



To: Chair & Members of the Planning Committee

The Arc  
High Street  
Clowne  
S43 4JY

Contact: Amy Bryan  
Telephone: 01246 242529  
Email: amy.bryan@bolsover.gov.uk

Monday, 4 January 2021

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 and in the Council Chamber (if required) on Wednesday, 13th January, 2021 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

*These 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.

Solicitor to the Council & Monitoring Officer

**PLANNING COMMITTEE  
AGENDA**

***Wednesday, 13th January, 2021 at 10:00 hours taking place as a Virtual Meeting and in the Council Chamber (if required)***

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS</b>	<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>  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.	
<b>3.</b>	<b>Declarations of Interest</b>  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.	
<b>4.</b>	<b>Minutes</b>  To consider the minutes of the last meeting held on 4 <sup>th</sup> November 2020.	<b>4 - 18</b>
	<b><u>REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND PLANNING</u></b>	
<b>5.</b>	<b>Five Year Housing Land Supply</b>	<b>19 - 32</b>
<b>6.</b>	<b>Annual Infrastructure Funding Statement and S106 Agreement Monitoring</b>	<b>33 - 54</b>
<b>7.</b>	<b>Appeal Decisions: July 2020 - December 2020</b>	<b>55 - 58</b>

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Virtual Meeting and in the Council Chamber (if required) on Wednesday, 4 November 2020 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane (Vice-Chair), Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, Paul Cooper, Maxine Dixon, Natalie Hoy, Duncan McGregor, Graham Parkin, Liz Smyth, Deborah Watson and Jen Wilson.

Officers:- Chris Fridlington (Assistant Director of Development and Planning), Sarah Kay (Planning Manager (Development Control)), Jenny Owen (Legal Executive), and Alison Bluff (Governance Officer).

### **PL8-20/21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Janet Tait and James Watson.

### **PL9-20/21 URGENT ITEMS OF BUSINESS**

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

### **PL10-20/21 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.

Councillor Graham Parkin declared that he had previously discussed application 20/00185/OUT as a Ward Member for South Normanton West and he would therefore not participate in the consideration of that item.

### **PL11-20/21 MINUTES**

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams

**RESOLVED** - that the minutes of a meeting of the Planning Committee held on 30<sup>th</sup> September 2020 be approved as a true and correct record.

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**PL12-20/21      20/00185/OUT - OUTLINE APPLICATION FOR THE ERECTION OF 48 DWELLINGS AND RETENTION OF THE EXISTING FARMHOUSE WITH ACCESS AND ALL OTHER MATTERS RESERVED, TOWNEND FARM, LEES LANE, SOUTH NORMANTON.**

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

Councillor Andrew Joesbury, Ward Member, attended the meeting remotely and spoke against the application.

The agent, Ms Rebecca Booth, on behalf of the applicant attended the meeting remotely and spoke in support of the application.

Committee considered the application having regard to the Bolsover District Local Plan and the National Planning Policy Framework. This site was allocated by virtue of Policy LC1: Housing Allocations for housing development.

The main issues considered in the determination of this application were:

- 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 could deliver a suitable design and layout and provide 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.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth

**RESOLVED** that application 20/00185/OUT be approved subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- 10% on-site affordable housing (for rent) provision (Policies LC2 and II2)\*;
- Leisure contributions\*: £858 per dwelling open space contribution; and £1022 contribution to built and outdoor sports facilities (Policies ITCR5, ITCR7 and II2);
- Off-site ecology mitigation (identification and provision of suitable land, as well as future management and maintenance of that mitigation);
- Health contribution\* to be used to increase clinical capacity for Village Surgery at one or both of their sites - £23,040 is requested based on a 48 dwelling proposal, but given the outline nature of the proposals, this should be expressed as a £480 per dwelling contribution;
- Investigation into and ; subsequent implementation of traffic management, should this prove necessary, due to the propensity of parking on Lees Lane, taking into account a monitoring period of 5 years post completion of the development. Subject to a maximum sum of £5000\*

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\*All financial contributions would be subject to indexation.

AND subject to the following conditions that are given in draft form, with the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee: -

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Lees Lane (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The proposed development is limited to a maximum number of 50 dwellings and any reserved matters application must be accompanied by a revised Design and Access Statement and Sustainability Statement. This shall demonstrate that the submitted reserved matters application proposal has followed a robust design led approach with appropriate regard to issues of sustainability.
4. The plans and particulars submitted in accordance with condition 1 above shall include:
  - a) a plan showing the location of, and allocating a reference number to, each existing tree on or overhanging the site which has a stem with a diameter, measured over the bark at a point of 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
  - b) the plan shall also show details of all hedgerows on and around the site, showing which hedgerows are to be retained;
  - c) details of the species, diameter of trees (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and hedgerow, and of each tree which is on land adjacent to the site and to which paragraphs (d) and (e) below apply;
  - d) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site and details of any reduction in height or width of any hedgerow;
  - e) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 2m of any hedgerow and within the crown spread of any retained tree or of any tree on land adjacent to the site;
  - f) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and hedgerow from damage before or during the course of development.
  - g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above and "retained hedgerow" means an existing hedge to be retained in accordance

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with the plan referred to in paragraph (b) above.

5. No removal of vegetation or work to buildings will take place between 1st February and 31st September 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.
6. Prior to the commencement of any groundworks on the site, a survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall have been undertaken and will have been submitted to and approved in writing by the Local Planning Authority.
7. No development will 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) must include the following:-
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - 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 reptile and badger).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
8. A landscape and biodiversity enhancement and management plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The LBEMP must combine both the ecology and landscape disciplines and ensure that there is no net loss of biodiversity and ideally providing a measurable net gain. It should include the following:-
  - a) Description and location of habitat and species features to be created, planted, enhanced and managed including type and locations of bird boxes (c.25 integrated swift boxes), integrated measures for swallow, Barn Owl mitigation (based on section 4 of the Barn Owl Report prepared by TEP July 2020), hedgehog access gaps in gardens and details of habitat creation.
  - b) Aims and objectives of management for species and habitat.
  - c) Appropriate management methods and practices to achieve aims and objectives.
  - d) Prescriptions for management actions.
  - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

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f) Details of the body or organization responsible for implementation of the plan.

g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP will also include details of the legal and funding mechanism(s) by which the long-term (25 years) 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. No development shall take place, other than site clearance works, until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a) Proposed Residential Development, Land off Lees Lane, South Normanton, Level 1 Flood Risk Assessment, by JPC Environmental Services, referenced: IE20/042/REVA/DS, dated May 2020 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
  - b) And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015) have been submitted to and approved in writing by the Local Planning Authority.
10. No development, other than site clearance works, shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
11. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.



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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not

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previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

14. Prior or concurrent with the submission of any reserved matters application, a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LA<sub>eq</sub> (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LA<sub>max</sub> to occur no more than 6 times per night (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LA<sub>eq</sub> (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

15. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.
16. No part of the development can be of vulnerable construction, that being —
- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;
  - (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;

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- (c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.
17. No development will commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations must be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
18. Where the findings of the intrusive site investigations (required by condition 18 above) identify that coal mining legacy on the site poses a risk to surface stability, no development will commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works must be implemented on site in complete accordance with the approved details.
19. Before any other operations are commenced, except for site clearance, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
21. Before any other operations are commenced the new junction shall be formed to Lees Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in the non-critical direction i.e. to the left out of the site and 2.4m x to the tangent of the bend in the critical direction i.e. to the right out of the site measured along the nearside carriageway edge, in accordance with details that will have first submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The area in advance of the visibility sightlines shall be constructed as footway and form part of the publicly maintainable highway.
22. Before any other operations are commenced (excluding creation of the new access, the subject of condition 22 above), any redundant vehicular and pedestrian access to Lees Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

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23. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out, in accordance with Derbyshire County Council's Design Guide Delivering Streets and Places, and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.
24. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, including service / delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

(Planning Manager (Development Control))

**PL13-20/21      19/00005/REM - APPROVAL OF RESERVED MATTERS APPLICATION FOR DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE IN RELATION TO THE DEVELOPMENT OF 238 HOMES, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE, ALONG WITH DISCHARGE OF CONDITIONS 6 (PHASING PROGRAMME), 8 (FRAMEWORK TRAVEL PLAN), 11 (HIGHWAY SURFACE WATER DISPOSAL), 15 (MAINTENANCE/MANAGEMENT OF PUBLIC AREAS) AND 16 (HEDGEROW RETENTION/CREATION) OF THE OUTLINE PLANNING PERMISSION REF. 14/00080/OUTEA IN RESPECT OF THE AREAS OF THE SITE INCLUDED IN THIS APPLICATION, LAND BETWEEN WELBECK ROAD AND OXCROFT LANE, BOLSOVER**

Further details relating to the application were included in the Supplementary Report, which included amended plans.

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

This application had previously been considered by the Planning Committee in September 2019. The item had been brought back to the Planning Committee for re-consideration in the light of material amendments to the previously agreed scheme.

The agent, Mr Paul Butler, on behalf of the applicant attended the meeting remotely and spoke in support of the application.

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

The main issues considered in the determination of this application were:

- the principle of the development;
- layout and design;
- landscape and ecology;
- highway safety;

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- flood risk and drainage;
- noise.

The principle of development on this site had already been established through the strategic Local Plan allocation and the previous grant of outline planning permission.

It was moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson that the application be approved in line with the officer recommendation as set out in the report and supplementary papers.

Councillor Nick Clarke moved an amendment to the Motion which was seconded by Councillor Anne Clarke to defer the application until all the information had been received by officers and could be made available to the Planning Committee. On being put to the vote the amendment was lost.

The substantive Motion was then put to the vote and was carried.

**RESOLVED** - that application 19/00005/REM be granted planning permission, but the final decision be deferred to the Planning Manager, in consultation with the Chair and Vice Chair of the Planning Committee, subject to the following conditions, or additional conditions considered necessary to resolve outstanding issues where these cannot be satisfactorily resolved through amended details:-

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
  - A detailed list of plans will be included here to reflect the final detailed drawing submissions.

[REASON: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.]

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.

[REASON: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and

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SC3(k) of the Local Plan for Bolsover District.]

4. Notwithstanding the submitted details, revised details of all external walling and roofing materials shall have been submitted to and approved in writing for each dwelling prior to the construction of that dwelling above foundation level.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

5. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed shall fully accord with any approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.]

6. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

[REASON: [To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

7. Prior to their installation, full details of the proposed Pumping Station and Electricity Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority and the completed development must be carried out only in accordance with those approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

8. Notwithstanding the submitted Noise Impact Assessment, prior to any development above foundation level, a revised scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed using the findings of the Noise Impact Assessment ref: NIA/8243/19/8190/v1/Marlpit Lane dated 8th January 2019 or an updated sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms - 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms - 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms - 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms - 45 dB LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas - 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall been implemented in full and retained thereafter.

9. Prior to occupation of each dwelling identified as requiring noise mitigation

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measures by any assessment approved under the terms of this condition, the scheme as approved must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

[REASON: In the interests of the amenities of the occupants of the proposed dwellings and in compliance with the requirements of Policy GEN3 of the Bolsover District Local Plan.]

10. Prior to occupation of any dwelling on site, the access arrangements and modifications to Marlpit Lane/ Welbeck Road shall be provided as shown on drawing Ref. P18-2638.001L – Planning Layout.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

11. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works, a formal Section 38 Highways Adoption Agreement must be in place with the Local Highway Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

12. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition 9 above up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

13. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

14. The estate streets shall be provided with 15m forward visibility sightlines around the inside of bends in the street alignment, as laid out in the County Council's Delivering streets and Places design guide; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

15. Individual driveways shall be provided with 2.4m x 25m visibility splays in each

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direction to the new estate street, or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

16. Where permanent turning arrangements for service and delivery vehicles have not been provided for a dwelling, that dwelling shall not be occupied unless and until a temporary turning facility, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority, has been provided. The temporary turning facilities shall be retained as approved at all times free from obstruction to its use for the turning of service and delivery vehicles until the permanent turning facility has been provided in accordance with the approved plans.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

17. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

19. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate opening.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

20. The proposed property access drives shall be no steeper than 1 in 10 for the first 6m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

21. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water



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from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access concerned and retained as such thereafter.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

22. The submitted Framework Travel Plan is not hereby approved and the requirements of condition 8 of outline planning permission ref. 14/00080/OUTEA is not hereby discharged. A Revised Framework Travel Plan must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

23. The submitted highway surface water drainage scheme is not hereby approved and the requirements of condition 11 of the outline planning permission ref. 14/00080/OUTEA is not hereby discharged. Revised highway surface water drainage details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

(Planning Manager (Development Control))

### **PL14-20/21      UPDATE ON SECTION 106 AGREEMENTS**

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

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

The report was intended to be quarterly but as a consequence of Covid-19 and staff changes at the start of 2020 the last S106 update report had been on 8<sup>th</sup> January 2020.

It was highlighted at the meeting that the most pressing issues were a site underspend (The Brambles, Doe Lea) that should be returned to the developer and a site (Woodside Stables, Rotherham Road) that was getting close to its trigger event for monies to be paid back.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** – That the report be noted.

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### PL15-20/21      LOCAL ENFORCEMENT PLAN (PLANNING)

Committee considered the report which reported on the progress made against the service targets set out in the Local Enforcement Plan for the period 1 July 2019 to 30 June 2020.

The report stated that the Local Enforcement Plan had been adopted by the Planning Committee in 2019. The Plan set out the following service standards:

- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within 24 hours of that site visit.
- The site of a medium priority case will be visited within two weeks of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit.
- The site of a low priority case will be visited within six weeks of identifying a suspected breach of planning controls. A decision on what further action to take will be made within six weeks of that site visit.

The report detailed the progress against the targets.

Moved by Councillor Tom Munro and seconded by Councillor Liz Smyth

**RESOLVED** – That the report be noted and that the planning department's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

The meeting concluded at 12:08 hours.

## **Bolsover District Council**

### **Planning Committee**

**Date of meeting – 13<sup>th</sup> January 2021**

#### **Five Year Housing Land Supply**

### **Report of the Assistant Director of Development and Planning**

This report is public

#### **Purpose of the Report**

- To update Members on housing land supply and to approve the publication of the Council's Annual Position Statement on Five Year Housing Land Supply for 2020.

#### **1 Report Details**

##### **Background**

- 1.1 To support the Government's objective of significantly boosting the supply of homes, Councils are required to plan to meet their local housing need through their Local Plans and monitor the delivery of their housing land supply. As set out in paragraph 73 of the National Planning Policy Framework (NPPF) (February 2019), this monitoring duty must be published on an annual basis and must outline the supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement set out in their Local Plan. This annual publication is commonly described as a Council's Five Year Housing Land Supply.
- 1.2 Members will be aware that where a Council cannot demonstrate a Five Year Housing Land Supply, by virtue of paragraph 11 of the NPPF planning applications for housing fall to be considered in the context of 'the presumption in favour of sustainable development' as relevant Local Plan policies for the supply of housing may not be considered up to date. Whilst the absence of a Five Year Housing Land Supply is not conclusive in favour of the grant of planning permission, the Secretary of State and their Inspectors usually place great weight on the need to demonstrate a Five Year Housing Land Supply when considering Appeals against the refusal of planning applications for housing developments.
- 1.3 Since 2016, the Council has been able to demonstrate a Five Year Housing Land Supply. The Council's Five Year Housing Land Supply has been challenged in recent years at a number of Appeals against the refusal of planning applications for housing development. However, in each case the Inspector concluded that the Council could demonstrate a five year supply of deliverable housing sites - the case references are as follows:
  - December 2017 - Land at Lodge Farm, Bolsover (16/00040/OUT & APP/R1010/W/16/3165450);

- March 2018 - Land to the east of Rowthorne Lane, Glapwell (17/00037/OUT & APP/R1010/W/17/3184727);
- March 2018 - Land at Sunny Bank, Tibshelf (15/00376/OUT & APP/R1010/W/17/3183977);
- December 2018 - Land at Glapwell Nurseries (17/00598/OUT & APP/R1010/W/18/3198997);
- January 2019 - Land at Bakestone Moor, Whitwell (18/00087/OUT & APP/R1010/W/18/3211091).

1.4 In addition, the adoption of the Local Plan for Bolsover District in March 2020 provides a solid platform for housing growth and sets out the Council's plan to meet the District's local housing need by allocating sufficient land for housing development through to 2033. Within this, the Local Plan also allocates additional land to provide a buffer of 10% on top of that required to provide site flexibility should some housing allocations not come forward as planned.

1.5 The Council's plan to meet the District's local housing need was examined in fine detail by the Inspector carrying out the Local Plan Examination given the Government's emphasis on housing growth. Following this examination, the Local Plan Inspector's Report concluded:

- *"...I am satisfied, therefore, that the Plan provides sufficient housing supply to meet its identified needs throughout the Plan period." (paragraph 101)*
- *"...It is apparent, from the evidence before me, including that the requirement has been exceeded for the first five years of the Plan, that the persistent under delivery does not apply in this case and, as such, a 5% buffer should be applied in Bolsover." (paragraph 103)*
- *"...I am satisfied that there is a good prospect that the Council would be able to demonstrate a five-year supply of deliverable housing land on adoption." (paragraph 105)*

1.6 In light of this positive assessment, the Council can have confidence that it has robust measures in place to assess its Five Year Housing Land Supply position.

#### Local housing need

1.7 Local housing need is defined in the NPPF as being "The number of homes identified as being needed through the application of the standard method set out in national planning guidance". This standard method is calculated on an annual basis by the Government and is published through its findings of the national Housing Delivery Test.

1.8 In recent years, the local housing need identified by the Government for Bolsover District has been approximately 225 new homes a year. This is lower than the recommended annual housing target within the Local Plan evidence base as provided by the North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017), which states that the most appropriate figure for Bolsover District is 272 new homes a year. This difference is largely due to the October 2017 report recommending an inflated figure to increase housing land supply to aid with affordable housing delivery, although the Government's assessment also draws upon more up-to-date population and migration data.

- 1.9 Notwithstanding these slightly different figures, the Local Plan for Bolsover District sets out the 272 new homes a year figure and this is the appropriate annual housing requirement on which to base the Council's Five Year Housing Land Supply on.

#### Housing delivery

- 1.10 The Local Plan for Bolsover District has a base date of 2014 for housing delivery and as a result any shortfall in housing delivery against the 272 annual housing requirement from this date need to be identified and addressed going forward.
- 1.11 Table 1 below shows that between the 1<sup>st</sup> April 2014 and the 31<sup>st</sup> March 2020, the number of housing completions, i.e. those that have reached the 'ready for occupation' stage, has exceeded the annual requirement by 212.

<b>Table 1: The position to date against the Local Plan annual requirement of 272 new homes a year</b>			
<b>Year</b>	<b>Annual Requirement</b>	<b>Completions (Net)</b>	<b>Variance</b>
2014/15	272	253	-19
2015/16	272	325	+53
2016/17	272	290	+18
2017/18	272	248	-24
2018/19	272	289	+17
2019/20	272	439 *	+167
<b>Total</b>	<b>1632</b>	<b>1844</b>	<b>+212</b>

\* Note: Due to the Covid-19 national lockdown measures, the annual site survey to determine the number of completions was carried out in mid-July 2020 rather than at the beginning of April as in normal years. The recorded figure has not been adjusted in recognition that a large number of housing sites experienced either shutdowns in construction or slower rates of building during the period April to July 2020. However, whilst it may include dwellings completed after April 2020 which otherwise would have been recorded in the period 2020/21, the uplift in the number of completions is principally considered to reflect the greater number of sites currently under construction across the District than in previous years.

- 1.12 Based on this situation, the Council has no record of significant under delivery. Furthermore, the Council has passed the Housing Delivery Test each year since its introduction in 2018 and therefore in accordance with existing Government guidance the Council only need apply a 5% buffer to its housing requirement to ensure choice and competition in the market for land.

#### Housing supply

- 1.13 Paragraph 73 of the NPPF requires the Council to only include 'deliverable' sites within its Five Year Housing Supply. Deliverable is defined in Annex 2 of the NPPF as being:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer as demand for the types of units or sites have long term phasing plans);
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

1.14 In determining whether sites within the housing supply are deliverable or not, the above NPPF definition has been followed. To inform this assessment, in accordance with paragraph 007 of the guidance on Housing Supply and Delivery in the Planning Practice Guidance (Reference ID: 68-007-20190722), the promoters of major sites with both detailed and outline planning permission, sites allocated in the Local Plan for Bolsover District and other relevant sites have been surveyed to understand where possible their intentions for the site and to seek clear evidence on whether housing completions will begin on site within five years.

1.15 The Council has taken a robust approach in relation to considering what elements of our housing land supply can be considered to be deliverable over the next five years. This has seen sites that we consider are unlikely to deliver within the five year period to be excluded. In addition, the later years of provision from larger sites that will take more than five years to build out are also excluded.

#### Assessment of the Five Year Housing Land Supply

1.16 The Council has consistently followed the Sedgefield method when assessing its Five Year Housing Land Supply and so has always planned to meet any shortfall within 5 years rather than across the whole of the Plan period (the Liverpool method). In addition, as it can demonstrate that it has met its housing requirements the Council only need apply a 5% buffer to its housing requirement to ensure choice and competition in the market for land.

1.17 Table 3 below shows the requirements set against the deliverable supply and the NPPF requirements in future years.

<b>Table 3: Deliverable supply set against the housing requirement and NPPF buffer</b>					
Year	Housing Requirement Figure pa.	Deliverable Supply pa.	Cumulative Housing Requirement	Cumulative Deliverable Supply	NPPF buffer requirement (+5%)
2020/21	272	553	272	553	1428
2021/22	272	605	544	1158	
2022/23	272	727	816	1885	
2023/24	272	466	1088	2351	
2024/25	272	388	1360	2739	

- 1.18 This table clearly shows that the potential deliverable supply exceeds the requirement throughout. Over the period, the Council has 2,739 deliverable dwellings, 1,268 dwellings in excess of the NPPF requirement of 1,311 dwellings, meaning the Council can demonstrate that it has in excess of a 5 year deliverable supply.
- 1.19 To calculate the extent of the Council's deliverable supply, if one were to divide the cumulative deliverable supply (2,739 dwellings) by our annual requirement (272 dwellings pa.) the Council can show just over 10 years of deliverable supply for the period 2020/21 to 2024/25 ( $2,739 \div 272 = 10.07$  years).
- 1.20 Appendix A sets out the Council's annual position statement of its Five Year Housing Land Supply. Appendix B sets out a full list of major development sites and their contribution to the Council's Five Year Housing Land Supply.

## **2 Conclusions and Reasons for Recommendations**

- 2.1 The Council's Five Year Housing Land Supply is a consideration of the amount of housing that is deliverable on housing sites within the District at the 31<sup>st</sup> March 2020.
- 2.2 The assessment of the Five Year Housing Land Supply is a technical exercise. Based on the above assessment the Council can demonstrate that it has a Five Year Housing Land Supply as required by the NPPF.

## **3 Consultation and Equality Impact**

- 3.1 Other Officers involved in the preparation of this report were: Principal Planning Officer; Senior Planning Information Officer, Planning Information Officer and members of the Development Control team.
- 3.2 Members consulted during the preparation of the report: Cllrs McGregor and Munro.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 As explained in paragraph 1.1 above, there is a requirement under national planning policy to carry out the assessment of the five year supply of deliverable housing sites. This means that there is no realistic alternative course of action.

## **5 Implications**

### **Finance and Risk Implications**

- 5.1 The assessment of the Council's Five Year Housing Land Supply is part of the annual monitoring work. As such it can be funded from existing budgets. However, it is important that this budget is maintained in future years.

### **Legal Implications including Data Protection**

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The development of land for housing is a key issue that affects the growth of the district.

### Human Resources Implications

- 5.3 The assessment can be met within existing staffing resources.

## 6 Recommendations

- 6.1 That the Planning Committee:

- 1) notes the detailed issues set out in the report;
- 2) approves the assessment of the Council's Annual Position Statement of Five Year Housing Land Supply as set out at Appendix A;
- 3) authorises the publication of the Annual Position Statement of Five Year Housing Land Supply (Appendix A) and List of Major Development Sites and their contribution to the Council's Five Year Housing Land Supply (Appendix B) on the Council's website; and
- 4) gives delegated authority to the Assistant Director: Development in consultation with the Chair and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 3) prior to publication.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> 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
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	Ensuring the Council has a Five Year Housing Land Supply contributes to the sustainable growth of the local economy and



	increasing the availability of good quality housing.
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## 8 Document Information

Appendix No	Title
Appendix A	Assessment of Five Year Supply
Appendix B	List of Major Development Sites and their contribution to the Council's Five Year Housing Land Supply
<b>Background Papers</b> (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)	
Evidence regarding deliverability of major sites	
Report Author	Contact Number
Chris McKinney	01246 242292

## APPENDIX A

### Bolsover District Council

#### Annual Position Statement of Five Year Housing Land Supply (December 2020)

##### A. The Annual Position Statement

1. The Council has a Five Year Housing Land Supply.
2. Assessments have been made annually since 1<sup>st</sup> April 2007.
3. The Council's Five Year Housing Land Supply position was reviewed and updated in December 2020, based on data available for the year ended 31<sup>st</sup> March 2020.
4. Summary of five year supply of deliverable housing sites.

Deliverable supply set against the housing requirement and NNPF buffer					
Year	Housing Requirement Figure pa.	Deliverable Supply pa.	Cumulative Housing Requirement	Cumulative Deliverable Supply	NNPF buffer requirement (+5%)
2020/21	272	553	272	553	1428
2021/22	272	605	544	1158	
2022/23	272	727	816	1885	
2023/24	272	466	1088	2351	
2024/25	272	388	1360	2739	

5. Based on this assessment, the Council currently has a greater cumulative deliverable supply than the cumulative housing requirement (plus 5% buffer). In 2024/25 we will exceed the requirement and buffer by 1,311 dwellings.
6. To calculate the extent of the Council's deliverable supply, if one were to divide the cumulative deliverable supply (2,739 dwellings) by our annual requirement (272 dwellings pa.) the Council can show just over 10 years of deliverable supply for the period 2020/21 to 2024/25 ( $2,739 \div 272 = 10.07$  years).

##### B. Background to the Annual Position Statement (2020)

###### Housing Requirement Figure

7. The Housing Requirement Figure is based on the latest assessment of Objectively Assessed Need set out in the North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017), which identifies an OAN of 272 dwellings a year from the base date of 1<sup>st</sup> April 2014.
8. The Housing Requirement Figure outlined is contained within the Local Plan for Bolsover District (adopted March 2020), following testing through the Local Plan Examination and being found sound by the Local Plan Inspector.

9. It is noted that the Housing Requirement Figure outlined above is at the time of this assessment higher than the District's annual average household growth over ten years that is based on the household projections and is used by the Government within the Housing Delivery Test.

#### Supply of Deliverable Housing Sites

10. The amount of deliverable supply is based on:
- a) a record of all live outline and detailed planning permissions on sites within Bolsover District at the 1<sup>st</sup> April 2020;
  - b) an assessment of the deliverability of these live permissions in accordance with the definition of 'deliverable' contained in Annex 2: Glossary of the National Planning Policy Framework (February 2019), which includes:
    - i. for sites which do not involve major development and have permission, and all sites with detailed planning permission, an assessment of whether clear evidence exists that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or where homes are not programmed to come forward until years outside the current five year period);
    - ii. for sites which involve major development but only have outline planning permission, or have been allocated in a development plan, or have a grant of permission in principle or feature on the Council's brownfield register, an assessment of whether clear evidence exists that housing completions will begin on site within the current five year period.

Note: In accordance with paragraph 007 of the guidance on Housing Supply and Delivery in the Planning Practice Guidance (Reference ID: 68-007-20190722), the assessment of whether clear evidence exists draws upon the following:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

#### NPPF Buffer Requirement

11. Paragraph 73 of the NPPF advises that the supply of specific deliverable sites should in addition include an appropriate buffer (moved forward from later in the plan period).

To determine the appropriate buffer, an authority's past performance in terms of housing delivery against its housing requirement is taken into account.

12. To understand the Council's past performance in terms of housing delivery against its housing requirement, the following information is available:
  - a) housing completions measured against the Housing Requirement Figure since the base date of the Local Plan for Bolsover District, i.e. 1<sup>st</sup> April 2014 (see Table 1 below);
  - b) housing completions measured under the Housing Delivery Test (published 19<sup>th</sup> February 2020) (see Table 2).

<b>Table 1: The position to date against the Local Plan annual requirement of 272 new homes a year</b>			
<b>Year</b>	<b>Annual Requirement</b>	<b>Completions (Net)</b>	<b>Variance</b>
2014/15	272	253	-19
2015/16	272	325	+53
2016/17	272	290	+18
2017/18	272	248	-24
2018/19	272	289	+17
2019/20	272	439 *	+167
<b>Total</b>	<b>1632</b>	<b>1844</b>	<b>+212</b>

<b>Table 2: Housing completions measured under the Housing Delivery Test</b>			
<b>Year</b>	<b>Homes Required</b>	<b>Completions (Net)</b>	<b>Variance</b>
2016/17	220	290	+70
2017/18	222	248	+26
2018/19	241	289	+48
<b>Total</b>	<b>683</b>	<b>827</b>	<b>+144</b>

\* Note: Due to the Covid-19 national lockdown measures, the annual site survey to determine the number of completions was carried out in mid-July 2020 rather than at the beginning of April as in normal years. The recorded figure has not been adjusted in recognition that a large number of housing sites experienced either shutdowns in construction or slower rates of building during the period April to July 2020. However, whilst it may include dwellings completed after April 2020 which otherwise would have been recorded in the period 2020/21, the uplift in the number of completions is principally considered to reflect the greater number of sites currently under construction across the District than in previous years.

13. Based on the information in Tables 1 and 2, it is clear that the Council's past performance in terms of housing delivery against its housing requirement is positive, with surpluses being achieved whichever method of assessment is used.
14. As a result, there is no significant under delivery over the previous 3 years or since the base date of the Local Plan for Bolsover District. Therefore, in accordance with the NPPF the Council need only apply a 5% buffer to its housing requirement to ensure choice and competition in the market for land.

## General

16. Annual net housing completions are determined by a survey of housing completions and demolitions on each site with a live planning permission carried out as soon as possible after 31 March each year. The Council considers a house to be completed once it has reached the 'ready for occupation' stage or is clearly occupied at the time of the survey.
17. The Annual Position Statement of Five Year Housing Land Supply will be available on the Council's website alongside the List of Major Development Sites and their contribution to the supply.
18. The assessment, assumptions and process may be revised as necessary to take account of new Government guidance, case law, best practice and valid stakeholder comments, by the Assistant Director: Development in consultation with the Chair and Vice Chair of the Council's Planning Committee.

Appendix B

List of Major Development Sites and their contribution to the Council's Five Year Housing Land Supply

Site	Permission Reference	Address	Status	Commitment at 1st April 2020	5 year assessment period					Not deliverable within 5 years	
					2020/21	2021/22	2022/23	2023/24	2024/25		
Bolsover											
B2005	18/00419/FUL	Land south of 97 Moor Lane	N/S	13	0	13	0	0	0		0
B2192	18/00481/REM	Land off Blind Lane	U/C	218	15	30	30	30	30		83
B2276	17/00234/FUL	Land off Langwith Road and Mooracre Lane (phase 1)	U/C	151	43	48	41	19	0		0
LPfBD	Allocation	Land off Langwith Road and Mooracre Lane (phase 2)	Alloc	251	0	0	0	0	0		251
B2387	18/00403/REM	Land between Shuttlewood Road and Oxcroft Lane (phase 1)	U/C	127	19	28	28	28	24		0
LPfBD	Allocation	Land between Shuttlewood Road and Oxcroft Lane (phase 2)	Alloc	100	0	0	0	0	0		100
B2400	14/00080/OUTEA	Land between Welbeck Road and Oxcroft Lane, Bolsover	N/S	950	0	10	70	70	70		730
B2427	17/00377/REM	The White Swan, Market Place	N/S	10	0	10	4	0	0		0
B2550	19/00045/FUL	Land both sides of the junction with Moor Lane, The Paddock	U/C	11	11	0	0	0	0		0
LPfBD	Allocation	Land off Oxcroft Lane	Alloc	45	0	0	20	25	0		0
Totals				1876	88	139	189	172	124		1164
Shirebrook											
B0906	16/00530/FUL	Former Shirebrook Station, Station Road, Langwith Junction	U/C	16	16	0	0	0	0		0
B2322	18/00304/REM	Land at Brookvale (phase 2)	U/C	195	67	53	67	8	0		0
B2322	Allocation	Land at Brookvale (phase 3)	Alloc	400	0	0	0	0	0		400
B2572	19/00385/FUL	Ashbourne Court, Ashbourne Street	U/C	14	14	0	0	0	0		0
B2572	19/00432/OUT	Land behind Nicholsons Row, 43 to 69 Main Street, The Churches, Long Lane	N/S	20	0	10	10	0	0		0
Totals				645	97	63	77	8	0		400
South Normanton											
B2014	Allocation	Land To The Rear of, 1 to 35, Red Lane	Alloc	50	0	0	10	10	10		20
B2077	18/00413/FUL	Jacques Brickyard, Water Lane	U/C	28	28	0	0	0	0		0
B2342	18/00206/REM	Land at Rosewood Lodge Farm, Alfreton Road	U/C	105	33	36	36	0	0		0
B2494	19/00151/REM	Land to the east of Thornhill Drive, Ball Hill	U/C	29	20	9	0	0	0		0
B2544	16/00582/OUT	Former site of Highland Hurst, Ball Hill	N/S	40	0	0	0	0	0		40
B2580	19/00572/FUL	Nisa Local, High Street	N/S	10	0	0	10	0	0		0
LPfBD	Allocation	Land at Town End Farm, Lees Lane	Alloc	48	0	0	0	25	23		0
Totals				310	81	45	56	35	33		60
Clowne											
B2112	17/00242/REM	High Ash Farm, Mansfield Road	U/C	6	6	0	0	0	0		0
B2386	14/00603/FUL	Land to rear of 169-207 Creswell Road, Clowne	U/C	20	10	10	0	0	0		0
B2454	17/00392/FUL	Land west of Tamarisk, Mansfield Road	N/S	17	0	17	0	0	0		0
LPfBD	Allocation	Clowne Garden Village	Alloc	1500	0	0	30	60	90		1320
Totals				1543	16	27	30	60	90		1320

Site	Permission Reference	Address	Status	Commitment at 1st April 2020	5 year assessment period						Not deliverable within 5 years	
					2020/21	2021/22	2022/23	2023/24	2024/25			
Barlborough												
B2155	16/00187/REM	Land north of Chesterfield Road	U/C	149	29	30	30	30	30		0	
B2523	18/00273/FUL	Land to the west of Ash Close	U/C	18	18	0	0	0	0		0	
Totals				167	47	30	30	30	30		0	
Creswell												
B1577	16/00529/FUL	Land South of Model Village	U/C	150	30	30	30	30	30		0	
B2539	18/00087/OUT	Former Creswell Colliery site	N/S	300	0	25	25	30	30		190	
B2594	19/00475/FUL	Land To The Rear Of Nos 64 To 74, Skinner Street	N/S	88	6	34	30	18	0		0	
Totals				538	36	89	85	78	60		190	
Pinxton												
B2496	17/00457/FUL	Land to the north of 46 Park Lane	N/S	10	0	0	0	0	0		10	
B2545	17/00396/OUT	Land to the rear of 17 to 95, Alferton Road	N/S	65	0	0	25	25	15		0	
Totals				75	0	0	25	25	15		10	
Tibshelf												
B2295	15/00210/REM	Land South of Overmoor View	U/C	32	32	0	0	0	0		0	
Totals				32	32	0	0	0	0		0	
Whitwell												
B2528	17/00104/FUL	Land along railway north east of Southfield Lane	N/S	19	0	4	10	5	0		0	
LPfBD	Allocation	Former Whitwell Colliery site	Alloc	400	0	0	0	0	20		380	
Totals				419	0	4	10	5	20		380	
Glapwell												
B1947	17/00598/OUT	Glapwell Nurseries site, Glapwell Lane	N/S	65	0	0	10	10	10		35	
Totals				65	0	0	10	10	10		35	
Hodthorpe												
B2390	19/00455/FUL	Land at Queens Road Allotments	N/S	46	0	10	15	15	6		0	
B2385	19/00113/REM	Land north-west of Broad Lane	N/S	101	0	39	42	20	0		0	
Totals				147	0	49	57	35	6		0	
New Houghton												
B2542	06/00480/REMAJ	Land off Verney Street	U/C	15	15	0	0	0	0		0	
Totals				15	15	0	0	0	0		0	
Palterton												
B2433	19/00706/REM	Land between 11 and 19 Back Lane	N/S	10	0	5	5	0	0		0	
Totals				10	0	5	5	0	0		0	

Site	Permission Reference	Address	Status	Commitment at 1st April 2020	5 year assessment period					Not deliverable within 5 years	
					2020/21	2021/22	2022/23	2023/24	2024/25		
Shuttlewood											
B2243	19/00083/FUL	Field Adjacent to Pattison Street, off Bolsover Road	U/C	73	15	30	28	0	0		0
Totals				73	15	30	28	0	0		0
Countryside											
B2389	16/00623/REM	Land South of Plantation on North side of Worksop Road, Hotel Van Dyk	U/C	44	13	10	12	9	0		0
Totals				44	13	10	12	9	0		0
Majors Sub totals				5959	440	492	614	466	388		3559
All Settlements – Minors											
	Total in supply	339		339	113	113	113	0	0		0
Totals				339	113	113	113	0	0		0
Final totals				6298	553	605	727	466	388		3559



Not considered deliverable within 5 years

Deliverable total for current year (20/21) = 553 (estimated)  
Deliverable total for the full 5 years = 2739 (estimated)



## **Bolsover District Council**

### **Planning Committee**

**Date of meeting – 13<sup>th</sup> January 2021**

<p><b>Annual Infrastructure Funding Statement 2019/20 and Section 106 Agreement monitoring</b></p>
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### **Report of the Assistant Director of Development and Planning**

#### **Purpose of the Report**

- To outline the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements.
- To approve the format and content of the Council's Annual Infrastructure Funding Statement 2019/20 and to endorse the decision to publish the Statement in December 2020.
- To update Members on the proposed changes to the Section 106 Agreement reporting schedule for Planning Committee and the proposed internal monitoring arrangements to respond to the new national monitoring requirements.

#### **1 Report Details**

##### **Background**

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

contributions in response to the review of the Community Infrastructure Levy. These reforms were intended to complement changes to the assessment of viability in the National Planning Policy Framework and overall aim to make the system of developer contributions more transparent and accountable by:

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

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

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

1.5 As Members may be aware, the Council took the decision not to pursue a Community Infrastructure Levy as part of the preparation of the Local Plan for Bolsover District. This decision was due to the Community Infrastructure Levy not being necessary nor the best method of delivering infrastructure in Bolsover District. Underpinning this decision were the facts the District comprises a series of small and dispersed settlements, rather than a large urban area, and that the planned spatial distribution of development through the now adopted Local Plan for Bolsover District meant that the infrastructure required would be directly related to each settlement’s planned residential allocations and so more appropriately funded through planning obligations in Section 106 Agreements.

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

- (a) the total amount of money to be provided under any planning obligations which were entered into during the reported year;
- (b) the total amount of money under any planning obligations which was received during the reported year;
- (c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;

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

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

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

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

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

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

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

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

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

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

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

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

#### Statement for 2019/20

- 1.8 As stated above, the new duty to prepare and publish an Annual Infrastructure Funding Statement starts formally for the financial year 2019/20. However, Members will recall that officers chose to review the Council’s current informal monitoring regime in readiness for the new, more formal, monitoring regime being enacted. This led to a ‘test drive’ of the new monitoring processes which resulted in the preparation of a prototype Annual Infrastructure Funding Statement for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019 which was reported to the Committee in January 2020.
- 1.9 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a ‘spreadsheet’ format is considered to make the information somewhat abstract to be properly informative for members of the public.

- 1.10 Therefore, in accordance with the Statement of Community Involvement's aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, a summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within required Annual Infrastructure Funding Statement.
- 1.11 The Annual Infrastructure Funding Statement 2019/20 Summary Report sets out how 2019/20 compares to 2018/19 and 2017/18 and provides case studies to showcase some of the infrastructure that the Council has delivered with the received Section 106 monies. This summary report is appended as an appendix to this report but the key headlines for the 2019/20 financial year are as follows:

Newly Secured Money	
Total amount of Section 106 monies signed up in new legal agreements during 2019/20	£1,633,694.48

Money Held by the Council	
Total amount of Section 106 monies received from developers during 2019/20	£572,636.54
Total amount of Section 106 monies held from previous years	£1,121,277.69

Money Spent by the Council	
Total amount of Section 106 monies spent by the authority (or transferred to another organisation to spend) during 2019/20	£173,784.33

#### Monitoring Arrangements Going Forward

- 1.12 As part of the review the Council's current informal Section 106 Agreement monitoring regime in readiness for the introduction of the new national monitoring regime, it is now proposed to report updates on Section 106 Agreement monitoring to Planning Committee on the following quarterly basis: March, June, September and December.
- 1.13 This more formalised monitoring regime will involve increased site surveying of relevant housing developments to both inform Section 106 monitoring but also importantly housing delivery across the District and progress towards meeting the national Housing Delivery Test and our own Council Plan priorities.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The preparation of an Annual Infrastructure Funding Statement is a technical exercise but one that is intended to make the system of Section 106 Agreements and developer contributions more transparent and accountable.
- 2.2 The prepared Annual Infrastructure Funding Statement 2019/20 Summary Statement is attached as an appendix to this report and provides the required factual information about the financial sums agreed, received and spent. However, it also seeks to provide some context to the financial information contained and to highlight examples of infrastructure delivered during the monitoring year 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.

- 2.3 Due to the absence of a meeting of the Planning Committee in December and that the Council needs to publish its Statement before the end of the 2020 calendar year, the Council published the Annual Infrastructure Funding Statement 2019/20 Summary Report prior to the meeting of the Planning Committee in January. This was done following consultation with the Portfolio Member and Chair of the Planning Committee and the Annual Infrastructure Funding Statement 2019/20 Summary Report was published on 23<sup>rd</sup> December 2020.
- 2.4 Therefore, it is proposed that Planning Committee approve the format and content of the Annual Infrastructure Funding Statement 2019/20 Summary Report and endorse the decision to publish it in December 2020 to comply with the regulations, in addition to noting the contents of the report in relation to the new statutory duty.

### **3 Consultation and Equality Impact**

- 3.1 Other Officers involved in the preparation of this report were: Planning Manager (Development Control); Principal Planning Officers, Planning Officers, Joint Housing Strategy Officer, Special Projects Officer (Leisure), Community Arts Development Officer, Senior Accountancy Assistant & Team Manager (Solicitor).
- 3.2 The Annual Infrastructure Funding Statement 2019/20 Summary Report is unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics, although the delivery of infrastructure should have a positive impacts.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 Preparation and publication of an Annual Infrastructure Funding Statement is a statutory requirement from 2020 onwards. The alternative course of action would be to not publish an Annual Infrastructure Funding Statement but this has been discounted due to it potentially leading the Council into reputational disrepute or sanctions.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

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

#### **5.2 Legal Implications including Data Protection**

- 5.2.1 The Council has a statutory duty to prepare an Annual Infrastructure Funding Statement under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
- 5.2.2 There are no specific data protection issues arising from this report.

### 5.3 **Human Resources Implications**

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

## 6 **Recommendations**

6.1 That Planning Committee:

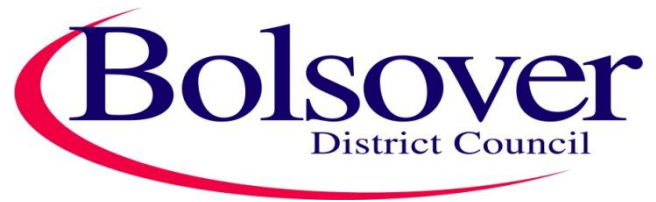
- 1) note the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements;
- 2) approve the format and content of the Annual Infrastructure Funding Statement 2019/20 Summary Report and endorse the decision to publish it in December 2020 to comply with the regulations;
- 3) note the proposed changes to the Section 106 Agreement reporting schedule for Planning Committee and the proposed internal monitoring arrangements to respond to the new national monitoring requirements.

## 7 **Document Information**

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

**8      Document Information**

Appendix No	Title
A	Annual Infrastructure Funding Statement 2019/20 Summary Report
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Christopher McKinney	Ext 2292



## **Bolsover District Council**

### **Annual Infrastructure Funding Statement 2019/20 Summary Report**

**December 2020**



## 1 Introduction

- 1.1 This Annual Infrastructure Funding Statement 2019/20 Summary Report sets out information for the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 relating to the funding of infrastructure by developments through the Community Infrastructure Levy and Planning Obligations / S106 Agreements that will be required under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
- 1.2 It is noted that the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a 'spreadsheet' format is considered to make the information somewhat abstract to be properly informative for members of the public.
- 1.3 Therefore, in accordance with the Council's Statement of Community Involvement and its aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, this summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within required Annual Infrastructure Funding Statement.
- 1.4 The Council will publish this summary report together with the spreadsheet on its website.

## 2 Background

- 2.1 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 introduced new duties on local planning authorities which include a duty to prepare Annual Infrastructure Funding Statements.
- 2.2 In accordance with the regulations, Annual Infrastructure Funding Statements must comprise the following three parts:
- Part 1. A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (other than Community Infrastructure Levy to which regulation 59E or 59F applies) (“the infrastructure list”);
  - Part 2. A report about Community Infrastructure Levy, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“Community Infrastructure Levy report”);
  - Part 3. A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).
- 2.3 This new duty starts formally for the financial year 2019/20 and requires the Council to publish an Annual Infrastructure Funding Statement by 31<sup>st</sup> December 2020 and every year thereafter.

### 3 Key information

- 3.1 The key information within the Annual Infrastructure Funding Statement 2019/20 is provided below.

#### Part 1 – The Infrastructure List

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

#### Part 2 – The Community Infrastructure Levy Report

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

#### Part 3 – The Section 106 Report

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

Newly Secured Money	
<b>Total amount of Section 106 monies signed up in new legal agreements during 2019/20</b>	<b>£1,633,694.48</b>

Money Held by the Council	
<b>Total amount of Section 106 monies received from developers during 2019/20</b>	<b>£572,636.54</b>
<b>Total amount of Section 106 monies held from previous years</b>	<b>£1,121,277.69</b>

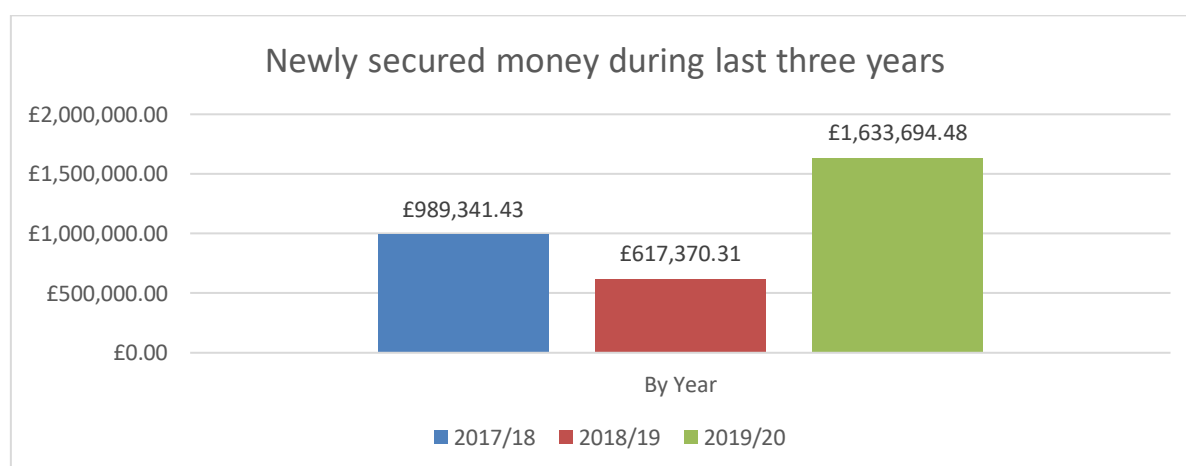
Money Spent by the Council	
<b>Total amount of Section 106 monies spent by the authority (or transferred to another organisation to spend) during 2019/20</b>	<b>£173,784.33</b>

- 3.5 Whilst these headline figures outline the scale of the sums being secured by the Council through Section 106 Agreements and then received and ultimately spent by the Council on infrastructure or transferred to other organisations to deliver infrastructure on our behalf, a degree of additional information is required to help explain what these sums actually mean and how they compare with previous years. As a result, the following sections attempt to provide this additional information and context.

## APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2019/20

### Newly Secured Money

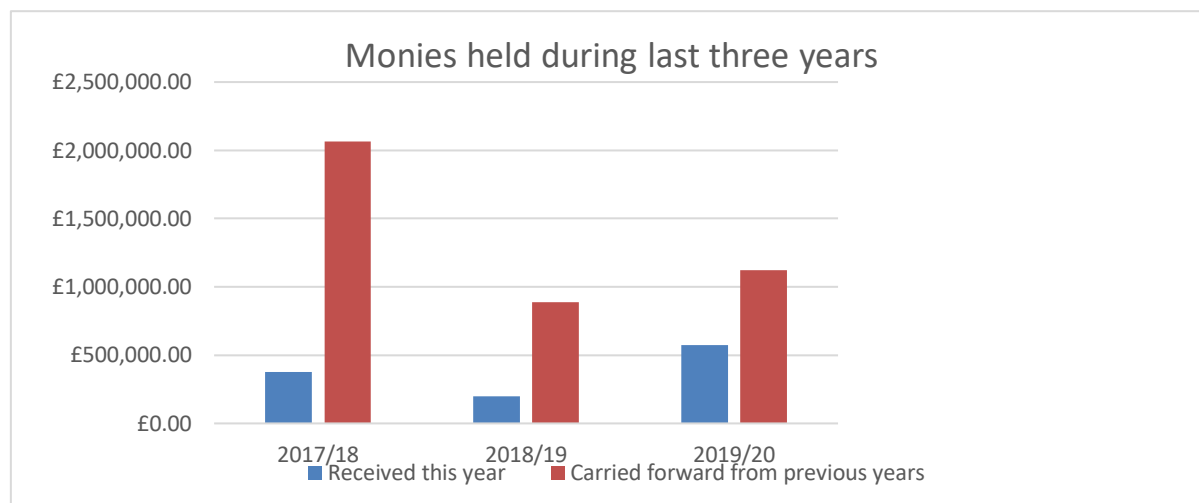
- 3.6 The £1,633,694.48 figure stated above draws upon the financial sums signed up within Section 106 Agreements on new developments granted planning permission between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020.
- 3.7 One thing to highlight in relation to this figure is that as Section 106 Agreements are often entered into when granting planning permissions in outline, the exact sum of money promised within the Section 106 Agreement is not always stated. Instead, the obligation is set out as a financial amount per dwelling that will take effect once the uncertainty over the exact number of dwellings has been resolved with a later, more detailed planning permission. As a result, in these cases the indicative number of dwellings discussed in the outline planning permission has been used to obtain an exact figure that can be used in the Annual Infrastructure Funding Statement.
- 3.8 One further thing to note is that the above figure can include a degree of double counting due to the Annual Infrastructure Funding Statement needing to report on all Section 106 Agreements signed up during the monitoring year. This can lead to situations where a Section 106 Agreement that was entered into in a previous year is superseded by a new Section 106 Agreement or is revised through a Deed of Variation, so changing the financial contributions involved. Whilst this can lead to larger sums being secured, it is more often the case that sums promised at outline stage can need to be reduced due to the developer pursuing the detailed permission having more detailed and up-to-date viability information than the landowner that secured the outline permission. One example of this during the 2019/20 monitoring year was the Broad Lane site in Hodthorpe, where at outline stage the Section 106 Agreement secured £427,700 for new community facilities in the Parish but at detailed stage the planning permission was accompanied by a Deed of Variation that reduced this sum to £50,000.
- 3.9 Despite these limitations, it is helpful to show the relative performance over recent years and the graph below shows this figure over the last three years.



## APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2019/20

### Money held by the Council

- 3.10 The £572,636.54 and £1,121,277.69 figures stated above draw upon the financial accounts of the Council for sums received and held between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020 that relate to Section 106 Agreements on active developments.
- 3.11 Whilst performance each year depends on a wide range of factors, it is helpful to show the relative performance over recent years and the graph below shows this figure over the last three years.



- 3.12 These figures show the overall sums and how they vary as monies are received and ultimately spent. However, for the current monitoring year the sums received and carried forward from previous years can be broken down by infrastructure type as follows:

Infrastructure Type	Money Received 2019/20	Money Carried Forward
Sports Provision	£343,826.25	£206,302.04
Green Space	£62,945.39	£215,438.80
Education	£18,195.12	£0
Health	£129,948.59	£63,381.00
Highways	£12,587.19	£569,000.00
Public Art	£5,134.00	£67,155.85
Biodiversity	£0	£0
Affordable Housing	£0	£0
Community Facilities	£0	£0
<b>TOTAL</b>	<b>£572,636.54</b>	<b>£1,121,277.69</b>

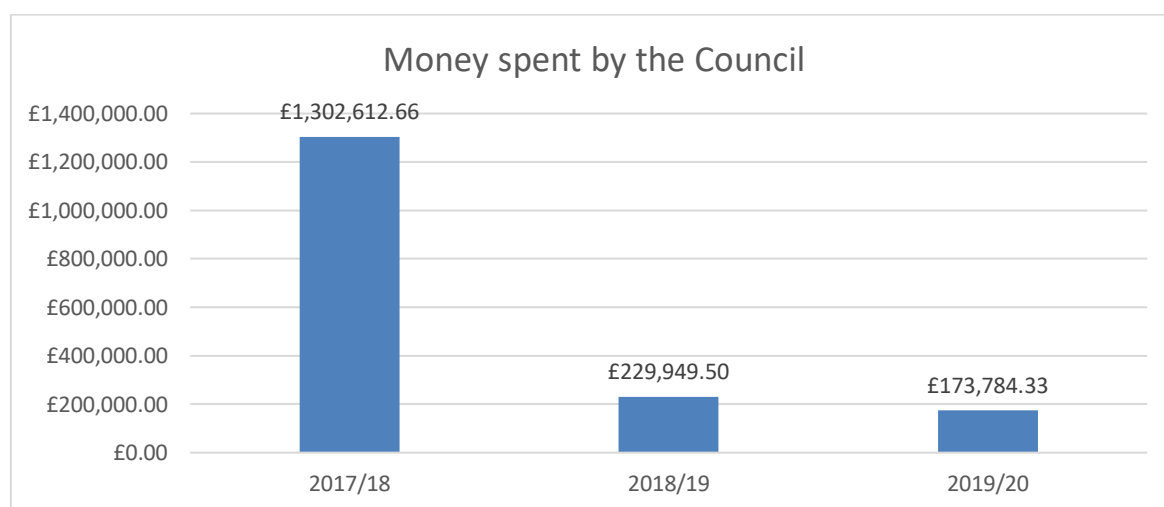
- 3.13 This breakdown shows that the largest sums received during 2019/20 relate to outdoor sports and health, and historically that large sums are being held for outdoor sports, green space and highway infrastructure types.
- 3.14 One technical matter to note is that Annual Infrastructure Funding Statements are required to set out where funds have been allocated. The term 'allocated' is defined in the Planning Practice Guide as meaning "a decision has been made by the local authority to commit funds to a particular item of infrastructure or project" (*Paragraph: 033 Reference ID: 23b-033-20190901*). This is generally specified in the Section 106 Agreement for one of the above infrastructure types and in which general location the

## APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2019/20

funds are to be used. On this basis, throughout the Annual Infrastructure Funding Statement the funds are treated as being allocated.

### Money Spent by the Council

- 3.15 The £173,784.33 figure stated above draws upon the financial accounts of the Council for sums spent relating to Section 106 Agreements between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020.
- 3.16 Whilst performance each year depends on a wide range of factors, it is helpful to show the relative performance over recent years and the graph below shows this figure over the last three years.



- 3.17 These figures show the overall sums and how they vary by year, although it is worth highlighting that 2017/18 represented a slightly unusual year as a large sum of money was transferred to Derbyshire County Council that related to the historic South Shirebrook development. However, for the current monitoring year the sums spent can be broken down by infrastructure type as follows:

Infrastructure Type	Money Spent
Sports Provision	£45,962.45
Green Space	£97,667.21
Education	£0
Health	£0
Highways	£0
Public Art	£29,038.67
Biodiversity	£0
Affordable Housing	£1,116.00
Community Facilities	£0
<b>TOTAL</b>	<b>£173,784.33</b>


- 3.18 This breakdown shows that the largest sums spent during 2019/20 relate to green space and outdoor sports provision.
- 3.19 To help illuminate this emerging picture, a number of case studies are provided overleaf to illustrate how Section 106 Agreements are implemented and lead to infrastructure delivery.

## Case Study 1

Project – New play area at Derwent Drive, Tibshelf	
Summary	Working with Tibshelf Parish Council, the Council's Leisure Department spent Section 106 monies from the Spa Croft development on the installation of a new play area at the Derwent Drive Recreation Ground in Tibshelf.
Application reference	13/00170/OUTMAJ & 15/00438/FUL
Site name	Field west of Spa Croft, Doe Hill Lane, Tibshelf
Developer	Rippon Homes
Permission granted / Section 106 signed	12 <sup>th</sup> June 2014 and 2 <sup>nd</sup> September 2016 respectively
Amount secured in Section 106	£43,605 (indexed)
Development started	During 2017/18
Money received	March 2019
Works ordered	October 2019
Infrastructure delivered	November 2019
<b>Photos</b> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div>	

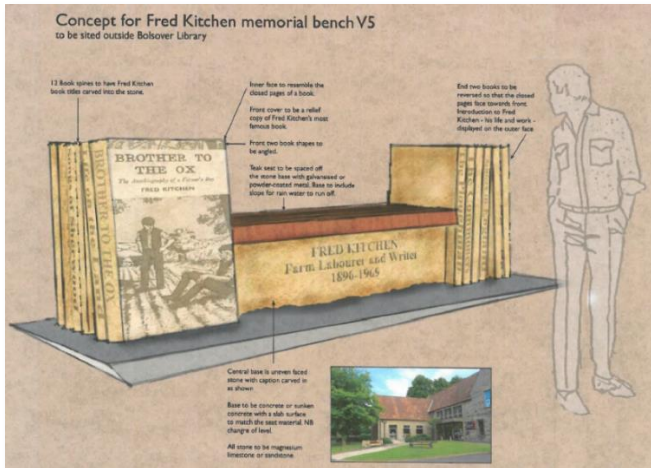


**Case Study 2**


<b>Project – The Dancing Flowers of Doe Lea</b>	
Summary	<p>Working with the arts organisation Beam and the artist / architects Tonkin Liu, the Council's Community Arts Development Officer spent Section 106 monies from the Brambles development on the 'the dancing flowers of Doe Lea' sculpture project. This multi-year project saw the fabrication, installation, unveiling and lighting of the sculpture be delivered by March 2019, with further installation works during 2019/20, and is due to be completed by March 2021.</p> <p>The sculpture was the recipient of 2 regional RIBA architecture awards, namely the main Best Project Award and the Small Project of the Year Award for the East Midlands region. Once works are completed the sculpture will be passed into community ownership via Ault-Hucknall Parish Council.</p>
Application reference	05/00735/FULMAJ
Site name	Land Off North Street, East Street, West Street And Off Mansfield Road Doe Lea (the Brambles)
Developer	Gleeson Homes
Permission granted / S106 signed	13 <sup>th</sup> December 2006
Amount secured in S106	£130,000 (indexed)
Development started	During 2009/10
Money received	May 2014
Works ordered	December 2018
Art work delivered	March 2019 onwards
<b>Photos</b> 	



## Case Study 3

Project – Fred Kitchen memorial bench, Bolsover	
Summary	<p>Working with the Bolsover Civic Society, Old Bolsover Town Council and the local stone artist Andrew Tebbs, the Council's Community Arts Development Officer spent Section 106 monies from the Morrisons development on the former Sherwood Lodge site to help the development of the Fred Kitchen memorial bench project.</p> <p>This project was conceptualised with the community and is intended to stimulate reading and illustrate that creative writing is not confined to any class, trade or profession. The chosen design will utilise Magnesian Limestone or local sandstones and is intended to add interest and seating into the town centre. The Section 106 monies have been used as a contribution toward the total costing of the project (around £10,000) and have enabled the design work to be delivered (see below). The rest of the project will be funded by other contributions and fundraising within the community, although progress has been delayed due to the Covid-19 pandemic. The project is now expected to be completed during 2021.</p>
Application reference	17/00615/FUL
Site name	Former Sherwood Lodge site, Bolsover
Developer	Optimisation Developments Limited
Permission granted / Section 106 signed	26 <sup>th</sup> September 2018
Amount secured in Section 106	£5,000
Development started	During 2019/20
Money received	August 2019
Works ordered	November 2019
Art work delivered	February 2020
<b>Concept diagram</b> 	

**Case Study 4**

<b>Project – Highway and Health Improvements, Shirebrook</b>	
Summary	<p>Working with Homes England and Derbyshire County Council, the Council's Planning Department is developing proposals to deliver a link road to Leen Valley Drive from the Brookvale development in Shirebrook as per the South Shirebrook masterplan.</p> <p>This Local Plan Implementation Project will utilise the held Section 106 monies allocated for highway improvements from the South Shirebrook outline permission. This project may not utilise all of the held money and so the remainder will be made available for appropriate local health improvements and then to incentivise the establishment of a bus route through the site in accordance with the signed Section 106.</p>
Application reference	99/00065/OUT & 14/00594/OUT
Site name	Former Shirebrook Colliery
Developer	EMDA (now Homes England)
Permission granted / Section 106 signed	7 <sup>th</sup> April 2000 & 10 <sup>th</sup> July 2015 respectively
Amount still held from Section 106	£569,000
Development started	Works to deliver southern perimeter distributor road carried out over 10 years ago but residential development at Brookvale housing development started during 2015/16.
Money received	March 2016
Works ordered	TBC
Infrastructure planned for delivery	December 2023
<b>South Shirebrook Masterplan</b> 	

## 4 Conclusions

- 4.1 Overall, the Annual Infrastructure Funding Statement highlights the significant sums involved in Section 106 Agreements and how they lead to local infrastructure provision and ultimately show one of the benefits of new development.
- 4.2 This monitoring snapshot also currently shows that money is accumulating and that this is particularly allocated to outdoor sports infrastructure provision in specific locations. This received money is supplemented by money promised through Section 106 Agreements entered into on new developments that are yet to commence and so these promises could change, as highlighted by the example in Hodthorpe.
- 4.3 This accumulation of money demonstrates a strong need to have effective delivery and monitoring systems in place to ensure the planned local infrastructure is delivered and that the full benefits of new development are achieved.
- 4.4 Behind this covering report, the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a certain format and the formal Annual Infrastructure Funding Statement is set out in the Appendix to this report.
- 4.5 Finally, it is worth noting that Derbyshire County Council are also obliged under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 to produce their own the Annual Infrastructure Funding Statement by December 2020. This will set out how monies transferred to them by the District Council and that are thus treated as spent in the Council's Annual Infrastructure Funding Statement, or that go to them directly from the developer, have been spent.

# **Appendix**

## **Annual** **Infrastructure** **Funding** **Statement** **2019/20** **spreadsheet**

# ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2019/20

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

<b>£1,633,694.48</b>	<b>Breakdown by purpose of infrastructure</b>	<b>Non-money offers (also see d))</b>
	Sports Provision £287,627	
	Green Space £126,472	Green Space area min 0.6 ha + play area
	Education £943,668.68	
	Health £96,562	
	Highways £94,365	
	Public Art £20,000	
	Biodiversity £15,000	
	Affordable Housing £0	
	Community Facilities £50,000	
	<b>£1,633,694.48</b>	

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

<b>£572,636.54</b>	<b>Breakdown by purpose of infrastructure</b>
	Sports Provision £343,826.25
	Green Space £62,945.39
	Education £18,195.12
	Health £129,948.59
	Highways £12,587.19
	Public Art £5,134.00
	Biodiversity £0
	Affordable Housing £0
	Community Facilities £0
	<b>£572,636.54</b>

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

<b>£1,121,277.69</b>	<b>Breakdown by purpose of infrastructure</b>
	Sports Provision £206,302.04
	Green Space £215,438.80
	Education £0
	Health £63,381
	Highways £569,000.00
	Public Art £67,155.85
	Biodiversity £0
	Affordable Housing £0
	Community Facilities £0
	<b>£1,121,277.69</b>

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

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

Potentially 114 units across five schemes

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

None

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

None

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

<b>£173,784.33</b>	<b>Breakdown by purpose of infrastructure</b>
	Sports Provision £45,962.45
	Green Space £97,667.21
	Education £0
	Health £0
	Highways £0
	Public Art £29,038.67
	Biodiversity £0
	Affordable Housing £1,116.00
	Community Facilities £0
	<b>£173,784.33</b>

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

None

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

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

Sports Provision

£16,650.00	Contribution towards outdoor gym equipment at Rotherham Road Recreation Ground and Terrace Lane Recreation Ground, Pleasley
£2,847.00	Various projects including new goal posts for The Arc (£1220) / Storage of MUGA (£1320)
£10,488.95	Contribution to fencing at Alfreton Road Allotments, South Normanton
£5,724.00	Contribution to new play area at Staffa Drive, Tibshelf
£7,242.50	Pitch works at Castle Leisure Park
£3,010.00	Picnic tables for Post Mill Centre, South Normanton
<b>£45,962.45</b>	

Green Space

£1,803.00	Ongoing maintenance, Hazelmere Park, Creswell
£3,093.00	Ongoing maintenance, Rangewood Road, South Normanton
£1,898.87	Ongoing maintenance, The Brambles, Doe Lea
£3,511.79	Contribution to fencing at Alfreton Road Allotments, South Normanton
£29,643.84	New play area at South Street, Newton
£3,324.00	Contribution to new play area at Staffa Drive, Tibshelf
£44,380.00	New play area at Derwent Drive, Tibshelf
£3,575.92	Ongoing maintenance, Skinner Street, Creswell
£3,729.79	Ongoing maintenance, Rangewood Road, South Normanton
£2,707.00	Ongoing maintenance, The Brambles, Doe Lea
<b>£97,667.21</b>	

Public Art

£23,316.67	Public art project development and installation, The Brambles, Doe Lea
£625.00	Public art project development and installation, South of 191 Carter Lane East, South Normanton
£5,097.00	Public art project development and installation, Former Sherwood Lodge site, Bolsover
<b>£29,038.67</b>	

Affordable Housing

£1,116.00	Refurbishment of the Former Miners Welfare Institute at Creswell Model Village by Action Housing to create 11 self-contained flats
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ii. the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);

None

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

None

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

**£50,812.78**

**Retained for longer term maintenance / commuted sums**

Sports Provision	£0
Green Space	£50,812.78
Education	£0
Health	£0
Highways	£0
Public Art	£0
Biodiversity	£0
Affordable Housing	£0
Community Facilities	£0
	<b>£50,812.78</b>

## **Bolsover District Council**

### **Planning Committee**

**Date of Meeting 13<sup>th</sup> January 2021**

<b><u>Report: Appeal Decisions: July 2020 – December 2020</u></b>
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### **Report of the Planning Manager (Development Control)**

#### **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.

#### **Report Details**

##### **1     Background**

- 1.1 In November 2016 the Department for Communities and Local Government produced guidance entitled "Improving Planning Performance" which included guidance on speed of Planning Decisions and Quality of Planning Decisions. This report relates to the quality of decision making targets.
- 1.2 The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal.
- 1.3 The threshold or designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10 per cent** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 1.4 During the first appeal monitoring period the council won 100% of appeals on Major planning applications and 99.6% of appeals on non-major applications. During the second monitoring period the council won 96.5% of appeals on Major planning applications and 98.8% of appeals on non-major applications. 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 had no appeals against enforcement notices. The council has had only one appeal on non-major

applications and this appeal was allowed. However, this equates to only 0.54% of the number of non-major applications determined within that period. The council is therefore still exceeding its appeal decision targets.

- 2.2 The lack of appeals against decisions indicates current decision making is sound.
- 2.3 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 This report be noted. Recommend appeal decisions continue to be reported to Committee members every 6 months.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	No
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 **Document Information**

Appendix No	Title
1.	APP/R1010/D/20/3248835: 7 Clowne Road, Barlborough, S434EN
<b>Background Papers</b> (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 July 2020 - December 2020**

### **APP/R1010/D/20/3248835: 7 Clowne Road, Barlborough, S434EN: New Pitched Roof over Existing Detached Garage with Decorative Roof Finial and to Replace Existing House and Porch Roof Finials with the Same Design of Roof Finial**

#### **Main Issues**

The main issue was:

- The effect of the development on the character and appearance of the appeal property, including whether or not it preserves or enhances the character and appearance of the Barlborough Conservation Area and the setting of the grade II listed Clownefields farmhouse.

#### **Conclusion**

The Inspector concluded that the size, design and positioning of the finials does not detract from the existing property, which although an important contributor to the character and appearance of the conservation area is not of itself listed. Although a vernacular building where limited adornment would be expected the nature of the adornment resultant from these small relatively discreet elements would not detract from the overall simple appearance of the building, the conservation area, which would be preserved, or the setting of the nearby Clownefields farmhouse.

The Inspector concluded that the proposal would not detract from the character and appearance of the appeal property, nor the surrounding area and would preserve the character and appearance of the CA. Furthermore, the proposal would not detract from the setting of the grade II listed Clownefields farmhouse. As such the proposal would accord with policies SC16 and SC17 of the Local Plan, which require development proposals to preserve or enhance the character and appearance of the area and its setting, and to protect the significance of a heritage asset, including its setting.

The appeal was allowed subject to conditions that the finials were installed in accordance with the approved plans and were to be painted the same colour as the roof.

#### **Recommendations**

None.

The decision was a judgement about the impact of a proposal on the character and appearance of the building and the Conservation Area and the setting of Adjacent Listed Buildings rather than testing a Local Plan Policy.