



To: Chair & Members of the Planning Committee

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Tuesday, 22nd September 2020

Dear Councillor

PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held as a Virtual Meeting on Wednesday, 30th September, 2020 at 10:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer (overleaf) as applying.



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

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

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 3 onwards.

Yours faithfully

A handwritten signature in black ink, reading "Sarah Steenberg". The signature is written in a cursive, flowing style with a large initial 'S'.

Solicitor to the Council & Monitoring Officer

**PLANNING COMMITTEE
AGENDA**

Wednesday, 30 September 2020 at 10:00 hours taking place as a Virtual Meeting

Item No.	PART 1 – OPEN ITEMS	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 12 th February 2020. <u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	4 - 9
5.	20/00209/FUL - Erection of 17 no. dwellings and associated infrastructure - Land West Of Homelea and Tamarisk Mansfield Road, Clowne <u>REPORTS OF THE ASSISTANT DIRECTOR FOR DEVELOPMENT AND PLANNING</u>	10 - 30
6.	Appeal Decisions: January 2020 - June 2020	31 - 38
7.	Revised Terms of Reference for Local Plan Steering Group	39 - 45

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 12th February 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Chris Kane (Vice-Chair) in the Chair

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

Officers:- Richard Purcell (Joint Head of Planning), Chris McKinney (Principal Planning Officer), Peter Sawdon (Principal Planner), Kay Gregory (Planner), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

634 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Cooper and Tom Munro.

635 URGENT ITEMS OF BUSINESS

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

636 DECLARATIONS OF INTEREST

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

There were no declarations made at the meeting.

637 MINUTES

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor
RESOLVED that the minutes of a meeting of the Planning Committee held on 8th January 2020 be approved as a true and correct record.

638 NOTES OF SITE VISITS

Moved by Councillor Deborah Watson and seconded by Councillor Nick Clarke
RESOLVED that the notes of the site visits held on 5th February 2020 be approved as a true and correct record.

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639 19/00583/OUT. - RESIDENTIAL DEVELOPMENT FOR UP TO 62 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS - LAND OFF BLACKSMITHS CLOSE AND PARK AVENUE, TO THE REAR OF 7 - 53 MANSFIELD ROAD, GLAPWELL

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

Councillor Tricia Clough, Ward Member, spoke against the application.

Councillor Tony Trafford on behalf of Glapwell Parish Council spoke against the application.

Ms. Jacqueline Hole attended the meeting and spoke against the application on behalf of herself and other local residents.

Mr Chris Waumsley, the agent on behalf of the applicant, attended the meeting and spoke in support of the application.

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

The key issues considered in determining the application were:

- The principle of development.
- The sustainability of the site in relation to local services and facilities.
- Landscape character and visual impact of the proposed development.
- Residential amenity.
- Access and highway safety.
- Ecological impacts, including biodiversity, trees and hedges.
- Social Infrastructure and planning obligations.
- Other – including archaeology, drainage, contamination, stability.

Councillor Duncan McGregor outlined the reasons that he supported the approval of the application. Although it was recognised that the proposal was contrary to Saved Policies ENV3 and HOU9 of the adopted Local Plan, and Policies SS3 and SS9 of the emerging Local Plan and paragraph 79 of the Framework insofar as this site was outside the settlement framework/development envelope, material considerations outweighed this position. It was considered that the proposal did not contravene the policies to protect the countryside. The proposals could be considered as infill and did not encroach into the countryside beyond existing developments.

Further, the officer assessment of the land as grade 2 agricultural land that should be protected, was not supported. In the Member's view the proposal was not contrary to Saved Policy ENV2, Emerging Policy SC5 or Paragraph 170b of the Framework. The land did not appear to be good quality land and did not appear to be intrinsic to or a valuable component of any farm business or ongoing agricultural operations. There was no evidence that the land had any significant ecological interest. In this case, housing was considered to be a more productive use of the land giving rise to socio-economic benefits through providing jobs and more homes than retaining the currently unproductive land that had limited utility for farming.

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Councillor Duncan McGregor also outlined his view that there were no obvious reasons why development of this land would diminish physical and visual separation of Glapwell from the nearest neighbouring settlements contrary to Policy SS11 of the emerging Local Plan. There was also no case made that this development would result in coalescence of Glapwell with any neighbouring settlements. Therefore approval of this application would not undermine the planning purpose of important open breaks which were intended to retain and maintain the individual and locally distinctive identity of the District's unique settlements, villages and towns.

The wider visual impact of the proposal on the landscape was perceived to be limited because the site was not especially prominent and the housing would be seen against the backdrop of existing residential development. As landscaping was a reserved matter, there was an opportunity to create a defensible settlement edge in accordance with Local Plan Policy GEN11, to create a landscape buffer on the edge of new developments.

Approving the application was considered to increase the provision of the affordable housing in the village with high house prices, which would benefit the next generations of villagers. The proposal would accelerate development on the other part of the site and the delivery of the restoration of The Bothy and the relocation of the existing nursery and provision of the farm shop.

Councillor Duncan McGregor commented on the need to be mindful of the impacts of failing to deliver sufficient houses and that accepting this windfall site could be considered to be the right thing in the right place. This would create a buffer should the planned sites for housing not be delivered, and enable the authority to resist housing development in more damaging locations.

In a previous appeal in respect of a neighbouring site, the Inspector had determined that Glapwell was a sustainable settlement for housing developments, although it was noted that the Inspector distinguished that site from neighbouring sites (including this application site). Members were also advised that the emerging Local Plan identified Glapwell as a small settlement, not suitable for housing developments of this scale. This was acknowledged and supported by the Inspector during the Local Plan examination.

It was concluded that, on the individual merits of the case, the limited harm as a consequence of the contravention of Local Plan policies and on the local area resulting from approving the application, would be significantly and demonstrably outweighed by the benefits of doing so.

Councillor Duncan McGregor moved that the application be approved contrary to officer recommendation, for the reasons as outlined above, subject to the securing of contributions requested by consultees and the provision of affordable housing, through completion of a S106 legal agreement, and subject to suitable planning conditions. Authority to agree the terms of the S106 legal agreement and the conditions was to be delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of Planning Committee.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth

RESOLVED that application 19/00583/OUT be approved, contrary to officer recommendation, for the reasons set out above, subject to prior entry to a S106 legal agreement to cover the contributions requested by consultees and the provision of affordable housing and that the Head of Planning, in consultation with the Chair and Vice-

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Chair of Planning Committee, be delegated authority to agree the terms of the S106 legal agreement and the conditions.

640 19/00475/FUL - RESIDENTIAL DEVELOPMENT OF 88 DWELLINGS INCLUDING ACCESS, INFRASTRUCTURE AND ASSOCIATED WORKS - LAND TO THE REAR OF 64 TO 74 SKINNER STREET, CRESWELL

Further details relating to the application were included in the Supplementary Report relating to suggested amendments to the proposed Section 106 legal agreement and the proposed conditions.

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.

Mr John Deakin attended the meeting and spoke against the application.

Ms Sarah Clark, the agent on behalf of the applicant, attended the meeting and spoke in support of the application.

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

The key issues considered in determining the application were:

- Principle of the development;
- Section 106 requirements including:
 - Affordable housing; and
 - The ability to provide relevant infrastructure requirements.

It was considered that the development proposed in this application could be made acceptable in planning terms subject to appropriate planning conditions and subject to planning obligations securing affordable housing provision and financial contributions towards leisure facilities, local medical provision and biodiversity enhancements.

Further discussions and negotiations were still needed with the applicant and consultees to agree the final conditions, generally following the recommendations in the report, as addressed in the Supplementary Report.

Flexibility with the provision of affordable housing was also put forward due to difficulty in securing a registered provider to deliver the rental housing. If agreed this would have required amendment to the proposed S106 legal agreement, also addressed in the Supplementary Report.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

RESOLVED that application 19/00475/FUL approved, subject to the prior entry into a S106 legal agreement and subject to conditions, and that delegated authority be granted to the Head of Planning to agree the terms of the S106 legal agreement and the conditions.

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641 LOCAL PLAN FOR BOLSOVER DISTRICT

Committee considered a report of the Head of Planning which reported the findings of the Inspector's Report on the new Local Plan for Bolsover District and the recommended Main Modifications. The report also proposed that the Inspector's recommended Main Modifications and identified Additional Modifications be incorporated into the version of the Local Plan for Bolsover District approved in April 2018 and that it be recommended to Council that the Local Plan for Bolsover District be adopted as the development plan for Bolsover District and replace the Bolsover District Local Plan (February 2000) and the saved policies within it.

The report set out the process followed by the Council in developing the required evidence base to shape and inform its potential planning strategy and policies for the period up to 2033, as well as the public engagement and consultation carried out.

In April 2018, the Council approved the proposed Local Plan for Bolsover District, which was followed by further consultation. Following submission of the Local Plan for Bolsover District in August 2018, Inspector Karen Baker DIPTP MA DIPMP MRTPI was appointed to undertake an independent examination of the document. The Local Plan Examination Hearing Sessions took place between Tuesday 21st January to Wednesday 6th February 2019 with an additional and final session on Tuesday 12th March 2019.

The Inspector provided her judgement on the necessary Main Modifications on 14th May 2019 and these were approved for public consultation by Planning Committee at its meeting on 5th June 2019. Consultation on the necessary Main Modifications then took place, following which the Council submitted the representations received to the Inspector.

The Planning Inspectorate issued the Inspector's Report to the Council on 15th January 2020, which was then published and notice of its publication was given to those persons who requested to be notified, as well as to those who had submitted representations during the 2018 and 2019 consultations.

The Inspector's Report set out the findings of the Examination and concluded that, with the recommended Main Modifications set out in the Appendix, the Local Plan for Bolsover District satisfied the requirements of Section 20(5) of the 2004 Act and met the criteria for soundness in the National Planning Policy Framework.

Additional modifications set out a number of changes that did not materially affect the Policies of the Local Plan and did not fall within the scope of the Examination. It was recommended that these changes be agreed by the Council to correct typographical and factual errors within its approved Local Plan.

The Council was also required to maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. A decision to adopt the Local Plan for Bolsover District would therefore necessitate an update to the Adopted Policies Map that accompanied the Bolsover District Local Plan that was adopted in February 2000.

Objections to a proposal to remove the Wildlife Corridors and Stepping Stones designation from a site at Ball Hill, South Normanton were outlined in the report. A minor

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change was recommended to remove only a small strip of the designated area. This amendment was shown on the Proposed Changes to the Submitted Policies Map, attached to the report at Appendix D.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

RESOLVED - That Planning Committee:

- 1) notes the findings of Inspector's Report as set out in Appendix B to the report;
- 2) notes the Inspector's recommended Main Modifications as set out in Appendix B to the report to make the plan sound and accept their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
- 3) notes the Additional Modifications as set out in Appendix C to the report to correct typographical and factual errors and agree to their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
- 4) notes the Policies Map Changes as set out in Appendix D to the report and agree to those changes being incorporated into the version of the Policies Map submitted to the Secretary of State in August 2018;
- 5) recommends to Council that the Local Plan for Bolsover District is adopted as the development plan for Bolsover District and to replace the Bolsover District Local Plan (February 2000) and the saved policies within it.

(Joint Head of Planning)

The meeting concluded at 11:45 hours.

PARISH

Clowne Parish

APPLICATION Erection of 17 no. dwellings and associated infrastructure
LOCATION Land West Of Homelea and Tamarisk Mansfield Road Clowne
APPLICANT Woodall Homes
APPLICATION NO. 20/00209/FUL **FILE NO.** PP-08728151
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 26th May 2020

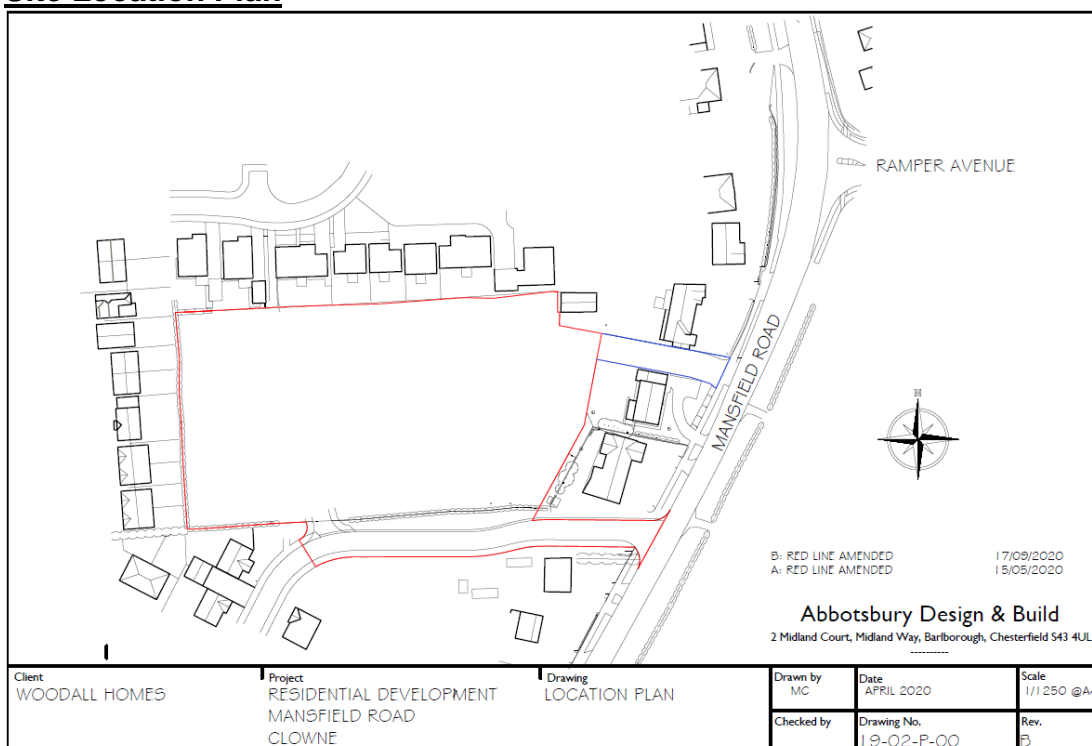
SUMMARY

This application has been referred to the Planning Committee by Councillor Allan Bailey on the following ground: -

- loss of light to neighbouring properties
- overlooking loss of privacy to neighbouring properties
- layout and density of building lack of adequate parking facilities for residents and visitors
- increased noise pollution due to layout of development including loss of mature trees/hedges with negative on local ecosystem
- inappropriate design of proposed building in relation to surrounding houses

In summary, the application is recommended for approval. This is an allocated site that already benefits from an extant planning permission; the proposal is considered to represent sustainable development and accord with policy requirements. Sufficient contributions are being offered to meet the infrastructure requirements of the development.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00209/FUL

SITE & SURROUNDINGS

The application site is located on the western side of Mansfield Road at Clowne. It is a fairly level site located at the rear of 2 houses and 2 bungalows which are on the road frontage. It is currently an open field surrounded by hedges on three sides, with low boundary treatments to the east that forms the rear boundary to dwellings fronting Mansfield Road. The site is bounded to all sides by other residential developments.

PROPOSAL

This is a full application for the erection of 17 dwellings comprising mainly detached bungalows and two storey dwellings, along with a single pair of semi-detached houses. All of the dwellings would be accessed from a single cul-de-sac that is proposed from a new junction to the, as yet un-adopted, access road serving the 'High Ash Farm' development site to the south. A Swale for drainage is proposed on the eastern site boundary that would be incorporated in a small area of incidental open space. A footpath connection is proposed to the development site to the north that would connect with the link path that has already been constructed on that development in order to provide permeability and connection around and between the developments. Hedgerows are proposed to be retained on the site perimeters except where these need to be removed to form vehicular and pedestrian access to the site.

The plan below shows the latest amended scheme.



Supporting Documents

- Plans including location, layout, landscape, site sections, vehicle traffic layout, drainage strategy, house types, and garage designs
- Arboricultural Assessment
- Ecological Appraisal
- Flood Risk Assessment
- Highway Technical Note
- Remediation Implementation Plan
- Materials Schedule
- Phase 1 and Phase 2 Geo-Technical and Geo-Environmental reports
- Design and Access Statement

AMENDMENTS

Amended plans and documents received 06/08/2020: -

- 19-02-P-01 Amended Site Plan Rev. E (Now superseded)
- Amended house and garage types ref. 19-02-P-02 Rev. B, 19-02-P-04 Rev. A, 19-02-P-05 Rev. B, 19-02-P-011 Rev. B, 19-02-P-12 Rev. B, 19-02-P-16 Rev. C, 19-02-P-20
- Amended Site Sections 19-02-P-17 Rev. E
- Amended Materials Schedule 19-02-P-18 Rev. B
- Amended Landscape Plan 19-02-P-19 Rev. B
- Infiltration Tests
- Response to Derbyshire Wildlife Trust

12/08/2020 - Confirmation of agreement to payment of S106 contributions and that no soil imports are proposed.

Amended plans received 14/09/2020: -

- 19-02-P-01 Amended Site Plan Rev. E (Now superseded)
- Amended house and garage types ref. 19-02-W-03 Rev. A, 19-02-W-04 Rev. B, 19-02-W-05 Rev. B, 19-02-W-06 Rev. B, 19-02-W-07 Rev. B, 19-02-W-08 Rev. B, 19-02-W-09 Rev. B, 19-02-W-10 Rev. B, 19-02-W-12 Rev. B, 19-02-W-13 Rev. B, 19-02-W-14 Rev. B, 19-02-W-15 Rev. B, 19-02-W-16 Rev. B, 19-02-W-17 Rev. D
- Amended Materials Schedule 19-02-W-18 Rev. D
- Amended Landscape Plan 19-02-W-19 Rev. B
- Sections and notes 19-02-W-20

Amended plans and information responding to the Flood and Highways Authorities received 14/09/2020: -

- 19-02-P-01 Amended Site Plan Rev. H (now superseded)
- 19-02-P06 Rev. C (Plot 5) revised house type
- 19-02-P02 Rev. C (Plot 1) revised house type
- 45073_015B - Plot Drainage-Layout
- Highway Drainage calculations
- Plot soakaway calculations
- Sustainability Statement

Amended plan received 16/09/2020: -

- 19-02-P-01 Amended Site Plan Rev. H (N.B. This plan only corrects the reference number that had not been properly amended on the version submitted on 14/09/2020)

Amended plans and information received 17/09/2020: -

- 45073-002B - Revised Vehicle Tracking Plan
- 19-02-P-01 REV J - Revised Site Layout Plan
- 19-02-P-00 REV.B - Revised Location Plan
- Revised ownership certificates
- Confirmation that road will be private an un-adopted highway.

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

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

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

HISTORY

15/00604/OUT	Granted Conditionally	Proposed residential development with all matters except access reserved for later approval.
17/00392/FUL	Granted Conditionally	Proposed residential development for 15 dwellings with garaging
18/00518/DISCON	Partially Discharged	Application for approval of details reserved by conditions 2, 3, 4, 5, 6, 7, 8, 10, 13, 14, 15 and 16 of planning permission 17/00392/FUL

CONSULTATIONS

Bolsover District Council Drainage Engineer 18/06/2020

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details (a copy to be kept by Engineering Services).
2. The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Derbyshire County Council Highways 8/07/2020 and 28/08/2020

Does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect and conditions are recommended. However, additional information is still needed to address waste collection (turning areas and bin collection points), amendments to the detailed layout of the access and information on requiring the necessary

approval to carry out the highway works.

Derbyshire County Council Strategic Planning 24/06/2020

Request for education contribution of £17,176.59 for the provision of 1 infant pupil at Clowne Infant and Nursery School towards improving education facilities. Also requests the inclusion of an advisory note to encourage the provision of high speed broadband within the development.

Derbyshire County Council Flood Team (LLFA) 06/07/2020 and 10/09/2020

The LLFA has been re-consulted following the submission of additional technical information to address comments made in their two earlier responses and the reply of that Authority is awaited; an update on this issue will be provided to the Planning Committee when it meets.

Derbyshire Wildlife Trust 22/07/2020 and 11/09/2020

Following the submission of additional information to address initial comments, the Trust recommends the inclusion of conditions to ensure the best outcome for biodiversity, including the use of sympathetic landscaping of native shrubs and trees, protection for the retained trees and hedges, and suitable protection for flora and fauna through the construction period through a construction environmental management plan.

Environmental Protection Officer 06/07/2020

No objections and no conditions sought (this has been verbally confirmed following the receipt of additional information that no soils were to be imported as part of the development).

Leisure Services 22/06/2020

Advises on the amount of land required and/or contributions necessary to ensure compliance with adopted policy. Also recommends that the proposed footpath link between plot 5 and plot 6 should be at least 2.5m wide and surfaced with tarmac to allow pedestrian and cycle access to Fallowfield and future foot / cycle links to the north (Clowne) and south (Bolsover).

NHS Derby and Derbyshire Clinical Commissioning Group 10/06/2020

No comments to make on this application

Severn Trent Water 18/06/2020

No objections - Suggest informative notes.

Urban Design 17/08/2020 and 17/08/2020

The applicants have submitted further amendments to seek to address some outstanding concerns raised by the Urban Design Officer following earlier changes that were made to the scheme; these will be discussed in more detail in the report and all but one of the issues raised has been addressed.

PUBLICITY

Initial publicity was carried out by site notice, press advert and 29 neighbour letters resulting in 14 letters of representation.

A second round of publicity was undertaken following the receipt of revisions resulting in the receipt of further letters from or on behalf of 6 of the residents that had also commented initially.

At the time of writing this report, further neighbour notification had recently been undertaken following the receipt of further revisions; any further representations received as a result of that consultation will be provided as an update to the Committee meeting.

The following provides a summary of the issues raised in those representations issues: -

Principle

More and more housing being built in that area of Clowne, worry about the more houses being accepted to be built in that area will take over country side/walks in that area.

Exceeds local plan allocation: 'is expected to deliver 15 dwellings'.

Design

Does not satisfy Policy SC3: High Quality Development and the Council's Design Guide 'Successful Places'. It does not recognise and enhance the townscape, landscape character and local distinctiveness; no evidence this is achieved beyond what already exists as an undeveloped site within the proposals. The design is out of context and does not enhance the quality of existing settlements and townscapes. To meet national and local planning policy developments should create places of character based upon an appreciation of the site and surrounding area, responding positively to its natural and built context, this is not the case with this proposal.

On-Site Open Space

The Fallowfield green area being used/abused by other residents other than from that estate who pay a yearly fee for the upkeep of these areas; the development should be provided with its own space. No such space is provided for by the submitted application. Could result in increased costs for existing residents.

In respect of revisions, the total lack of green space on the new development has not been considered at all as I do not regard the only green area which is a swale to be an amenity space. One letter quotes guidance and policy but this is not BDC policy (reference to UDC policy 50(i)). Covid 19 is evidencing the importance of public amenity space as an amenity and for mental and physical health.

Highway Safety

Traffic is very busy on Mansfield Road already and speeding problems daily on there. Will increase traffic volume in immediate area by at least 40%. Will lead to more accidents on Mansfield Road, especially on the bend nearer to the Ramper Avenue junction. Will not meet DCC Local Transport Plan policy 'contributing to better safety'. Concerned with capacity and suitability of the existing access road. Insufficient parking; example where a 4 bed house has four cars. Whilst parking shown on plots, no additional visitor parking is provided for and on-street parking will be difficult, so parking may overflow onto the adjoining estate resulting in inconvenience for existing residents. Plans to show turning of large vehicles do not show any parked cars. Concerned at emergency access with only one way in and out. Current legislation states that there has to be clear access for emergency vehicles only. Does this then mean that the access road currently being created by Ben Bailey joining their estate to Penny Bun Lane on "The Edge" is going to be for these vehicles only, in which case what measures will be taken to prevent any other vehicle accessing it?

Infrastructure

There is a lot of houses being built all over Clowne and nearby areas and facilities like schools, doctors, shops and facilities for children activities become over whelmed.

Amenity

Proposed houses will directly overlook rear garden and windows. Dwellings to the rear will need to be single storey to avoid the breach of privacy. Developments have been denied in the past because of proximity to other developments.

Extra traffic along 'Ben Bailey' will result in traffic, noise and parking issues during and after development.

Concerns at relationship of a two storey property on plot 5, especially with raised ground levels that are also proposed (*comment: subsequently changed to a bungalow*); suggestions that this could be a bungalow or left as an area of open space.

Note later change to a bungalow for plot 5, but raised ground level will still be an issue and there will be an overbearing impact. Submission of a sun study to shows this will still cast significant shadows during the spring/autumn equinox periods and will significantly impact sunlight during winter. Windows in side need to be obscure glass and restricted in terms of openings. Should be changed further by removing garage and moving bungalow further away from the boundary.

Development will extend issues with disturbance that residents have already endured for a prolonged period due to existing developments in the area. Likely to cause loss of amenity as a result of construction traffic, light, noise, dust, odour and vibration.

Concern about loss of hedgerows and trees on what will become the shared boundary with new dwellings.

Now hedgerow is being retained, what will be put in place at the bottom of gardens? There is no mention of fencing on the rear boundaries; will it be wire fencing like on the Avant site?

Crime Prevention

Proposed path is poorly surveyed. An increase in connectivity could lead to anti-social behaviour and crime due to the outdated connectivity principles in the local plan that support and promote anti-social behaviour and opportunist theft as there is no reason reduce any further the privacy enjoyed by Sterry Farm residents through the introduction of the connecting pathway between numbers 47 and 49 Fallowfield to this development and the much larger Ben Bailey development. Such anti-social behaviour has occurred on the path leading from the Sterry House development to the Avant development to the north that has included dog fouling issues. One neighbour has now installed obscured glass so no longer surveys that path; this has to be considered as a failed design feature. Will make residents feel vulnerable and insecure. Reference is made in some letters to an aggressive burglary where the residents were threatened with a hammer and a knife in order to steal their car on the evening of 18th June 2020. The objections to the path are supported by the government document Safer Places: The Planning System and Crime Prevention.

Biodiversity

The proposals will result in the loss of an old orchard and subsequently the loss of an important habitat for many plants, bats, birds and other wildlife. Why are most of the “low grade” trees being removed when they are perfectly healthy? Bats have been seen flying over the area. This will also be a loss of an amenity to the surrounding community who enjoy observing the wildlife and vista of the orchard and mature trees is unacceptable. It would be environmentally friendly to restore this area as a community amenity in line with the Local Plan.

Plans show removal of hedgerows and fences erected which was not allowed on the Avant development.

The hedgerow on the boundary with existing dwellings should not be removed. Landscape plan incorrectly shows timber fencing on adjoining plots; there is a green wire fence that was erected in front of a deep hedge because Avant Homes were told that the removal of the hedge was not acceptable. Concerned that hedge might conveniently disappear.

Note retention of hedge but why is it proposed to be cut back when Avant were made to retain the full hedge; this does not take into account the impact on wildlife and conservation.

Drainage

Concerned with capacity of the drains to remove excess water and sewage and the effect of this on surrounding properties.

The above is a summary of objections received and the full details of all representations received are available to view on the Council website.

POLICY

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

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

- SS1: Sustainable Development
- SS3: Spatial Strategy and Scale of Development
- LC1: Housing Allocations
- LC3: Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC4: Comprehensive Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- SC14: Contaminated and Unstable Land

- ITCR5: Green Space and Play Provision
- ITCR7: Playing Pitches
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1 Plan Delivery and the Role of Developer Contributions

National Planning Policy Framework ("the Framework")

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

Paragraphs 7-10: Achieving sustainable development

Paragraphs 47-48: Determining applications

Paragraphs 54-57: Planning conditions and obligations

Paragraphs 91, 92 and 94: Promoting healthy and safe communities

Paragraphs 96 and 98: Open space and recreation

Paragraphs 108-111: Promoting sustainable transport

Paragraph 118: Making effective use of land

Paragraphs 124-128: Achieving well-designed places

Paragraph 153: Meeting the challenge of climate change

Paragraph 165: Sustainable Drainage Systems

Paragraphs 170 and 175: Conserving and enhancing the natural environment

Paragraphs 178-181: Ground conditions and pollution

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design - adopted Interim Supplementary Planning Document

Parking Standards – Consultation Draft Supplementary Planning Document

ASSESSMENT

Issues

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

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development has a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;
- drainage requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and
- heritage and archaeology impacts.

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

Principle

This site is allocated by virtue of Policy LC1: Housing Allocations for housing development, as well as having a history of planning permissions for its development for housing including an extant planning permission.

Policy LC1 states that in order to achieve sustainable development, the Local Planning Authority will impose conditions on planning permissions or seek to enter into a planning obligation to secure the expected requirements for each site as contained in the pre-amble to the policy and elsewhere in the plan.

The pre-amble to that policy states that the site is expected to contribute to increasing the capacity of local schools, which the developer has agreed to (see later detailed discussion on this and other issues).

A sustainability statement has been provided to demonstrate compliance with the requirements of policy SS1: Sustainable Development.

In view of the above it is considered that the principle of housing development on the site both established and acceptable in principle.

Access

The principle of dwellings on this site is established and whilst 2 more dwellings are proposed over the earlier planning permission this is not considered material in terms of overall traffic levels and highway capacity in the area.

The re-use of the existing approved access instead of the formation of a new access (as is approved by the extant planning permission) is preferable in highway safety terms as this reduces the number of junctions that would be formed onto Mansfield Road. The existing junction to be used onto Mansfield Road has already been formed and is provided with appropriate visibility splays that accord with highway safety guidelines.

With one exception, all plots either meet or exceed normal parking requirements as included in the Consultation Draft Parking Standards Supplementary Planning Document. Plot 3 is only provided with two parking spaces; as a four bedroom dwelling ideally this should be provided with three spaces. Notwithstanding this minor shortfall it is considered that the overall parking provision is appropriate for the scale of the development and it is not considered that this would lead to unsatisfactory impacts on health and safety or unacceptable impacts upon amenity.

The Highway Authority has advised that it does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect.

The Highway Authority has sought clarification on minor layout and technical issues, but has recommended conditions to attach to any planning permission should this Council be minded to grant permission.

The comments received in representations have been considered, but for the reasons outlined above, subject to satisfactorily resolving the minor technical issues referred to, the proposal is considered to be acceptable in respect of highway safety considerations.

An issue raised about access to Penny Bun Lane on the Avant site is raised but this is not material to the consideration of this case. For information however, the planning requirements of the two adjoining planning permissions are that a through vehicular access route should be provided between those developments, although the road layouts are designed in a way where they would still function satisfactorily if that were not delivered.

Whilst this is presently an open field with hedged boundaries it does not form part of any distinctive or sensitive landscape. It is not important to features or views or other particular qualities and such the development is considered to accord with Policy SC8 in this regard. Given the site is bounded by existing housing developments the proposal will assimilate within those in terms of its general landscape and wider visual impacts.

[illegible]

Representations refer to the number of dwellings in the context of the Local Plan. Whilst that plan states that this site is expected to deliver 15 dwellings, this is not a policy requirement and consideration must be given to whether 17 dwellings is acceptable on its individual design merits.

The applicant states that 17 dwellings represents only a modest increase in the amount of development and this equates to only 20dph, stating that in the context of the NPPF which advocates the efficient use of land, that their proposal strikes an appropriate balance. Given the rural fringe of the area and the constraints present on this site, a lower density scheme could be considered appropriate in principle, but density has to be considered with other factors in terms of deciding whether a development is well designed or not.

The mixture of 3 and 4 bedroom houses and bungalows proposed is considered appropriate in this location and is considered to be generally reflective of the surrounding area. It is acknowledged that the initial layout did not relate well to its surroundings in terms of the earlier distribution and location of the proposed two storey dwellings that were close to bungalows on adjoining sites, but this has been suitably addressed through submitted amendments.

Whilst a materials schedule has been submitted, it has not been possible to fully consider these based on available on-line information and the agent has verbally agreed that a condition requiring the later submission and approval of materials be included; this is to ensure that the materials are appropriate to the location.

The amended layout meets the Council's adopted design guide 'Successful Places' in terms of separation distances, although conditions will need to be included to control the glazing and method of opening of side windows in plot 5; despite this plot being a bungalow, the elevated levels of that site will enable unacceptable overlooking without this control.

Specific detailed representations have been made in respect of the impacts of the dwelling on plot 5 to the bungalow to the north and in this respect the applicants have responded positively to requests for amendments to that plot. There are increased ground levels at this corner of the site that are needed to facilitate appropriate site drainage that is not unusual or unacceptable. In order to minimise the impacts on the adjoining dwelling, plot 5 was initially amended from a house to a bungalow, but this has been further amended to incorporate a hipped roof to that bungalow in order to minimise the bulk and mass of that building; the revisions meet the Council's guidelines contained in the Successful Places guidelines and will ensure that a reasonable level of privacy and amenity is maintained for existing and proposed residents. The removal of permitted development rights for extensions to that dwelling is also recommended to maintain control over any future extensions to that dwelling that otherwise pose a risk to the future amenity of occupiers of the neighbouring dwelling to the north.

The inclusion of the footpath that ties in with the footpath from Fallowfield and connects through to High Ash Farm to the south is considered to be necessary as this would complete the footpath route between these three sites and contribute to the permeability and sustainability of these sites; the objections relating to the inclusion of this footpath are noted but the connectivity of the various individual permissions in this area is seen as a key design component and it is considered that this should be maintained. The layout has been designed so that all three proposed dwellings alongside that path directly overlook it and should provide

a safe route for pedestrians; this is considered to accord with the guidance contained in the 'Safer Places' design document referred to in representations. It is recommended that permitted development be removed for the erection of any additional fencing to that proposed between the dwellings adjoining that footpath and the path itself to maintain surveillance. A condition is also proposed to ensure that the footpath connection is implemented.

Initial iterations of the layout related poorly to existing and proposed roads due to blank side facing elevations, but the applicants have introduced design amendments as suggested by the Urban Design Officer and the scheme is now considered to relate positively towards street frontages.

The Urban Design Officer has raised concern about the location and orientation of Plot 1 that is restricted by the presence of a retained trees on the boundary of that plot close to the site entrance. He is concerned that this tree will dominate the amenity space of this plot which will have a negative impact on the amenity of the occupants and place pressure on the tree to be removed in the future; on this basis he recommends that Plot 1 should be removed from the scheme and be incorporated as part of the front garden of Plot 2 which would improve the relationship of the development to the entrance and result in a more attractive and welcoming sense of arrival into the site.

The applicants have rejected the suggestion to remove plot 1, stating that "established trees within rear gardens are not unusual concepts and are often selling points for their privacy, shading and ecology benefits, rather than solely being considered in a negative context as is suggested".

Of note on this issue is that the previously approved scheme has already approved the location of a dwelling in closer proximity to that retained tree and this current layout is not considered to be materially different to this already permitted situation. Whilst the removal of the dwelling from plot 1 could potentially benefit the character and appearance of the dwelling at the site entrance point, the layout proposed is not considered so harmful in planning terms that permission should be refused on this issue and subject to controls to provide protection to the tree both during and after construction and over the use of suitable boundary treatments, it is considered that this layout for plot 1 should be accepted.

The proposed boundary treatments to plot 1 are not fully resolved, in part due to the retention of the tree; these are shown as 1.8m brick piers with infill timber panels. The finish of this boundary treatment, its angle to the road and relationship to the retained hedgerow is not fully resolved and a condition to require final details for this boundary treatment is considered necessary. For the most part the remainder of the boundary treatments are considered appropriate in terms of amenity, although these will be discussed in terms of their ecology impact later in the next section of the report.

Conditions to control the final hard and soft landscaping treatment of the site are also recommended.

With the one exception discussed above, the revised layout has satisfied the concerns of the Urban Design Officer and on balance, the design and layout of the overall scheme is considered to be acceptable.

Reference has been made in representations to the noise and disturbance, particularly during the period of construction and the fact that this will add to the already prolonged time that construction has been taking place in this wider location. In this respect, as with the earlier grant of planning permission on this site, the Environmental Protection Officer has not recommended any specific controls in respect of noise disturbance from construction operations, which are covered under Environmental Health legislation in any event. Some disturbance is inevitable during any construction period and is unavoidable and there are no specific circumstances that would justify any additional interventions in respect of this site. In terms of the development once completed, the additional housing will not result any noise disturbance over that which would typically occur in a residential environment and no additional controls would be justified.

Ecology/Biodiversity

As previously mentioned the amount of trees and hedgerows to be lost is very similar to that already approved in respect of the earlier extant planning permission on this site; this is the clearance of the central areas of the site to facilitate the efficient use of the available site area for development, with the boundary hedgerows and trees retained except for those areas that need to be removed to facilitate the pedestrian and vehicular accesses into the site.

Derbyshire Wildlife Trust has noted the outstanding planning consent for the site and that this together with the location of the site makes it challenging to accommodate additional changes to the layout. Whilst overall The Trust has some reservations about the loss of habitats, the impact is probably fairly low due to the type of habitat and the area affected. Providing sympathetic landscaping and other enhancements can be secured there is potential to achieve no net loss of biodiversity at the site.

The Trust therefore advise the Council that in order to secure the best outcome for biodiversity at the site conditions should be attached to secure sympathetic landscaping and biodiversity enhancements across the site and for the area identified for the swale. They recommend that the landscaping of the site includes the planting of native trees and shrubs within gardens and green space; the swale area should also be enhanced to provide some biodiversity benefits through use of a wildflower/wetland seed mix and subsequent sympathetic management.

It is recommended that these conditions be included in the event that planning permission is granted

It is noted that the means of enclosure for dwellings adjacent to the retained hedgerows are shown to go the full length of plot boundaries and into the retained hedgerow, which is at odds with the submitted hedgerow retention plan. A further condition to require that the fencing is only erected up to that retained hedgerow is recommended to ensure no unnecessary loss of hedgerow.

There is no means of enclosure proposed on the rear garden boundaries alongside the retained hedgerows. It is important that there is either no means of enclosure in these locations or that should any be provided, this is of a suitable design to ensure no harm to the health of that hedgerow and to its biodiversity role on the site and so a condition to deal with this issue is also proposed.

Subject to the inclusion of these conditions, it is considered that sufficient controls are in place to minimise the loss of existing landscaping and to provide sufficient replacement landscaping to ensure no net loss of biodiversity.

Contamination

The Environmental Protection Officer (EPO) has referred to submissions made on earlier applications, as well as the information that has been submitted that demonstrate that contamination at the site has been appropriately tested and there is no need as a result of this for any additional requirements or conditions unless any soils are proposed to be imported. On this latter point the applicants have confirmed that no soils are proposed to be brought onto site. Advisory notes are proposed in respect of comments made by the EPO intended for any developer.

Drainage

Foul Water

Severn Trent Water are the statutory undertaker for the mains sewers within the local area and have been consulted on this application. Severn Trent Water has advised it has no objections to the proposals. Advisory notes are suggested that can be included in the event that planning permission is granted.

Surface Water

The initial submission stated two options for surface water drainage, one being a piped solution. Clearly Sustainable Drainage Systems (SuDS) is the more sustainable solution and this will normally be required where this can be feasible based on local conditions. The submitted drawings show a drainage retention pond on site for surface water attenuation by infiltration. Additional percolation test information has been submitted in response to earlier comments from the Lead Local Flood Authority (LLFA), and the further comments of the Lead Local Flood Authority are awaited. The LLFA officer has verbally stated that the infiltration proposals are likely to be appropriate for this site but wishes to carry out some final detailed checks of the submitted data before making a final recommendation.

Subject to the LLFA's response being positive, a suitable condition can be included on any permission to require the implementation of the SuDS scheme; an update will be provided to the Committee meeting on this issue. Such conditions would also cover the related comments of the Council's Drainage Engineer regarding necessary control over the details of the final scheme and its ongoing management.

Severn Trent Water has stated that it has no comments in respect of surface water drainage.

Recreation and Leisure issues

Green Space and Play Provision

Policies ITCR5: Green Space and Play Provision, does not require open space provision for sites of this size (less than 25 dwellings) but does expect new residential developments of more than 10 units to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

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

Clowne has an under provision of open space – 8.59ha of additional green space is required to meet the minimum standard.

As the proposed development exceeds 10 units but is less than 25 dwellings, a s106 commuted sum contribution has been sought to improve the following areas of green space, all of which fall below the 60% quality standard referred to in the local plan (as advised by the Leisure Officer):

- Equipped Play Area: The Arc and / or The Edge
- Recreation Ground / Semi-Natural Green Space: Improvements to foot / cycle links to the wider countryside and to Clowne Town Centre via The Edge and a new link to Mansfield Road

Using the current policy formula the commuted sum would be £14,586 (17 dwellings x £858 per dwelling) and the developer has agreed to this contribution that will need to be secured via a S106 Planning Obligation, such that the proposal is compliant with this policy.

Built & Outdoor Sports Facilities

Policy ITCR7 requires that if quality improvements are needed to playing pitches, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of those playing pitches and/or their ancillary facilities; The Leisure Officer has advised that quality improvements are required to the Gloves Lane Recreation Ground.

Using the current policy formula the commuted sum would be £17,374 (17 dwellings x £1022 per dwelling) and the developer has agreed to this contribution that will need to be secured via a S106 Planning Obligation, such that the proposal is compliant with this policy.

Education

Derbyshire County Council as Education Authority has advised that Clowne Junior School and Heritage High School have sufficient available capacity to accommodate the number of pupils projected to arise out of this development, unlike Clowne Infant and Nursery school that is already at capacity, such that a financial contribution of £17,176.59 is sought for the provision of additional capacity to accommodate 1 infant pupil at that School; the developer has agreed to this request that will have to be secured through a S106 planning obligation.

Health Facilities

Whilst comment is made in representations about capacity at local medical facilities, the NHS Derby and Derbyshire Clinical Commissioning Group has not requested any financial contributions stating that it has no comments to make on this application.

Heritage and Archaeology

No listed buildings or conservation areas will be affected.

In terms of archaeology, whilst the archaeologist has not commented on this current application, he advised at the time of the previous approval that on the basis of the results of archaeological fieldwork on an extensive housing site to the west and south of the proposal area he concluded that, as no significant archaeological remains had been identified in this area, that the current site has low to minimal archaeological potential. For this reason, no

further work was recommended.

In view of the above, there are no adverse impacts on heritage interests expected.

CONCLUSION / PLANNING BALANCE

In conclusion, the previous permissions and Local Plan allocation for residential development weighs heavily in favour of granting planning permission for the current application because the acceptability of the current site for housing is well established.

In all other respects, the application is for the most part considered to be acceptable in planning terms for the reasons set out in the above report and although there are some minor technical issues outstanding, these are very likely resolvable and are unlikely therefore to weigh negatively in the overall balance of considerations, such that a recommendation to grant permission is proposed.

RECOMMENDATION

Subject to satisfactory solution of the outstanding issues in respect of highway safety and surface water drainage, the current application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A** Education contribution of £17,176.59 (Index Linked) for the provision of 1 infant pupil at Clowne Infant and Nursery School.
- B** A commuted sum of £14,586 (17 dwellings x £858 per dwelling) (Index Linked) to improve the following areas of green space:
 - Equipped Play Area: The Arc and / or The Edge
 - Recreation Ground / Semi-Natural Green Space: Improvements to foot / cycle links to the wider countryside and to Clowne Town Centre via The Edge and a new link to Mansfield Road
- C** A commuted sum of £17,374 (17 dwellings x £1022 per dwelling) (Index Linked) to be invested in improving playing pitches and their ancillary facilities at Gloves Lane Recreation Ground.

AND subject to the following conditions that are given in draft precis form: -

1. The development shall be begun before the expiration of three years from the date of this permission.
2. List of approved plans
3. In this condition retained tree means an existing tree which is to be retained to comply with the approved Tree Retention Plan ref: 9516-T-02 A, as contained in the Arboricultural Assessment by fpcr dated May 2020 submitted with the planning application; and paragraphs (a) and (b) below shall apply for five years, after the occupation of the last building on the development.

- (a) No retained tree will be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree must be of such size and species, and must be planted at such time, as approved in writing by the Local Planning Authority.
 - (c) Before any equipment, machinery or materials are brought on to the site, other than those reasonably necessary to implement this condition, protective barriers must be erected to protect the retained in accordance with the specifications contained in the Arboricultural Assessment by fpcr dated May 2020, and such barriers must be erected at a distance not less than the identified Root Protection Areas on drawing ref 9516-T-02 A, as contained in that assessment document. Nothing shall be stored or placed within the fenced area around a retained tree and the ground levels within the fenced area must not be altered, nor must any excavation take place, without the written consent of the Local Planning Authority.
 - (d) Where works within the areas covered under c are required, methods of working and construction for those operations must have been submitted to and approved in writing by the Local Planning Authority before such works are commenced and the development must only be carried out in accordance with those approved details.
- 4. The retained boundary hedgerows along the north, west, and south boundaries of the site must be retained in accordance with drawing ref 9516-T-02 A in the Arboricultural Assessment by fpcr dated May 2020 and protected from damage during construction by the erection of temporary protective barriers (as per condition 3 above) erected at least 2m from the centreline of the hedgerow before development commences on site. Any gaps in the retained hedgerow shall be reinforced and replanted and thereafter the hedgerow shall be maintained and replaced if necessary for a period of 5 years.
 - 5. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure and details of all trees and hedgerows to be retained and means for their protection during the course of the development, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved. Means of enclosure must be located to avoid the removal of any of the protected hedgerows referred to in condition 4 above.
 - 6. 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 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.
 - 7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity)

has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification and demarcation of “biodiversity protection zones” (to include hedgerows and trees).
 - c) 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 and should include a badger working method statement).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as necessary).
 - h) Use of protective fences, exclusion barriers and warning signs.
8. A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
- a) Description and location of features to be created, planted, enhanced and managed to include wetland habitat associated with the swale, species rich grassland habitat, scrub creation and tree planting.
 - b) Details of the type and locations of 20 integrated swift nest boxes/bricks,
 - c) Details of hedgehog access throughout the development to include type and location of access gates/holes.
 - d) Aims and objectives of management (retained hedgerows and green infrastructure)
 - e) Appropriate management methods and practices to achieve aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP shall also include 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 plan will be implemented in accordance with the approved details.

9. Prior to the occupation of any dwelling, a bat friendly lighting scheme for the access roads and footways shall have been submitted to and approved in writing by the Local Planning Authority; that scheme shall include details of implementation timescales and the approved scheme shall be implemented as approved.
10. Notwithstanding the provisions of Part 2: Minor Operations, Class A – gates, fences, walls etc., of Schedule 2, Article 3 of the Town and Country Planning (General

Permitted Development Order) 2015 (as amended), or any Order revoking and re-enacting that Order, no means of enclosure shall be erected within 2m of the centre line of the retained hedgerows to the north, west and southern boundaries of the application site (as identified on drawing ref 9516-T-02 A in the Arboricultural Assessment by fpcr dated May 2020), nor between the dwellings (excluding garages) and the footpath connection on plots 4, 5 and 6, except for any that may be permitted under condition 5, or unless planning permission has first been granted by the Local Planning Authority.

11. Notwithstanding the submitted information, before construction commences on the erection of any building or wall, specifications or representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
12. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling on plot 5 shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.
13. The windows serving the living room and en-suite bathroom in the northern elevation of plot 5 (facing dwellings on Fallowfield) shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.
14. Before building work on any building or wall commence, a scheme showing the details of the proposed footpath connections to Fallowfield to the north, together with a timetable for implementation, must have been submitted to and approved in writing by the Local Planning Authority. The scheme must provide details of design, specification, gradient, sections and levels details (level details both on site and on the adjacent site) demonstrating that the footpath link to the adjacent development can be successfully achieved to a usable and adoptable standard. The approved scheme must be implemented in accordance with the details and timescales approved.
15. Drainage Conditions (pending further comments of the LLFA and to cover issues raised by BDC's drainage engineer).
16. Highways Conditions (pending further comments of the Highway Authority).

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the National Planning Policy Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

Bolsover District Council

Planning Committee

30th September 2020

Appeal Decisions: January 2020 – June 2020

Report of the Planning Manager (Development Control)

This report is public

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

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. During the third monitoring period the council had no appeals on major planning applications and won 100% 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 has no appeals on Major planning applications determined, and has won 98.7% of appeals on non-major applications and has had no appeals against enforcement notices. 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 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 PINS 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 Factored into normal officer workload and if original application report is thorough it reduces the additional work created by a written representations appeal. Additional workload created if the appeal is a hearing or public enquiry.

6 Recommendations

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

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	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	None directly
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1.	Planning Appeal Decisions Period 1 st January 2020 - 30 th June 2020
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)	
N/A	
Report Author	Contact Number
Sarah Kay	Ext. 2265

Appendix 1: Planning Appeal Decisions Period 1st January 2020 - 30th June 2020

APP/R1010/W/19/3220726: The Laurels, Ruthyn Avenue, Barlborough: Retention of and Alterations and Revisions to Proposed Stable Block on Same Footprint as the (Recently) Previously Demolished Stables

Main Issues

The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- Whether the proposal would cause any other harm, namely the effect of the development on the character and appearance of the area.

Conclusion

The Inspector concluded that the proposal would be inappropriate development in the Green Belt and would materially erode the openness of the appeal site.

The Inspector considered that the Framework sets out that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations. No special circumstances are advanced in this case.

The Inspector also concluded that the proposal conflicted with the framework and the aims of saved Policy GEN 9 of the Bolsover District Local Plan which taken together, seek to protect the openness and permanence of Green Belts and that no material considerations justify a decision other than in accordance with the development plan with which the proposal would conflict.

The appeal was dismissed

Recommendations

None.

The Inspector confirmed the council's Green Belt policies are in line with the Guidance in the Framework and the assessment of the impact of the proposal on the Green Belt was correct.

APP/R1010/W/19/3237017: 2 Tallys End: Application for the Variation of Condition 4 of Planning Permission 17/00153/FUL which restricted trading hours and delivery hours for McDonalds Restaurant and Take-away

Main Issues

The main issues were:

- The restaurant is operational at the appeal site. The appellant sought to extend the opening hours to between 05:00 and 00:00 hours seven days a week which represented an additional hour of trade in the morning and evening. (The condition imposed by the council restricted restaurant/take-away hours to between 06.00 and 23.00 daily and deliveries to between 06.30 and 23.00 daily.)
- Planning Practice Guidance is clear that the decision maker shall consider only the question of the conditions subject to which planning permission should be granted.

It is not the re-consideration of the original application. The main issue is therefore the effect that the variation of the opening hours would have on the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance.

Conclusion

The Inspector considered that the proposed extended opening hours would not result in significantly increased levels of noise and disturbance to nearby residents subject to the imposition of appropriate conditions. The Inspector concluded the disputed condition was neither necessary nor reasonable in order to safeguard the living conditions of nearby residents, with particular reference to noise and disturbance and the proposal would comply with Policy GEN 2 of the Bolsover District Local Plan.

The appeal was dismissed and the condition amended to say “The trading hours of the restaurant/hot food takeaway shall only be between 05.00hrs and 00.00hrs daily. Delivery and other service functions (such as refuse collection) shall only take place between 06.30hrs and 23.00hrs daily.”

Recommendations

None. The decision was a judgement about the impact of a proposal on residential amenity rather than testing a Local Plan Policy.

APP/R1010/W/19/3238421: 37 Low Common, Barlborough: Retention of a Tree House and Construction of Pergola

Main Issues

The main issues were:

- Whether the appeal scheme would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
- The effect of the scheme on the openness of the Green Belt;
- If the scheme would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it; and
- The effect of the scheme on the living conditions of the occupiers of the neighbouring property, with regards to privacy and noise.

Conclusion

The Inspector considered that Policy GEN 9 was in line with Green Belt Policy in the National Planning Policy Framework and of them state that new buildings in the Green Belt are inappropriate except in certain circumstances. The Inspector concluded that neither element of the proposal met the exceptions to inappropriate development and as such both the treehouse and the pergola represented inappropriate development in the Green Belt.

The Inspector considered that the proposal would cause limited harm to the openness of the Green Belt but substantial weight is given to this harm in accordance with paragraph 144 of the Framework and in addition to the harm caused by the reason of inappropriateness.

The Inspector considered that the proposal would not be harmful to the living conditions of neighbouring occupants with particular regard to privacy and noise however this did not

mitigate against the substantial weight to be given to the harm to the openness of the Green Belt as a result of this inappropriate development and no special considerations existed which would outweigh this harm.

The Inspector concluded that the proposal was contrary to Policies GEN 2, which requires development to cause no material harm to the local environment unless outweighed by the benefits of the scheme, GEN 9 of the Local Plan and paragraphs 143-146 of the Framework

The appeal was dismissed

Recommendations

None.

The existing Green Belt policy is in line with the Guidance in the National Planning Policy Framework and the assessment of the impact of the proposal on the Green Belt was correct.

APP/R1010/W/19/3241610: The Dales, 21 Worksop Road, Whitwell: Change of Use of Agricultural Building to Storage/Warehouse Use

Main Issues

- The application was submitted under the prior notification procedure to change agricultural buildings to other uses. For an application to be submitted under this procedure it has to meet a number of criteria. The main issue in this case is whether the buildings were solely in agricultural use on 3rd July 2012 so as to be permitted development under Schedule 2, Part 3, Class R of the Town and Country Planning General Permitted Development Order.

Conclusion

The Inspector considered that from the evidence provided it seemed reasonable to conclude that, the appeal buildings were probably in agricultural use as part of the wider operation on 3 July 2012. The Inspector acknowledged that this use may have only been for a relatively short period of time at some point between 2010 and the end of 2012 and that the buildings may have been used more recently for storage related to equestrian use. However, the Inspector considered that the evidence pointed to the buildings being in association with the agricultural use in July 2012 and for the purposes of Class R, provided that the building was in use on that date any prior or subsequent use is not of concern

Once the Inspector had concluded that the buildings were in agricultural use in July 2012, the matters which can be considered in a prior approval application (transport and highways, noise, contamination risk and flooding) were addressed. The Inspector considered that none of these issues would result in the proposed use being acceptable subject to a condition relating to visibility splays.

The appeal was allowed

Recommendations

None.

The Inspectors decision is different to other appeal decisions for the same type of development in its interpretation of Schedule 2, Part 3, Class R of the Town and Country Planning General Permitted Development Order in that it states that provided the building was in use for agricultural purposes in July 2012, its use before or after that date is not of

concern. The decision accepts that the most recent use related to storage related to equestrian use and the buildings were used for vehicle storage at the time of the site visit. Class R only relates to the change of use of agricultural buildings and if the building is in a different use at the time of the application it raises the question of whether Class R applies. In addition, this differs from other appeal decisions for the same type of development which considered the use of the building in July 2012 and also considered the last use of the building. Previous decisions have also required the building to solely in use for agriculture as part of an established agricultural unit rather than just that the building was probably in use for agriculture.

APP/R1010/W/20/3247931: Romeley Cottage, Romeley Lane, Clowne: Extension to Dwelling to Provide Self-Contained Accommodation

Main Issues

The main issue was:

- The fee required for the application submitted. The application was received by the council but was made invalid as no fee was submitted for the application as the applicant claimed it was a domestic extension for a relative with disabilities and as such no fee was required. The extension proposed included all of the facilities to be self-contained i.e bedrooms, bathroom, kitchen, separate entrance door and as such the council considered the relevant fee to be the fee for a new dwelling. The applicant disputed the fee requested by the council and appealed to the Planning Inspectorate.

Conclusion

The Inspector referred to the relevant case in law being *Uttlesford DC v SSE & White* (1992). The judgement established whether a residential use would be ancillary or not depends on the specific circumstances of the case – a matter of fact and degree and even if the accommodation to be provided includes facilities for independent day-to-day living (as is the case here) it would not necessarily constitute a separate planning unit from the main dwelling.

In this case, the Inspector considered that the facilities being provided in the proposed extension go beyond what would be expected given the personal circumstances of the intended occupant and in particular, the proposed front door into the kitchen of the extension which would allow the unit to be occupied completely independently of the main dwelling.

The Inspector acknowledged that the *Uttlesford Judgement* also indicated that the intended use may also be a relevant factor to consider. In this case the accommodation was intended to be occupied by the Appellant's mother-in-law who does not currently live on site and is in poor health. There was no intention for the annexe to be occupied as a separate dwelling, no separate curtilage, parking spaces, address or legal titles would be created.

The Inspector concluded that the case was finely balanced but considered that the size of the unit, the kitchen and bathroom, and perhaps most importantly, the front door, push the development into being a new dwelling as opposed to an annexe. The fee for the application should therefore be the fee for a new dwelling. As no fee had been submitted the application was invalid and could not be determined and as such the appellant could not appeal the non-determination of the application.

The Inspector determined that no further action would be taken in relation to the appeal.

Recommendations

None.

The Inspector confirmed that the council's interpretation of whether or not a proposal represents a self-contained dwelling and requires an appropriate fee was correct in this case.

Bolsover District Council

Planning Committee

30th September 2020

Revision to the Name and Terms of Reference of the Local Plan Steering Group

Report of the Assistant Director of Development and Planning

This report is public

Purpose of the Report

- To seek approval for the revised Name and Terms of Reference for the Local Plan Steering Group.

1 Report Details

Background

- 1.1 Members will be aware that the purpose of the Local Plan Steering Group was to oversee the day to day preparation of the Local Plan for Bolsover District and to recommend to Planning Committee on matters relating to the preparation of local development documents and supplementary planning documents.
- 1.2 However, following the adoption of the Local Plan for Bolsover District on 4th March 2020 there was a need to review the purpose of the Local Plan Steering Group.
- 1.3 In undertaking this review, the views of the members of the Local Plan Steering Group were sought via an informal virtual meeting held on 16th July 2020. At this meeting, the following questions were posed:
 - A. Do Members want to stay involved during the implementation of the Local Plan for Bolsover District and the delivery of its proposals and projects?
 - B. Do Members think the Terms of Reference for the group should be revised to reflect the adoption of the Local Plan for Bolsover District and the current implementation work of the Planning Policy team?
- 1.4 In response, members advised that:
 - A. Yes, Members want to stay involved during the implementation of the Local Plan and the delivery of its proposals and projects. Member involvement, scrutiny and advice on the priority and direction of Local Plan implementation is an important component of an elected member's role.
 - B. Yes, Members think the Terms of Reference for the group should be revised to reflect the greater emphasis on Local Plan implementation and as a consequence

the name of the group should be updated to Local Plan Implementation Advisory Group.

1.5 In light of this member feedback, the group's name has been updated to reflect the view of the Group's Members and its Terms of Reference have been updated to include the following work streams:

- *Transport improvement projects* – this work stream stems from policy ITCR9: Local Transport Improvement Schemes and other site specific policies.
- *Town Centre improvement projects* – this work stream stems from policies WC5, 6, 7 & 8: Town Centres & Edge of Town Centre Allocations in Bolsover, Shirebrook and South Normanton and will include working corporately to deliver town centre strategies and improved town centres.
- *Environmental projects* – this work stream stems from policies SC9: Biodiversity and Geodiversity & SC10: Trees, Woodland and Hedgerows and will include leading work with external partners on improving the health of protected ecological sites, the connectivity of habitats and proposals for tree planting.
- *Supplementary Planning Documents* – this work stream stems from several policies and involves leading on the preparation of:
 - a new Local Parking Standards Supplementary Planning Document;
 - a new Section 106 Planning Contributions Supplementary Planning Document;
 - an updated Successful Places: A Guide to Sustainable Housing Layout and Design Supplementary Planning Document;
 - an updated Historic Environment Supplementary Planning Document.
- *Monitoring* – this work stream includes statutory monitoring, such as preparation of the Authority Monitoring Reports and annual updates to the Brownfield Land Register and Annual Infrastructure Funding Statements.
- *Evidence base monitoring* – this work stream includes informal monitoring, such as reviewing viability evidence to establish whether policy obligations can be justified to deliver low-carbon style homes and health evidence to establish whether policies can be justified to require health impact assessments.

1.6 However, in light of the publication of the Planning White Paper and the Government's current consultation on a package of proposals for reform of the planning system in England, it would seem appropriate to retain a number of the plan-making oversight functions within the Terms of Reference.

1.7 As a result, these have been reviewed and updated slightly to enable the Local Plan Implementation Advisory Group to both endorse the suspension of work on the Local Plan implementation projects and prioritise and dedicate resources to start again plan-making tasks as required.

1.8 The existing Terms of Reference for the Local Plan Steering Group and the proposed new Terms of Reference for the Local Plan Implementation Advisory Group are appended to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 Following the adoption of the Local Plan for Bolsover District, the Council is now focussing on the implementation of the Local Plan and the delivery of a number of work streams and projects that will bring about benefits for the District.
- 2.2 In light of this, Members have advised that they wish the Group to continue and to become more focussed on advising on Local Plan implementation. In addition, following the publication of the Planning White Paper a number of the plan-making oversight functions have been retained within the Terms of Reference to ensure that the purpose of the Group can respond to future national changes to legislation.
- 2.3 Based on this review, the proposed new Terms of Reference for the Local Plan Implementation Advisory Group are recommended for approval.

3 Consultation and Equality Impact

- 3.1 Other officers involved in the preparation of this report were: Principal Planning Officers, Senior Planning Officer and Senior Governance Officer. Members of the Local Plan Steering Group have also been consulted.
- 3.2 Local Plan Steering Group endorsed the revised Terms of Reference at a meeting on 2nd September 2020.

4 Alternative Options and Reasons for Rejection

- 4.1 That Local Plan Steering Group continues under its existing Terms of Reference. This alternative option has been rejected as it does not provide sufficient focus on the implementation advisory role that is now needed.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no specific finance or risk issues arising from this report.

5.2 Legal Implications including Data Protection

- 5.2.2 There are no specific legal or 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. Any need for additional staffing and financial resources as a consequence of legislative changes will be addressed at a future date.

6 Recommendations

- 6.1 That the proposed Terms of Reference for the Local Plan Implementation Advisory Group at Appendix 2 to this report be approved.

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	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	Existing Terms of Reference for the Local Plan Steering Group
2	Proposed Terms of Reference for the Local Plan Implementation Advisory Group
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

APPENDIX 1

Existing Terms of Reference for the Local Plan Steering Group (LPSG)

Purpose of LPSG:

To oversee the day to day preparation of the Local Plan and to recommend to Planning Committee on matters relating to the preparation of local development documents and supplementary planning documents, including:

- a) work programmes relating to the preparation of a new Local Plan to inform the preparation of the Local Development Scheme;
- b) findings of evidence base documents;
- c) draft spatial strategy decisions;
- d) Duty to Co-operate issues;
- e) the subject and format of consultation exercises;
- f) the format and content of Statement of Community Involvement and Annual Monitoring Reports;
- g) other plan making matters, including identifying matters requiring wider member engagement.

Frequency of Meetings:

Meetings will take place quarterly (as a minimum). Further meetings will take place as required with the approval of the Chair of the Local Plan Steering Group.

Membership of LPSG:

Membership to be drawn so that members of the Cabinet and Planning Committee are both represented and to reflect political make-up of the Council.

APPENDIX 2

Proposed Terms of Reference for the Local Plan Implementation Advisory Group (LPIAG)

Purpose of LPIAG:

To oversee the implementation of the Local Plan for Bolsover District and to advise on the priority and delivery of Local Plan implementation work streams.

These work streams will include, but are not exclusive to, the following items:

- *Transport improvement projects* – this work stream stems from policy ITCR9: Local Transport Improvement Schemes and other site specific policies.
- *Town Centre improvement projects* – this work stream stems from policies WC5, 6, 7 & 8: Town Centres & Edge of Town Centre Allocations in Bolsover, Shirebrook and South Normanton and will include working corporately to deliver town centre strategies and improved town centres.
- *Environmental projects* – this work stream stems from policies SC9: Biodiversity and Geodiversity & SC10: Trees, Woodland and Hedgerows and will include leading work with external partners on improving the health of protected ecological sites, the connectivity of habitats and proposals for tree planting.
- *Supplementary Planning Documents* – this work stream stems from several policies and involves leading on the preparation of:
 - a new Local Parking Standards Supplementary Planning Document;
 - a new Section 106 Planning Contributions Supplementary Planning Document;
 - an updated Successful Places: A Guide to Sustainable Housing Layout and Design Supplementary Planning Document;
 - an updated Historic Environment Supplementary Planning Document.
- *Monitoring* – this work stream includes statutory monitoring, such as preparation of the Authority Monitoring Reports and annual updates to the Brownfield Land Register and Annual Infrastructure Funding Statements.
- *Evidence base monitoring* – this work stream includes informal monitoring, such as reviewing viability evidence to establish whether policy obligations can be

justified to deliver low-carbon style homes and health evidence to establish whether policies can be justified to require health impact assessments.

In addition, LPIAG will also consider reports and recommend to Planning Committee on matters relating to the Council's plan-making function, including:

- a. work programmes relating to the preparation of new planning policy documents;
- b. findings of evidence base documents;
- c. cross-boundary consultation and co-operation / Duty to Co-operate issues;
- d. draft planning policies;
- e. the subject and format of consultation exercises;
- f. other plan-making matters and national consultations, including identifying matters requiring wider member engagement.

Frequency of Meetings:

Meetings will take place quarterly (as a minimum). Further meetings will take place as required with the approval of the Chair of the LPIAG.

Membership of LPIAG:

The LPIAG shall have 9 Members, reflecting the political balance of the Council and shall include the Chair and Vice Chair of Planning Committee.