195.29 for play space needs to be spent before 14/01/21.
The Arts Officer and Leisure Officer are aware of the spending deadline for b-d above and are working with the Parish Council to deliver a scheme.
- 1.6 There are no other areas of concern in respects of spending deadlines for payments received and the deadlines for expenditure.
- 1.7 The following new S106 payments have been received by the District Council since the previous report issued to Committee Members on 13/08/19 :-
Sherwood Lodge Site, Bolsover. Public Art £5,097

S106 Obligations Soon Due on Active Development Sites

- 1.8 In terms of current development sites, there are a number of sites where development has been commenced and officers are monitoring progress against S106 trigger points. The current monitoring list includes:-
- Chesterfield Road, Barlborough (13/00002/VARMAJ and 16/00187/REM). Permission for 157 dwellings plus offices and industrial units. Recently started so no obligations triggered yet. Obligations include:-
 - Sports £765/dwg, half at 50% dwgs occupied, half at 75% occupation.
 - Open space plus maintenance if adopted triggered at 33% of dwgs occupied.
 - Education £2,255/dwg on occupation of 75 dwgs.
 - Affordable Housing 10% at 60% of occupation.
 - The Edge, Mansfield Road, Clowne (12/00529). Permission for 149 dwellings now completed. £100,000 maintenance sum payable to BDC when Public Open Space adopted following resolution of snagging issues still being pursued.

- High Ash Farm, Mansfield Rd, Clowne (14/00057/OUTMAJ and 18/00084/OTHER). Permission for 41 dwellings. 17 dwellings occupied. Obligation triggers not yet reached. Main trigger is occupation of 24 dwellings:-
 - Play £10,000 and land
 - Education £16,623
 - Art £10,000
 - Footpath Link contribution £11,500
 - Affordable – none required; obligation removed by permission 18/00084/OTHER).

- Creswell Road Clowne (14/00603/FUL) permission for 28 dwellings. Commenced but trigger not reached (20 occupations – formal leisure contribution £24,144).

- Skinner Street Creswell (15/00368/FUL) permission for 82 dwellings. Now at approximately 50 occupations. The only requirements are for a School Link and footpath link to be delivered by 50th occupation. This is being pursued with DCC.

- Hawke Brook Close / Cavendish Grange / Oxcroft Lane, Bolsover (17/00314/FUL). Permission for 35 dwellings. 28 dwellings occupied. The Applicant has already paid S106 sums due in advance of triggers. Also 3 affordable houses to be provided. The trigger has been reached (16 occupations) and a transfer contract is in place but awaiting completion of build.

- Oxcroft Lane, Bolsover (15/00076/). Permission for 127 dwellings. New site just commenced summer 2019. No occupations yet. Obligations include:-

To DCC (Prior to first occupation):-

 - Education £354,962.52
 - Off-site traffic monitoring and mitigation contribution £150,000.
 - Travel Plan Monitoring fee £2,500 per yr (Max of £12,500).
 - Works to improve Mill Lane £50,000.
 - Fund up to 3 TRO's to value of £5000 each.
 - Construction traffic haul route to be agreed and enforced.

To BDC:-

 - Sport £114,046 at 50% occupation
 - Play Space to accord with scheme.
 - Affordable Housing 10% on site in accordance with the scheme approved before 70% of market dwellings occupied.

- Site adjacent to Pattison Street Shuttlewood (19/00083/FUL). Permission for 78 dwellings. No known occupations to date. Obligations include:-
 - Education: £91,192 prior to 50% occupation and a further £91,192 prior to 75% occupation.
 - Affordable Housing: 8 units on site. Contracted before 50% occupied or if not provided on site £18750 per affordable dwelling.

- Mooracre Lane Bolsover (17/00234/FUL). Permission for 212 dwellings. 35 dwellings now occupied. Various S106 obligations (highways, affordable housing, bus service, primary education, POS and play, SuDS, no ransom strips) with various phased triggers. The next triggers due is at 60 occupations for first phase

education and road network payments. DCC have confirmed receipt of the first travel plan and traffic monitoring contributions (£7,390 and £2,960 on 30/04/19).

- Sherwood Lodge, Bolsover (17/00615/FUL) Retail development. Store recently opened. Obligations due prior to occupation:
 - Art £5000 (now received)
 - Highways £150,000 to DCC
 - Travel Plan £5000 to DCC, £1000 prior to occupation and on each anniversary x 4 years. DCC have invoiced the developer direct.

- Brookvale Shirebrook Keepmoat (14/00594) First phase 153 dwellings now completed. Second phase for 200 dwellings recently commenced. Highways/GP surgery/Bus sum £879,000 received by BDC. £310,000 of this amount now transferred to DCC for initial highway improvements.

- Station Road, Langwith Junction (16/00530/FUL). Permission for 68 dwellings. Trigger for payment is 34 dwellings occupied. Now assumed to have been reached. Payment has been requested from developer and is awaited:-
 - £52,000 informal POS - to upgrade Langwith Rec
 - £16,000 health – GP practice at Langwith

- Mansfield Road Tibshelf (13/00182/OUT). Permission for 170 dwellings. At 127 occupations. First phase education payments have been received by DCC in March 2018 (£145,171 and £167,274). Second phase education payments requested and awaited (£284,470 and £327,784). Informal play equipment now provided on site to max value of £123,590. First stage payments have been received for:-
 - Formal sport and recreation in the parish £81,394, and
 - Health, Staffa Tibshelf Surgery £33,249.Second phase payments are now due, have been requested and are awaited (Trigger was 120 dwellings occupied). These include:
 - Formal sports £82759
 - Health £33,807.

- Doe Hill Lane Tibshelf. Permission for 57 dwellings (15/00438/FUL). Approaching completion. All S106 sums now received and obligations discharged. These included:
 - £72,236 open space play facilities (£27,101 of which for maintenance);
 - £10,176.20 art.
 - DCC have confirmed receipt (02/10/19) of education sums:
 - £137,422 and £155,301.

- Rosewood Lodge Farm, Alfreton Road, South Normanton (14/00531/OUT). Permission for 144 dwellings. Obligations are triggered prior to occupation of any dwelling and the following have now been received:-
 - Sports/rec £132,357.48
 - Education £68,605.15
 - Health £80,141.59.

- Art Scheme (to £10,000) with timetable for implementation. Not yet formally submitted but the developer is in discussions with the Arts Officer.
 - Affordable – to be provided only if delivery targets not met for market housing.
- Thornhill Drive, South Normanton (17/00148/OUT). Permission for 29 dwellings. Construction has recently commenced on this site. S106 obligations include:-
 - Sports £33,264 at 15 dwellings occupied
 - Play £28,260 at 15 dwellings occupied
 - Art £10,000 at 15 dwellings occupied
 - Affordable housing 10% at 23 dwellings
 - Health £10,955 at 15 dwellings occupied.

2 Conclusions and Reasons for Recommendation

- 2.1 This report is for information to give Members the opportunity to assess the effectiveness of the monitoring procedures as well as to receive up-to-date information on ongoing cases where planning obligations are involved.

3 Consultation and Equality Impact

- 3.1 There has been no public consultation in respect of this report, and there are no negative equality impacts identified. Officers consider that increasing member oversight of compliance with s.106 legal agreements should promote **equality** of opportunity for local residents through ensuring obligations are met.

4 Alternative Options and Reasons for Rejection

- 4.1 Reporting the status of current s.106 legal agreements to Planning Committee address recommendations made in the 2016 audit report and has been agreed by members of the Planning Committee. Therefore, officers have not considered alternative options.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making. If financial contributions are not spent within a defined period then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring s.106 legal agreements are not sufficiently robust.

5.2 Legal Implications including Data Protection

- 5.2.1 There are no data protection implications insofar as s.106 legal agreements are part of the statutory planning register and are therefore public documents. S.106 of the 1990 Act provides the legal framework for the acceptance and discharge of s.106 legal obligations and the procedure notes address the key legislative provisions of this section of the 1990 Act.

5.3 **Human Resources Implications**

5.3.1 None.

6 **Recommendation**

6.1 That the Planning Committee notes this report.

7 **Decision Information**

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	<p>No</p>
<p>Has the relevant Portfolio Holder been informed</p>	<p>Yes</p>
<p>District Wards Affected</p>	<p>All</p>
<p>Links to Corporate Plan priorities or Policy Framework</p>	<ul style="list-style-type: none"> • Unlocking Our Growth Potential (main aim); • Providing our Customers with Excellent Services • Supporting Our Communities to be Healthier, Safer, Cleaner and Greener; • Transforming Our Organisation.

8 **Document Information**

Appendix No	Title	
1	Financial Spreadsheet	
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>		
n/a		
Report Author		Contact Number
Steve Phillipson		Ext 2248

Funding of budgets from S106 holding accounts - B922/0563 + B918/0561										
hide for prints	Site Description	Planning Application Number	B918/0561 Condition Balance at 31/3/19	Actual Expenditure in year	Income Received	Restriction Balance at 31/3/20	Condition Balance at 31/3/20	Use by	Allocated in future years	Comments
3	Hazelmere Park (Skinner St) Creswell	04/00066		1,116.00		0.00				no clawback
Affordable Housing Totals			0.00	1,116.00	0.00	0.00	0.00			
Education Totals			(0.00)	0.00	0.00	0.00	0.00			
47	The Brambles, Doe Lea	05/00735	(27,677.78)	23,316.67			(4,361.11)	28.05.19		5 years from receipt
51	South of 191 Carter Lane East S/N	09/00563	(625.20)	625.00			(0.20)	24.09.19		5 years from receipt
61	Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	(6,939.67)	0.00			(6,939.67)	14.01.21		5 years from receipt
66	Carter Lane West South Normanton	14/00551/FUL	(5,165.00)	0.00			(5,165.00)	7.12.22		5 years from payment of sundry debtor
79	Serry House Farm, Clowne	15/00455/FUL	(16,572.00)	0.00			(16,572.00)	18.04.22		5 years from receipt
84	Spa Croft, Doe Hill Lane, Tibshelf	17/00209/FUL	(10,176.20)	0.00			(10,176.20)	22.03.24	20/21	5 years from receipt
86	Former Sherwood Lodge Site, Bolsover	17/00615/FUL	0.00	5,097.00	(5,097.00)		0.00	??		
Public Art Totals			(67,155.85)	29,038.67	(5,097.00)	0.00	(43,214.18)			
28	New Terrace, Pleasley	05/00453	(16,650.71)	16,650.00			(0.71)	15.06.24		15 years from receipt
29	The Brambles, Doe Lea	05/00735	(18,022.94)	0.00			(18,022.94)			no clawback on remaining amount
62	Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	(39,519.75)	2,847.00			(36,672.75)	14.01.21		5 years from receipt
67	Carter Lane West South Normanton	14/00551/FUL	(13,199.65)	13,198.99			(0.66)	07.12.22		5 years from payment of sundry debtor
77	Babbington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	(5,724.00)	0.00			(5,724.00)	21.03.22		no clawback per SP
82	Meridian Close, Bolsover	17/00314/FUL	(31,790.45)	7,242.50			(24,547.95)	22.12.22		5 years from receipt
83	Mansfield Road, Tibshelf	13/00182/OUT	(81,394.00)	0.00			(81,394.00)		20/21	5 years from receipt of the final payment
85	Rosewood Lodge Farm, South Normanton	14/00531/OUT	0.00	3,010.00	(132,357.25)		(129,347.25)	21.05.24	19/20 & 20/21	5 years from receipt
Outdoor Sport (formal) Totals			(206,302.04)	42,948.49	(132,357.25)	0.00	(295,710.80)			
35	Heritage Drive, Clowne (GL Homes)	BOL9504/0126		0.00		(10,643.77)				no clawback
38	Hazelmere Park (Skinner St) Creswell	04/00066	(30,469.64)	(95.00)			(4,517.22)		maint	no clawback
42	Rangewood Rd Development, S/N	00/00378		1,045.00		(4,275.37)			maint	no clawback
45	The Brambles, Doe Lea	05/00735	(21,693.40)	0.00			(2,723.40)		maint	no clawback
63	Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	(195.29)	0.00			(195.29)	14.01.21		5 years from receipt
68	Carter Lane West South Normanton	14/00551/FUL	(16,278.65)	3,545.64			(12,733.01)	07.12.22		5 years from payment of sundry debtor
70	Thurgaton Way (phase 2)	14/00065/OUT	(31,659.00)	29,643.84			(2,015.16)	01.08.22		5 years from receipt assumed
75	Serry House Farm, Clowne	15/00455/FUL	(12,107.13)	0.00			(12,107.13)	06.02.22		5 years from receipt
76	Babbington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	(3,324.00)	3,324.00			0.00	21.03.22		no clawback per SP
81	Meridian Close, Bolsover	17/00314/FUL	(27,475.00)	0.00			(27,475.00)	22.12.22		5 years from receipt
84	Spa Croft, Doe Hill Lane, Tibshelf	17/00209/FUL	(72,236.00)	44,380.00			(27,856.00)	22.03.24	20/21	5 years from receipt
Open Space/Play (informal) Totals			(215,438.80)	81,843.48	0.00	(14,919.14)	(89,622.90)			
72	Carter Lane West South Normanton	14/00551/FUL	0.00	0.00			0.00			5 years from receipt
59	Brookvale - South Shirebrook	14/00594/OUT	(569,000.00)	0.00			(569,000.00)	??		5 years from completion not receipt
Highways Totals			(569,000.00)	0.00	0.00	0.00	(569,000.00)			
73	Thurgaton Way (phase 2)	14/00065/OUT	(30,132.00)	0.00			(30,132.00)	01.08.22		5 years from receipt assumed
83	Mansfield Road, Tibshelf	13/00182/OUT	(33,249.00)	0.00			(33,249.00)	11.02.24	20/21	5 years from receipt
85	Rosewood Lodge Farm, South Normanton	14/00531/OUT	0.00	0.00	(80,141.59)		(80,141.59)	21.05.24		5 years from receipt
Health Totals			(63,381.00)	0.00	(80,141.59)	0.00	(143,522.59)			
			(1,121,277.69)	154,946.64	(217,595.84)	(14,919.14)	(1,141,070.47)			

Bolsover District Council

Planning Committee

8th January 2020

Annual Infrastructure Funding Statement 2018/19
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Report of the Head of Planning

Purpose of the Report

- To outline the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements.
- To approve the format and content of the prototype Annual Infrastructure Funding Statement 2018/19 and make arrangements to publish the Statement.

1 Report Details

Background

- 1.1 Members will be aware that since September 2017 the compliance with planning obligations in Section 106 Agreements has been reported to the Planning Committee on a quarterly basis in order to provide this information to members. The two key reasons for doing this are:
- (i) if obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making; and
 - (ii) there are strict criteria on how and when Section 106 contributions received by the District Council should be spent; if these criteria aren't met then there is a risk the proposed contribution will have to be returned to the developer and the associated infrastructure will not be provided.
- 1.2 In accordance with this, Members will note the January 2020 quarterly update elsewhere on this agenda.
- 1.3 Members may also be aware that under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council has a new duty to prepare and publish an Annual Infrastructure Funding Statement, starting formally for the financial year 2019/20.
- 1.4 The Annual Infrastructure Funding Statement forms part of the Government's package of reforms to the system of developer contributions in response to the Community Infrastructure Levy Review. These reforms were intended to complement changes to the assessment of viability in the National Planning Policy Framework

and aim to make the system of developer contributions more transparent and accountable by:

- reducing complexity and increasing certainty for local authorities, developers and communities;
- supporting swifter development;
- improving the market responsiveness of the Community Infrastructure Levy (CIL);
- increasing transparency over where developer contributions are spent; and
- introducing a new tariff to support the development of strategic infrastructure.

1.5 As a result of these reforms, the Council must publish an Annual Infrastructure Funding Statement that comprises the following three parts:

1. a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);
2. a report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);
3. a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“Section 106 report”).

1.6 As Members may be aware, the Council has taken the decision not to pursue a CIL as part of its preparation of the emerging Local Plan for Bolsover District. This decision was due to the CIL not being necessary nor the best method of delivering infrastructure in Bolsover District. Underpinning this decision were the facts the District comprises a series of small and dispersed settlements, rather than a large urban area, and that the planned spatial distribution of development meant that the infrastructure required would be directly related to each settlement’s planned residential allocations and so more appropriately funded through planning obligations in S106 Agreements.

1.7 In light of the decision to not to pursue a CIL, the Council’s Annual Infrastructure Funding Statements will report a ‘nil return’ for parts 1 and 2. However, part 3, the Section 106 report, will need to set out the following information each year:

- (a) the total amount of money to be provided under any planning obligations which were entered into during the reported year;
- (b) the total amount of money under any planning obligations which was received during the reported year;
- (c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;
- (d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—
 - (i) in relation to affordable housing, the total number of units which will be provided;

- (ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;
- (e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;
- (f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);
- (g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;
- (h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—
 - (i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;
 - (ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);
 - (iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;
- (i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.

1.8 In essence, the Annual Infrastructure Funding Statement and the categories above are intended to show clearly and in a transparent manner the progression from the signing of a Section 106 Agreement through the Council’s receipt of the money to the spend of the money and the delivery of the required infrastructure on the ground.

Statement for 2018/19

1.9 As stated above, the new duty to prepare and publish an Annual Infrastructure Funding Statement starts formally for the financial year 2019/20 which has to be published by December 2020. However, in response to this regulatory change officers have reviewed the Council’s current informal monitoring regime in readiness for the new, more formal, monitoring regime being enacted.

1.10 This has enabled the Council to develop and ‘test drive’ its new monitoring processes and to publish a prototype Annual Infrastructure Funding Statement for the period 1st April 2018 to 31st March 2019. This prototype Annual Infrastructure Funding Statement 2018/19 is attached as an Appendix to this report.

1.11 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a ‘spreadsheet’ format is considered to make the information somewhat abstract to be properly informative for members of the public.

1.12 Therefore, in accordance with the Statement of Community Involvement's aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, consideration will be given prior to publication of the Annual Infrastructure Funding Statement 2019 to incorporating case studies illustrating what the spent Section 106 monies have delivered on the ground.

2 Conclusions and Reasons for Recommendation

2.1 This matter has been considered by the Local Plan Steering Group at its meeting on 3rd December 2019 and the Group supported the format and content of the Annual Infrastructure Funding Statement 2018/19 as attached.

2.2 Based on this support, the Group recommended that Planning Committee:

- approve the format and content of the Annual Infrastructure Funding Statement 2018/19;
- delegate authority 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.

2.3 Therefore, it is proposed that Planning Committee approve the format and content of the prototype Annual Infrastructure Funding Statement 2018/19 and delegate authority 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.

3 Consultation and Equality Impact

3.1 Other Officers involved in the preparation of this report were: Planning Manager (Development Control); Principal Planning Officers, Planning Officers, Joint Housing Strategy Officer, Special Projects Officer (Leisure), Community Arts Development Officer, Senior Accountancy Assistant & Team Manager (Solicitor).

3.2 Members involved include the membership of the Local Plan Steering Group.

3.3 The Annual Infrastructure Funding Statement 2018/19 is unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics, although the delivery of infrastructure should have a positive impacts.

4 Alternative Options and Reasons for Rejection

4.1 Preparation and publication of an Annual Infrastructure Funding Statement will become a statutory requirement from 2020. The alternative course of action would be to not publish an Annual Infrastructure Funding Statement for the financial year 2018/19 but this has been discounted due to the greater benefits of getting the Council ready and test driving the new internal monitoring arrangements.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None. This relates to the Council's annual monitoring duties and is budgeted for.

5.2 Legal Implications including Data Protection

5.2.1 The Council will soon have a statutory duty to prepare an Annual Infrastructure Funding Statement under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

5.2.2 There are no specific data protection issues arising from this report.

5.3 Human Resources Implications

5.3.1 There are no human resources implications arising from this report.

6 Recommendations

6.1 That Planning Committee:

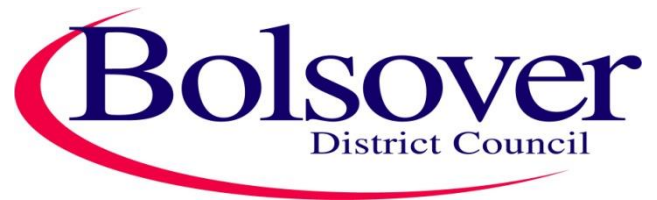
- 1) approve the format and content of the Annual Infrastructure Funding Statement 2018/19;
- 2) delegate authority to the Head of Planning, in consultation with the Chair and Vice Chair of Planning Committee, to approve the final wording of the Annual Infrastructure Funding Statement 2018/19 and secure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

7 Document Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 **Document Information**

Appendix No	Title
1	Annual Infrastructure Funding Statement 2018/19
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Christopher McKinney	Ext 2292



Bolsover District Council

Annual Infrastructure Funding Statement 2018/19

January 2020

1 Introduction

- 1.1 This Annual Infrastructure Funding Statement sets out information for the period 1st April 2018 to 31st March 2019 relating to the funding of infrastructure by developments through the Community Infrastructure Levy and Planning Obligations / S106 Agreements that will be required under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
- 1.2 It is noted that the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a 'spreadsheet' format is considered to make the information somewhat abstract to be properly informative for members of the public.
- 1.3 Therefore, in accordance with the Council's Statement of Community Involvement and its aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, this summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within required Annual Infrastructure Funding Statement.
- 1.4 The Council will publish this summary report together with the spreadsheet on its website.

2 Background

- 2.1 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 introduced new duties on local planning authorities which include a duty to prepare Annual Infrastructure Funding Statements.
- 2.2 In accordance with the regulations, Annual Infrastructure Funding Statements must comprise the following three parts:
- Part 1. A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);
 - Part 2. A report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);
 - Part 3. A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).
- 2.3 This new duty starts formally for the financial year 2019/20 and requires the Council to publish an Annual Infrastructure Funding Statement by 31st December 2020 and every year thereafter.
- 2.4 However, in response to this regulatory change the Council has reviewed its processes in readiness for the new, more formal, monitoring regime being brought into force. This has enabled the Council to develop and ‘test drive’ its new monitoring processes and to publish a prototype Annual Infrastructure Funding Statement for the period 1st April 2018 to 31st March 2019.

3 Key information

3.1 The key information within the Annual Infrastructure Funding Statement 2018/19 is provided below.

Part 1 – The CIL Infrastructure List Statement

3.2 Bolsover District Council has not pursued a CIL and therefore provides a 'nil return' for this part of the Annual Infrastructure Funding Statement.

Part 2 – The CIL Report

3.3 Bolsover District Council has not pursued a CIL and therefore provides a 'nil return' for this part of the Annual Infrastructure Funding Statement.

Part 3 – The Section 106 Report

3.4 Bolsover District Council has a large number of live Section 106 Agreements which inform this part of the Annual Infrastructure Funding Statement and this is set out in detail as required by the Regulations in the Appendix to this summary report. However, the key information from the Statement is provided below.

Newly Secured Money

Total amount of S106 monies signed up in new legal agreements during 2018/19	£617,370.31
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Money Held by the Council

Total amount of S106 monies received from developers during 2018/19	£197,055.20
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Total amount of S106 monies held from previous years	£886,270.50
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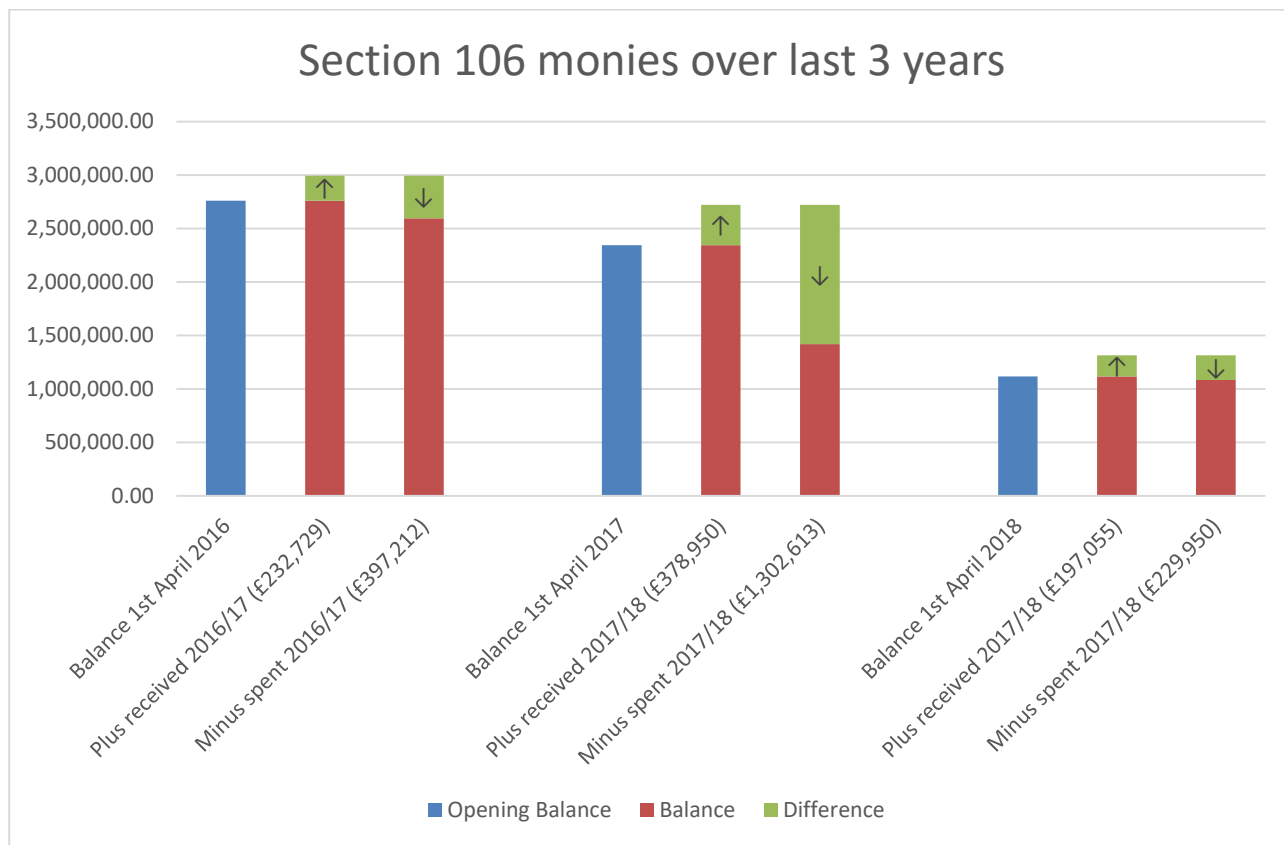
Money Spent by the Council

Total amount of S106 monies spent by the authority (or transferred to another organisation to spend) during 2018/19	£229,949.50
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Amount for Green Space	£44,664.95
Amount for Sports Provision	£118,818.14
Amount for Public Art	£66,466.41

APPENDIX 1 – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2018/19

3.5 How the overall balance of Section 106 monies held by the Council has varied over the period 2016/17 and 2017/18 is demonstrated in the graph below.



3.6 As can be seen, the graph shows a reducing amount of monies being held by the Council over the period as monies are spent on green space, sports provision and public art or are transferred to external bodies, such as Derbyshire County Council, in accordance with the S106 Agreements.

3.7 It is worth noting that Derbyshire County Council are also obliged under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 to produce their own the Annual Infrastructure Funding Statement by December 2020. This will set out how monies transferred to them by the District Council have been spent.

3.8 To help illuminate this emerging picture, a number of case studies are provided overleaf to illustrate how Section 106 Agreements are implemented and lead to infrastructure delivery.

Case Study 1

Project – Outdoor Gyms at Weavers Gardens, South Normanton

Summary	Working with South Normanton Parish Council, the Council's Leisure Department spent S106 monies from the Ball Hill development on the installation of an outdoor gym at the South Street Recreation Ground in South Normanton.
Application reference	08/00055/OUTMAJ & 11/00127/REMAJ
Site name	Land at Ball Hill, South Normanton
Developer	Harron Homes
Permission granted / S106 signed	12 th July 2010 and 22 nd December 2011 respectively
Amount secured in S106	£32,102 (indexed)
Development started	During 2012/13
Money received	August 2015
Works ordered	December 2018
Infrastructure delivered	February 2019

Photos



Outdoor Gym at South Street Recreation Ground, South Normanton

Case Study 2

Project – The Dancing Flowers of Doe Lea

Summary	<p>Working with the arts organisation Beam and the artist / architects Tonkin Liu, the Council's Community Arts Development Officer spent S106 monies from the Brambles development on the 'the dancing flowers of Doe Lea' sculpture project. This multi-year project saw the fabrication, installation, unveiling and lighting of the sculpture be delivered by March 2019 and is due to be completed by March 2020.</p> <p>The sculpture was the recipient of 2 regional RIBA architecture awards, namely the main Best Project Award and the Small Project of the Year Award for the East Midlands region.</p>
Application reference	05/00735/FULMAJ
Site name	Land Off North Street, East Street, West Street And Off Mansfield Road Doe Lea (the Brambles)
Developer	Gleeson Homes
Permission granted / S106 signed	13 th December 2006
Amount secured in S106	£130,000 (indexed)
Development started	During 2009/10
Money received	May 2014
Works ordered	December 2018
Art work delivered	March 2019

Photos

The Dancing Flowers of Doe Lea

Case Study 3

Project – Highway and Health Improvements, Shirebrook

Summary	Working with Homes England and Derbyshire County Council, the Council’s Planning Department is developing proposals to deliver a link road to Leen Valley Drive from the Brookvale development in Shirebrook as per the South Shirebrook masterplan. This proposal will utilise the held S106 monies allocated for highway improvements from the South Shirebrook outline permission. This proposal may not utilise all of the held money and so the remainder will be made available for appropriate local health improvements and then to incentivise the establishment of a bus route through the site in accordance with the signed S106.
Application reference	99/00065/OUT & 14/00594/OUT
Site name	Former Shirebrook Colliery
Developer	EMDA (now Homes England)
Permission granted / S106 signed	7 th April 2000 & 10 th July 2015 respectively
Amount still held from S106	£569,000
Development started	Works to deliver southern perimeter distributor road carried out over 10 years ago but residential development at Brookvale housing development started during 2015/16.
Money received	March 2016
Works ordered	TBC
Infrastructure planned for delivery	December 2023

Plan



South Shirebrook Masterplan

Appendix

Annual **Infrastructure** **Funding** **Statement** **2018/19** **spreadsheet**

APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2018/19

a) the total amount of money to be provided under any planning obligations which were entered into during the reported year

£617,370.31	Breakdown by purpose of infrastructure	Non-money offers
	Affordable Housing £0.00	Affordable Housing 10%
	Green Space £15,700.00	Green Space area min 0.13 ha
	Sports Provision £79,390.00	Public Art 1% of development cost (TBC)
	Public Art £25,000.00	
	Education £342,280.31	
	Highways £150,000.00	
	Travel Plans £5,000.00	
	Health £0.00	
	£617,370.31	

b) the total amount of money under any planning obligations which was received during the reported year

£197,055.20	Breakdown by purpose of infrastructure	Non-money offers
	Affordable Housing £0.00	
	Green Space £72,236.00	
	Sports Provision £81,394.00	
	Public Art £10,176.20	
	Education £0.00	
	Highways £0.00	
	Travel Plans £0.00	
	Health £33,249.00	
	£197,055.20	

c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority

£886,270.50	Breakdown by purpose of infrastructure	Non-money offers
	Affordable Housing £1,116.00	
	Green Space £56,979.59	
	Sports Provision £124,906.86	
	Public Art £104,136.05	
	Education £0.00	
	Highways £569,000.00	
	Travel Plans £0.00	
	Health £30,132.00	
	£886,270.50	

d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—

i. in relation to affordable housing, the total number of units which will be provided;

Potentially 6 units (10% of scheme with outline permission for up to 65 dwellings)

ii. in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;

None

e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;

None

f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);

£229,949.50	Breakdown by purpose of infrastructure	Non-money offers
	Affordable Housing £0.00	
	Green Space £44,664.95	
	Sports Provision £118,818.14	
	Public Art £66,466.41	
	Education £0.00	
	Highways £0.00	
	Travel Plans £0.00	
	Health £0.00	
	£229,949.50	

g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

None

h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

i. the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;

Green Space

£8,067.00	Path works on North View Street, Carr Vale, Bolsover (90% of costs)
£8,724.00	Installation of new play area, Widmepool Street, Pinxton (48% of costs)
£372.50	Gate works at Villa Park play area, Clowne
£16,130.35	Broadmeadows play area refurbishment and associated street furniture in South Normanton
£3,405.10	Works to Hickinwood Lane Allotments, Clowne
£2,643.00	Ongoing maintenance, Creswell
£2,048.00	Ongoing maintenance, South Normanton
£3,275.00	Ongoing maintenance, Doe Lea
£44,664.95	

Sports Provision

£1,841.00	Signage for Glapwell MTB trail and project development at Doe Lea Recreation Ground
£9,415.00	Electrical infrastructure for events, South Normanton
£36,866.00	Outdoor gym equipment and reroof pavilion at South Street Recreation Ground, South Normanton
£10,368.00	Installation of new play area, Widmepool Street, Pinxton (52% of costs)
£15,651.24	Practice nets at Clowne Town Cricket Club (38.3% of costs) and installation of goalposts for Villa Park, Clowne
£25,327.35	Outdoor gym equipment at Market Street Recreation Ground and South Street Recreation Ground, South Normanton
£18,450.00	Practice nets at Clowne Town Cricket Club, Clowne (61.7% of costs)
£899.55	Path works on North View Street, Carr Vale, Bolsover (10% of costs)
£118,818.14	

Public Art

£58,986.08	Public art project development and installation, The Brambles, Doe Lea
£4,310.00	Public art project development and installation, Carter Lane, South Normanton
£3,170.33	Public art project development and installation, Woodside Stables, Clowne
£66,466.41	

ii. the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);

None

iii. the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;

None

i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held.

£60,825.50

Retained for longer term maintenance / commuted sums

Affordable Housing	£0.00
Green Space	£60,825.50
Sports Provision	£0.00
Public Art	£0.00
Education	£0.00
Highways	£0.00
Travel Plans	£0.00
Health	£0.00
	£60,825.50

Bolsover District Council

Planning Committee

8th January 2020

<u>Appeal Decisions: July 2019 – December 2019</u>

Report of the Head of Planning

Purpose of the Report

- To report the Planning Service's performance against the Government's quality of decision making targets.
- To report any issues or lessons learnt from the appeal decisions.

1 Report Details

1. Background

- 1.1 In November 2016 The Department for Communities and Local Government produced guidance entitled "Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions. This report relates to the quality of decision making targets.
- 1.2 The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal.
- 1.3 The threshold or designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10 per cent** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 1.4 During the first appeal monitoring period the council won 100% of appeals on Major planning applications and 99.6% of appeals on non-major applications. During the second monitoring period the council won 96.5% of appeals on Major planning applications and 98.8% of appeals on non-major applications. The Council is therefore exceeding its appeal decision targets.
- 1.5 Following the report of appeal decisions to Planning Committee in January 2019 it was agreed that appeal decisions continue to be reported to Committee members every 6 months.

2 Conclusions and Reasons for Recommendation

- 2.1 During the 6 months since the last monitoring period the council had no appeals on Major planning applications determined and no appeals against enforcement notices

but has won 100% of appeals on non-major applications. The Council is therefore exceeding its appeal decision targets.

- 2.2 The appeal decisions indicate current decision making is sound. When/if appeals are lost the reporting of decisions provides an opportunity to learn from these decisions.

3 Consultation and Equality Impact

- 3.1 Consultations are carried out with each application and appeal. Consultations on this report of appeal decisions is not necessary.
- 3.2 Appeal decisions do not need an equality impact assessment in their own right but by monitoring appeal decisions it allows us to check that equalities are considered correctly in every application. There have been no appeal decisions reporting that equalities have been incorrectly addressed.

4 Alternative Options and Reasons for Rejection

- 4.1 An alternative option would be to not publish appeal decisions to Members. It is however considered useful to report decisions due to the threat of intervention if the Council does not meet the nationally set targets. Members of Planning Committee should understand the soundness of decision making and soundness of Planning Policies.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Costs can be awarded against the Council if an appeal is lost and the Council has acted unreasonably.
- 5.1.2 The Council can be put into special measures if it does not meet its targets.

5.2 Legal Implications including Data Protection

- 5.2.1 Appeal documents are publicly available to view online. Responsibility for data is the Planning Inspector's during the appeal process.
- 5.2.2 Decisions are open to challenge but only on procedural matters.

5.3 Human Resources Implications

- 5.3.1 This area of work is factored into normal officer workload and if the original application report is thorough it reduces the additional work created by a written representations appeal. Additional workload is created if the appeal is a hearing or public enquiry.

6 Recommendations

- 6.1 That this report be noted.
- 6.1 That appeal decisions continue to be reported to Committee members every 6 months.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	None
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
1	Planning Appeal Decisions Period 1st July 2019-31st December 2019
2	Planning Enforcement Appeal Decisions July 1st 2019 -31st December 2019
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Chris Fridlington	01246 242265

Appendix 1: Planning Appeal Decisions Period 1st July 2019-31st December 2019

APP/R1010/W/19/3223128: Land Adjacent to 59 West End, Pinxton: Outline Application for One Dwelling with All Matters Reserved

Main Issues

The main issues were:

- Whether the site was a suitable location for a dwelling having regard to the development plan and national policy; and
- Impact on highway safety

Conclusion

The Inspector concluded that the appeal site was in a relatively sustainable location and that it was adjacent to the settlement framework boundary but it was outside that boundary and as such in accordance with Policy GEN 8 of the Bolsover District Local Plan, countryside policies applied.

The Inspector concluded that Policies GEN 10, ENV 3 and HOU 9 of the Bolsover District Local Plan were broadly in accordance with the National Planning Policy Framework and that the council had a 5 year supply of housing and therefore attributed full weight to these policies.

The Inspector concluded that the proposed dwelling was not essential to the operation of agriculture and/or forestry. The inspector considered that although the proposed dwelling removed existing buildings, the framework confirms that previously developed land excludes land occupied by agricultural buildings and the removal of the agricultural building and its replacement with a dwelling would have an urbanising impact and would not enhance the rural character of the area and would harm the openness of the area. The proposal was therefore considered contrary to policies GEN 8, GEN 10, HOU 9 and ENV 3 of the Bolsover District Local Plan.

Indicative plans submitted with the application removed the existing access to the dwelling to the north of the site and replaced it with access to the proposed development giving the existing dwelling an unsafe access further north. The Inspector agreed the indicative layout would provide an unsafe access for the existing dwelling but as access was a reserved matter and that access and parking could be provided on site for both existing and proposed dwellings then a safe access (albeit not the one shown on the indicative plan) could be provided. The Inspector concluded that the proposal was therefore considered to meet Policies GEN 1 and GEN 2 of the Bolsover District Local Plan in respect of highway safety.

The appeal was dismissed

Recommendations

None.

The Inspector confirmed the council has a five year supply of housing and that the existing important open areas and countryside policies are in line with the Guidance in the NPPF.

APP/R1010/W/19/3223115: Hickinwood Farm Yard and Barn, Hickinwood Lane, Clowne: Notification of Prior Approval for Change of Use of an Agricultural Building to Commercial (B1) Use.

Main Issues

The application was a resubmission of an application for prior approval under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development)(England)Order 2015 (GPDO) for change of use of a building to a commercial use. Class R allows for changes of use from agricultural buildings to B1 use subject to specific requirements and restrictions. The original application and one subsequent application were both refused and dismissed on appeal. The application was re-submitted with the addition of 1 further affidavits as additional evidence.

The main issues were:

- Whether the proposal would be permitted development in respect of Class R of the GPDO, subject to the prior approval of certain matters.

Conclusion

Compliance with Class R requires that the building was solely used for an agricultural unit on 3rd July 2012 or in the case of a building which was not in use on that date when it was last in use. Schedule 2 Part 3, paragraph x of the GPDO sets out that an established 'agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture.

The inspector again concluded that the evidence supplied did not demonstrate that the building was used solely for an agricultural use as part of an established agricultural unit on 3rd July 2012 or remained unused on that date, so that its last use prior to 3rd July 2012 was solely for an agricultural use as part of an established agricultural unit. The change of use therefore was not development permitted by the GPDO and there was no need to consider the prior approval matters as it would not alter the outcome of the appeal.

The appeal was dismissed

Recommendations

None.

APP/R1010/W/19/3224662: Land to the West of Bridge Close, Hollin Hill Road, Clowne: Application for a New Dwelling with Supported Living Annexe, Construction of New Barn, Conversion of Existing Barn to Microbrewery/Kitchen with Associated Office.

Main Issues

The main issues was:

- There was an extant planning permission allowing a new barn on the site in place of the present derelict one. The council had no objection to the barn element of the proposal and referred to the Inspector's power to issue a split decision if some elements of the proposal were found acceptable. However the applicant considered it difficult to separate the elements of the proposal and asked that the proposal be considered holistically. As a result the main issue was the suitability of the site for housing, having regard to the other elements of the appeal proposal and whether exceptional circumstances have been demonstrated in this case.

Conclusion

The Inspector concluded that the site was outside settlement frameworks where countryside policies apply. Policy ENV 3 of the Bolsover District Local Plan is in line with the National Planning Policy Framework in that it is restrictive of development in the countryside, requiring special justification for new housing.

The Inspector considered the appellant's business needs and the appellant's personal circumstances and the sustainability of living and working on site but concluded that the special justification had not been established and the proposal failed to comply with policy ENV 3 of the Bolsover District Local Plan by not meeting any of the criterion by which development outside settlement frameworks is supported. The Inspector considered the circumstances of the development were insufficient to outweigh that policy conflict

The appeal was dismissed

Recommendations

None.

The existing countryside policy is in line with the Guidance in the NPPF.

APP/R1010/D/19/3223901: Clownefields Cottage, 7 Clowne Road, Barlborough: Retention of Roof Finials on Extension and Porch.

Main Issues

- Whether the roof finials preserve or enhance the character or appearance of the Barlborough Conservation Area and the setting of Clowne Fields Farmhouse, a Grade II Listed Building.

Conclusion

The Inspector concluded that the two dragon finials were prominent features, larger than would be expected on a moderately sized cottage and out of keeping with the simple design of the host property. The porch finial in particular stood out as visually intrusive and was alien and harmful to the traditional character and appearance of the Conservation Area. The impact was localised but nonetheless harmful.

The Inspector also concluded that the porch finial in particular was especially prominent in views along Clowne Road from the North West past Clowne Fields Farmhouse drawing attention away from the Listed Building. This detracted from the simplicity of the scene and caused harm to the setting of the Listed Building.

The Inspector concluded that the finials did not preserve or enhance the character and appearance of the Conservation Area, nor did they preserve the setting of the nearby Listed Building Contrary to Policies CON 1 and CON 10 of the Bolsover District Local Plan.

The Inspector also concluded that in terms of the National Planning Policy Framework, the harm to the significance of the Conservation Area and Listed Building as designated heritage assets was less than substantial but that there were no public benefits arising from the finials to outweigh that harm.

The appeal was dismissed.

Recommendations

None.

The existing conservation policies are in line with the Guidance in the NPPF.

APP/R1010/W/19/3229146: Beeston House, Milking Lane, Clowne: Erection of Replacement Dwelling

Main Issues

The main issue was:

- The effect of the proposed development on the character and appearance of the area

Conclusion

The Inspector concluded that the appeal site was outside the settlement framework boundary and as such in accordance with Policy GEN 8 of the Bolsover District Local Plan, countryside policies applied.

The Inspector agree with the council that the scale of the new dwelling would represent a significant increase over that of the existing dwelling. The Inspector felt the wording of Policy HOU 8 of the Local Plan was clear in that a replacement dwelling which was not compliant with the scale of the existing would be treated as a new dwelling rather than a replacement and would therefore be subject to the requirements of HOU 9 which requires the dwelling to be essential to the operation of agriculture or forestry, which had not been justified.

The Inspector also considered that the proposed dwelling lacked the simple form and appearance of a dwelling traditionally associated with a farm location and was more akin to a suburban house found on a modern residential estate. Consequently the proposed dwelling was not reflective of its location and inherent character contrary to Policy HOU 8 of the Local Plan and paragraph 127 of the Framework.

The Inspector also considered that the position of the proposed dwelling, extending out into the paddock would result in the expansion of the built form of the farmstead and cause an encroachment into open countryside.

For the above reasons the Inspector concluded that the proposal was contrary to Policy HOU 8 of the Bolsover District Local Plan as the new dwelling was not in keeping with the character of its surroundings and was contrary to the aims of the framework in that it would harm the character of the area.

The appeal was dismissed

Recommendations

None.

The Inspector confirmed that the existing dwellings in the countryside policies are in line with the Guidance in the NPPF.

APP/R1010/W/19/3229167: Land between 33 and 39 Sherwood Street, Newton: Construction of a Pair of Semi-Detached Dwellings

Main Issues

The main issues was:

- Whether the development would provide adequate living conditions for future occupants of the proposed houses with particular regard to overlooking of their outdoor private amenity space.

Conclusion

The Inspector considered that the rear gardens of both of the proposed new dwellings would be overlooked to a considerable extent from the first floor rear windows of the existing dwelling at 39 Sherwood Street, in particular from the bedroom window which was parallel to and less than 5m from the site. The occupiers of the new houses would therefore not have the degree of privacy for their rear gardens which they could reasonably expect and this unacceptable situation was not made acceptable just because future residents may be aware of it at the time of purchase.

The Inspector concluded that the development would not provide adequate living conditions for future occupants and would consequently conflict with Policy GEN 2 of the Bolsover District Local Plan which seeks to ensure that development does not lead to harmful overlooking or loss of privacy. The proposal would also fail to accord with of the provisions of the National Planning Policy Framework, in particular paragraph 127 which seeks to ensure that development provides a high standard of amenity for existing and future users.

The Inspector also concluded that the proposal was contrary to the guidance in the Council's "Successful Places" supplementary planning document which seeks to ensure that development provides acceptable living conditions for new and existing residents and Policy SC3 of the emerging Local Plan. Policy SC3 seeks to ensure that development provides a good standard of amenity, including privacy, for future occupants.

The Inspector acknowledged that there would be some social, environmental and economic benefits from providing housing on this site but concluded the benefits arising from a small development would be limited and would not outweigh the harm caused by providing insufficient privacy for future occupants.

The appeal was dismissed

Recommendations

None.

The Inspector confirmed that the existing Policy and guidance relating to amenity and privacy are in line with the Guidance in the NPPF.

Appendix 2: Planning Enforcement Appeal Decisions July 1st 2019 -31st December 2019

The performance of Local Authorities in relation to the outcome of enforcement appeals are not being measured in the same way as planning appeals. However it is considered useful to report the enforcement appeals within the same time period to address any issues or lessons learnt from these appeal decisions.

There have been no enforcement appeals within the period of this report.

Appendix 3: Appeals under Section 18 of the Land and Compensation Act Decisions July 1st 2019 -31st December 2019

The performance of Local Authorities in relation to the outcome of appeals for Certificates of Appropriate Alternative Development which are determined under the Land and Compensation Act are not being measured in the same way as planning appeals. However it is considered useful to report these appeals within the same time period to address any issues or lessons learnt from these decisions.

Background

The site is within the corridor safeguarded for the HS2 rail link. The Secretary of State for Transport accepted the appellants blight notice under HS2 Ltd's discretionary Express Purchase Scheme. An application for a Certificate of Appropriate Alternative Development (CAAD) for residential development for up to 24 dwellings was then submitted to the council. The council issued a negative certificate as it was outside the settlement framework in an area of open countryside which was considered unnecessary development in the countryside in an unsustainable location and would have an urbanising impact on the countryside. This was contrary to Policies HOU 2, ENV 3 and HOU 9 of the Bolsover District Local Plan and the policies in the National Planning Policy Framework.

The council did not provide any indication of what development it would consider appropriate instead.

The applicant filed an appeal to the Lands tribunal citing the council as respondent. The council was however not the respondent, it was the Secretary of State for Transport as the acquiring Authority. It was agreed that the Secretary of State be a non-participating respondent with the council a participating party to the reference.

Main Issues

- Whether or not the council has a five year supply of housing and therefore the weight to be given to policies in the local plan,
- Whether the council should have considered what other forms of development would be suitable on the site, not just the housing listed as the proposed alternative development.

Conclusion

The Inspector concluded that the council did have a five year housing supply and therefore has an up-to-date housing policy. On this basis he concluded that housing on the site would be contrary to Local Plan policies and would not be an acceptable form of alternative development on the site.

However the Inspector concluded that the council should have considered all other forms of alternative appropriate development on the site not just the development proposed and in this respect he concluded alternative development which would have been considered in accordance with the development plan would have been the exploitation of sources of renewable energy and small scale employment uses related to local farming, forestry, recreation or tourism subject to compliance with Policies SC6 and SS9 of the emerging Local Plan.

The appeal was allowed as there were other forms of appropriate alternative development for the site even the residential development proposed wasn't and a certificate of

appropriate alternative development should have been issued for those uses rather than the application being refused.

Recommendations

When considering applications for appropriate alternative development the council must consider all appropriate developments for the site, not just the ones proposed in the application and issue a certificate for those which are appropriate. The council has received three other applications for a certificate of appropriate alternative development on different sites since the tribunal hearing of this application. The way they are now determined follows the procedure set out at the Tribunal and all forms of appropriate alternative development are considered.