

To: Chair & Members of the Planning Committee

The Arc  
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Tuesday, 22 June 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 in the Council Chamber on **Wednesday, 30th June, 2021 at 10:00 hours.**

Whilst social distancing is in place Members and officers are required to adhere to the protocol for attending meetings in the Council Chamber. When attending in person you will be deemed to have accepted the following disclaimer as applying.

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.***



**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.

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 that reads "Sarah Steenberg". The signature is written in a cursive, flowing style with a large, prominent 'S' at the beginning.

Solicitor to the Council & Monitoring Officer

**PLANNING COMMITTEE  
AGENDA**

**Wednesday, 30th June 2021 at 10:00 hours in the Council Chamber, The Arc, Clowne**

| <b>Item No.</b> | <b>PART 1 – OPEN ITEMS</b>  | <b>Page<br/>No.(s)</b> |
|-----------------|---|------------------------|
| 1.              | <b>Apologies For Absence</b>  |                        |
| 2.              | <b>Urgent Items of Business</b><br><br>To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.  |                        |
| 3.              | <b>Declarations of Interest</b><br><br>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:<br><br>a) any business on the agenda<br>b) any urgent additional items to be considered<br>c) any matters arising out of those items<br>and if appropriate, withdraw from the meeting at the relevant time. |                        |
| 4.              | <b>Minutes</b><br><br>To consider the minutes of the last meeting held on 21 <sup>st</sup> April 2021   | 4 - 17                 |
|                 | <b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>  |                        |
| 5.              | <b>Application no. 21/00098/FUL Description - 47 Main Street Scarcliffe Chesterfield S44 6TD</b>  | 18 - 22                |
|                 | <b><u>REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND PLANNING;</u></b>  |                        |
| 6.              | <b>Update on Section 106 Agreement Monitoring</b>   | 23 - 28                |
| 7.              | <b>Local Enforcement Plan Update</b>  | 29 - 35                |

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held as a hybrid meeting both virtually and in the Council Chamber, The Arc, Clowne on Wednesday 21<sup>st</sup> April 2021 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Sarah Kay (Planning Manager), Chris Fridlington (Assistant Director of Development), Jenny Owen (Legal Executive), Nicci Calver (Governance Manager), Amy Bryan (Senior Governance Officer), Alison Bluff (Governance Officer), Martin Derbyshire (Members ICT & Training Officer) and Scott Chambers (Communications Manager).

On behalf of Bolsover District Council and its residents, the Chair wished Her Majesty, Queen Elizabeth II, a very happy 95<sup>th</sup> Birthday in which were extremely trying circumstances for herself and her family.

### **PL29-20/21. APOLOGIES**

There were no apologies for absence.

### **PL30-20/21. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **PL31-20/21. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **PL32-20/21. MINUTES – 10<sup>th</sup> MARCH 2021**

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the Minutes of a Planning Committee held on 10<sup>th</sup> March 2021 be approved as a correct record.

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### PL33-20/21. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 20/00166/FUL - Primrose Residential development: 16 units (Use Class C3) – Amberleigh Manor, Primrose Hill Blackwell DE55 5JF.

Committee considered a detailed report presented by the Planning Manager in relation to the above application.

Members would recall that an application for Phase 1 had been deferred from 10<sup>th</sup> March Planning Committee to enable planning officers to enter into discussions with the applicant about the possibility of bringing forward an application for Phase 2 (the possible conversion of Amberleigh Manor into a number of flats). This was to enable Committee to make an informed assessment on issues such as viability, S106 contribution requirements, and gain more certainty that the former nursing home would be brought back into use and also enable the developer an opportunity to comply with Local Plan policy SC4.

The Applicant / Developer subsequently undertook some initial feasibility work to understand the scope of converting the existing building on site which could potentially form part of the Phase 2 of development, and this indicated that the former Nursing Home building could be converted into 10 residential units alongside a small element of new build comprising 2 units. However, in addition to the conclusion previously reported that Phase 1 was already unable to make any S106 contributions as a standalone development, the conclusions reached in the latest appraisal were that the scheme of development for Phase 2 alone or both Phases 1 and 2 combined were also so finely balanced in terms of viability that they too would be unable to afford to make any S106 contributions as applications together or individually.

Despite the development proposals not being able to meet S106 contributions required by policy ITCR5, ITCR7 and II1 of the Local Plan (open space / play provision and education), officers considered that it was in the public interest to approve the application proposals. The former nursing home building remained vacant and it was clear from the application submission and through subsequent discussions with the applicant / developer that the site owner was not in a position to re-open the nursing home business without substantial investment. Therefore, the site posed a risk of falling into disrepair and attracting anti-social behaviour if a new use or redevelopment was not secured.

The Applicant's Agent, Mr Ranjit Sagoo spoke for the application.

Mr Charles Grant, Developer, spoke for the application.

Committee was advised that Mr Satinder Kelley, the Applicant, was no longer able to attend this meeting to speak on the application, therefore, his Agent, Mr Charles Grant, read out Mr Kelley's statement on his behalf.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** that the current application be **APPROVED** subject to the conditions as set out in Appendix A of the original officer report, and the addition of condition 20 also detailed in the report.

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1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:  
*1445-11 – Location Plan*  
*1445-04 – 3 Bed Type (Elevations and Floor Plans)*  
*1445-02 Rev N – Site Layout*  
*1445-04 Rev A – Streetscene / Car Ports / Sections*  
*1445-18 - 3 Bed Type – Detached (Elevations and Floor Plans)*  
*Arboricultural Method Statement & Tree Protection Plan (2020-08-02 Project No. 200)*

### Drainage

3. 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 have been submitted to and approved in writing by the Local Planning Authority.
4. 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.
5. 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.
6. 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).

### Coal Authority

7. No development shall 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 shall 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.

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Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall 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 shall be implemented on site in complete accordance with the approved details.

### Contamination

8. 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 A to D 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 D has been complied with in relation to that contamination.

#### **A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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

## **PLANNING COMMITTEE**

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 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

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

### **E. Importation of soil**

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

This memorandum in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.

As the whole of Bolsover district is considered to be a radon affected area we would advise the applicant obtains a Radon Risk report for the site. A report may be obtained from Public Health England <http://www.ukradon.org/>



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### Ecology

9. 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.
10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification and demarcation of “biodiversity protection zones” (to include hedgerows and trees).
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include a badger working method statement).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as necessary).
  - h) Use of protective fences, exclusion barriers and warning signs.
11. 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).
  - 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.

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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.

12. Prior to the occupation of any dwelling, a bat friendly lighting scheme for the access road / driveway shall have been submitted to and approved in writing by the Local Planning Authority; that scheme shall include details of implementation timescales and the approved scheme shall be implemented as approved.

### Highways

13. Before any other operations are commenced the site access shall be modified, laid out and constructed in accordance with a detailed design first submitted to, and approved in writing by the Local Planning Authority. The access shall include proposed passing places as detailed in the application submission, be constructed to base level and be provided with visibility sightlines of 2.4m x 43m in both directions. Prior to the first occupation of any dwelling on site, the permanent new access shall be laid out as approved and the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
14. At the commencement of operations on site, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
15. No development consisting of highway construction shall take place until either confirmation has been provided that a Section 38 adoption agreement with the Highway Authority will be completed; or details of the construction and future maintenance of the residential access driveway(s) and footway(s) (including layout, levels, gradients, construction, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. Any such details approved shall be implemented before the first occupation of any dwelling on site and the driveway shall thereafter be maintained in accordance with the approved details.
16. 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 and constructed in accordance with the approved drawings. 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.
17. No dwelling shall be occupied until further details for the arrangements of waste collection from the new dwellings have been submitted to and approved in writing by the Local Planning Authority. Details required shall demonstrate that a Refuse Collection Vehicle with a GVW of 32 tonnes is capable of accessing and

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turning within the site; or alternatively the design of a presentation / collection point positioned at the site entrance. Details shall be implemented as approved prior to occupation of any dwelling and shall be retained throughout the life of the development free from any impediment to their designated use.

### Trees

18. No development shall commence until the Arboricultural Method Statement and Tree Protection Plan (Crawshaw Arborcare Ltd, August 2020) have been revised to reflect drawing no. 1445-02 Site Layout Rev P and submitted to the Local Planning Authority for written approval. Thereafter development shall only be implemented in accordance with the measures set out in the approved Arboricultural Method Statement and Tree Protection Plan.

### Materials

19. Before construction commences on the erection of any building or wall, specifications or representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
20. 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.

(Planning Manager)

- (ii) 20/00586/FUL - Creation of a vehicular access - 81 Alfreton Road Westhouses Alfreton DE55 5AJ.

Committee considered a detailed report presented by the Planning Manager in relation to the above application.

In accordance with the Highway Authority comments and officer recommendation, it was considered that the proposed vehicular access failed to meet minimum standards for off road parking spaces and would present manoeuvring and visibility problems when entering and leaving the site, causing potential risks to highway safety. As such, the application was recommended for refusal.

Councillor Clive Moesby (Blackwell Parish Council) spoke for the application.

In response to a Member's query, the Assistant Director of Development clarified that the Council owned garage site referred to by Councillor Moesby and currently used by the applicant, was not being considered for any development by the Council. Thus, the applicant would not lose his use of a parking space on that garage site.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the application be **REFUSED**.

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### Reasons for refusal:

1. The application does not include sufficient detail to demonstrate that an access provided with adequate visibility splays to the Highway Authority's minimum standards can be created to Alfreton Road (B6025) without the use of land which, as far as can be ascertained from available information, lies outside the applicant's control. The development therefore fails to provide a safe access and egress and is contrary to policy ITCR 10 of the adopted Local Plan for Bolsover District (March 2020).
2. The application details do not demonstrate adequate provision for the parking of resident's vehicles clear of the public highway. Any under provision would likely to result in parked vehicles obstructing the fronting footway, a situation against the best interests of highway safety. The development therefore fails to provide appropriate off-road parking provision and is therefore contrary to policy ITCR11 and Appendix 8.2 of the adopted Local Plan for Bolsover District (March 2020).

(Planning Manager)

- (iii) 20/00465/OUT - Outline application (all matters reserved) for the erection of 5 detached dwellings - Land On The North Side Of 28 Church Road, Stanfree.

Committee considered a detailed report in relation to the above application.

The application had been referred to the Planning Committee because the development proposed did not strictly comply with the provisions of policy SS9 of the Local Plan for Bolsover District and was therefore a departure to the Local Plan. Notwithstanding this, the application was recommended for approval. This was because the proposals were considered on balance of all other material considerations (including a fall-back position of the site already benefiting from an extant planning permission) to be acceptable. The report presented a balanced planning argument why it was considered that the benefits of the proposals outweighed non-compliance with policy SS9 of the Local Plan.

Wendy Irving spoke against the application.

Stephen Haslam (Agent) spoke for the application.

In response to a Member's comment, the Planning Manager clarified that the Oxcroft Estate was not designated a conservation area, and therefore the proposed development would not harm the setting of a conservation area as had been suggested by a representation made against the application.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** that the application be **APPROVED** subject to the following conditions:

### Conditions

01. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Church Road (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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02. 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.
03. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
  - 21/825/1 – Site Layout
  - 21/825/2A – Sections
  - 21/825/3 – Topographical Survey
  - 21/825/4 – Block Plan and Levels
  - Design & Access Statement
  - Coal Mining Risk Assessment

### Drainage

04. 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 have been submitted to and approved in writing by the Local Planning Authority.
05. 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.
06. 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.
07. 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).

### Coal Authority

08. No development shall commence (excluding the demolition of existing structures) until;

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a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

09. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

### Contamination

10. 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 A to D 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 D has been complied with in relation to that contamination.

#### **A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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).

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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 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

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

### **E. Importation of soil**

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

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This memorandum in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.

As the whole of Bolsover district is considered to be a radon affected area we would advise the applicant obtains a Radon Risk report for the site. A report may be obtained from Public Health England <http://www.ukradon.org/>

### Ecology

11. 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.
12. 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, bat boxes / bricks, 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).
  - 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.

### Highways

13. Before any other operations are commenced the site access shall be modified, laid out and constructed in accordance with a detailed design first submitted to, and approved in writing by the Local Planning Authority. The access shall be



## PLANNING COMMITTEE

constructed to base level and be provided with visibility sightlines of 2.4m x 43m in both directions. Prior to the first occupation of any dwelling on site, the permanent new access shall be laid out as approved and the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.

14. At the commencement of operations on site, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
15. No development consisting of highway construction shall take place until either confirmation has been provided that a Section 38 adoption agreement with the Highway Authority will be completed; or details of the construction and future maintenance of the residential access driveway(s) and footway(s) (including layout, levels, gradients, construction, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. Any such details approved shall be implemented before the first occupation of any dwelling on site and the driveway shall thereafter be maintained in accordance with the approved details.
16. 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 and constructed in accordance with the approved drawings. 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.
17. No dwelling shall be occupied until further details for the arrangements of waste collection from the new dwellings have been submitted to and approved in writing by the Local Planning Authority. Details required shall demonstrate that a Refuse Collection Vehicle with a GVW of 32 tonnes is capable of accessing and turning within the site; or alternatively the design of a presentation / collection point positioned at the site entrance. Details shall be implemented as approved prior to occupation of any dwelling and shall be retained throughout the life of the development free from any impediment to their designated use.
18. 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.

(Planning Manager)

The meeting concluded at 1130 hours.

**PARISH** Scarcliffe Parish

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**APPLICATION** 5 Top floor windows, replace rotten wooden single pane sash windows with UPVC sash windows. 5 Ground floor windows, replace rotten wooden sash windows with UPVC sash windows.

**LOCATION** 47 Main Street Scarcliffe Chesterfield S44 6TD

**APPLICANT** Mr and Mrs Brian Smyth, The Villa, Wood Lane, Scarcliffe, CHESTERFIELD, S44 6TF

**APPLICATION NO.** 21/00098/FUL **FILE NO.** PP-09533395

**CASE OFFICER** Amelia Carter

**DATE RECEIVED** 19th February 2021

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## SUMMARY

The proposed upvc sash windows are a quality timber alternative and details have been submitted and a sample window provided which show how the windows replicate closely the appearance of timber sash windows. These windows are considered to preserve the character and appearance of the building and the conservation area in accordance with policy SC16 of the Local Plan for Bolsover District and the application is recommended for approval.

The application has been referred to Planning Committee for a decision because the applicant is a District Councillor.

## Site Location



## **SITE & SURROUNDINGS**

The Old Post Office is a substantial red brick property dating from the late 19<sup>th</sup>C which occupies a prominent position in the Conservation Area. The property has been identified as an unlisted building of merit in the conservation area.



## **PROPOSAL**

The application is to replace the existing 5 ground floor and 5 first floor timber sash windows with a UPVC style sash window.

## **CONSULTATIONS**

Conservation Manager – 13/04/2021

Given the prominence of the building there would normally be an expectation that the windows would be replaced with traditional timber windows. However, the original sash windows were replaced with like for like timber replacements sometime around 2004 and they are starting to decay. The proposal is to replace the existing timber windows with a sliding sash window to the same design but constructed in UPVC. A sample of the window from Quick Slide was delivered to the office. It is considered that the replacement window will replicate the modern timber windows which are currently installed in the property and as a result the character and appearance of the conservation area will be left unharmed.

Scarcliffe Parish Council

No comments received

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

## **PUBLICITY**

The development has been advertised by way of a site notice and 5 neighbours have been

individually notified. No representations have been received.

## **POLICY**

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

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

SS1 (Sustainable Development)

SS3 (Spatial Strategy and Distribution of Development)

SS11 (Environmental Quality (Amenity))

SC1 (Development within the Development Envelope)

SC2 (Sustainable Design and Construction)

SC3 (High Quality Development)

SC16: Development Within or Impacting upon Conservation Areas

### National Planning Policy Framework (“the Framework”)

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

- Paragraphs 7-10: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 54-57: Planning conditions and obligations
- Paragraphs 124-128: Achieving well-designed places
- Paragraph 153: Meeting the challenge of climate change
- Paragraphs 184 and 189-197: Conserving and enhancing the historic environment

### Supplementary Planning Documents

*Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:*

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

## **ASSESSMENT**

### **Key issues**

The main issue for consideration is whether or not the proposal would preserve or enhance the character or appearance of the Scarcliffe Conservation Area and comply with the requirements set out in the NPPF and Local Plan policies SC16 and SC21.

### Landscape and visual impact of the proposed development

The existing timber sash windows are not original to the property and consist of a combination of single and double glazed modern replacements with variation in detailing. The existing windows show some signs of disrepair and the applicant has stated in their application that they struggle to maintain the existing timber windows.

The proposed upvc sash windows are a high quality timber alternative. Details have been submitted and a sample window provided which show how the windows supplied by Quick Slide can replicate closely the appearance of timber sash windows such that until you are very close to the building they have the appearance of traditional timber windows.

These windows are considered to preserve the character and appearance of the building and the conservation area in accordance with policy SC16 of the Local Plan for Bolsover District.

#### Heritage and Conservation

The Council's Heritage and Conservation Manager has said that the installation of the proposed windows would leave the character and appearance of the conservation area left unharmed.

#### Residential Amenity

There are considered to be no impacts on residential amenity given that the replacement windows are very close in appearance to traditional sash timber windows and the surrounding properties within the Conservation Area have already installed modern upvc windows which lack many of the details of traditional timber windows. On this basis, the proposals are considered to be compliant with policy SC3 in the Local Plan.

#### Access/Highways

There are considered to be no impacts on highway safety as a result of the development.

### **RECOMMENDATION**

**The application be APPROVED subject to the following conditions:**

#### **Condition(s)**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed replacement windows must be the same type, texture and colour as those hereby approved by the Local Planning Authority (Quick Slide - Off Set Three Light Style in White Grain).

#### **Reasons for Condition(s)**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory standard of external appearance and in compliance with Policies SC16 and SC21 of the Local Plan for Bolsover District.

#### **Statement of Decision Process**

1. The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

## **Equalities Statement**

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

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

## **Human Rights Statement**

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

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

**Bolsover District Council**

**Planning Committee**

**30th June 2021**

**Update on Section 106 Agreement Monitoring**

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

Classification: This report is public

Report By: Principal Planning Officer (Planning Policy)

Contact Officer: Chris McKinney

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**PURPOSE / SUMMARY**

To provide a progress report in respect of the monitoring of Section 106 Agreements in order to give members the opportunity to assess the effectiveness of the Council's monitoring procedures.

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**RECOMMENDATIONS**

1. That Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

Approved by the Portfolio Holder – Corporate Governance

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**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

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 taking. If financial contributions are not spent within a defined period then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring Section 106 Agreements are not sufficiently robust.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**                      **Yes**                       **No**

**Details:**

There are no data protection implications insofar as Section 106 Agreements are part of the statutory planning register and are therefore public documents. Section 106 of the Town and Country Planning Act 1990 provides the legal framework for the acceptance and discharge of the Section 106 Agreements and the Council's approved procedure addresses the key legislative provisions of this section of the 1990 Act.

On Behalf of the Solicitor to the Council

**Staffing:**                      **Yes**                       **No**

**Details:**

None.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

| <b>Decision Information</b>  |  |
|--|--|
| <p><b>Is the decision a Key Decision?</b><br/>           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:</p> <p><b>BDC:</b><br/> <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input checked="" type="checkbox"/></p> <p><b>NEDDC:</b><br/> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/><br/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No   |
| <p><b>Is the decision subject to Call-In?</b><br/>           (Only Key Decisions are subject to Call-In)</p>   | No   |
| <p><b>District Wards Significantly Affected</b></p>  | All  |
| <p><b>Consultation:</b><br/> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input checked="" type="checkbox"/><br/> <b>SAMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/><br/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>   | Yes<br><br>Details:<br>Chair of Planning Committee |



**Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.**

- Enabling housing growth;
- Developing attractive neighbourhoods;
- Increasing customers' satisfaction with our services.

## **REPORT DETAILS**

### **1 Background**

- 1.1 S106 agreements are a type of legal agreement between the Council and landowners / developers often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.
- 1.2 As can be observed, implementation of these Section 106 Agreements in a timely manner alongside the build-out of the approved developments is important as failure to achieve this will mean important infrastructure improvements lag behind the impact of the development.
- 1.3 Furthermore, if the Council fails to spend monies provided through the Section 106 Agreement within a set period, often within 5-years of entering into the agreement, there is a risk to the Council that the developer would be entitled to request the money back. This risk is thankfully relatively low but it is one that the Council must take seriously due to both the negative impact on the affected local community and the consequential reputational impact on the Council.
- 1.4 To manage and mitigate this serious risk the Council has approved a procedure for recording and monitoring Section 106 Agreements and this was most recently approved by Planning Committee at its meeting in January 2019. This governs the work of the Council's cross-departmental Section 106 Monitoring Group.
- 1.5 In accordance with this approved procedure, following the quarterly Section 106 Monitoring Group meeting officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. This progress report is required by the procedure to highlight any sums at risk of clawback that need spending within 12 months.
- 1.6 This report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 27<sup>th</sup> April 2021.

**2. Details of Proposal or Information**

2.1 Members will recall that one sum was identified in the report to Members in January 2021 as being at risk of clawback that need spending within 12 months, namely:

a. The Brambles, Doe Lea - Art £4,361.11 (spend by date expired)

2.2 This sum is now joined by the following two sums that were highlighted at the Section 106 Monitoring Group as needing to be spent within 12 months.

b. Sterry House Farm - Informal POS £12,107 by 06.02.22

c. Sterry House Farm - Art £3,045 by 18.04.22

2.3 The updates for these three sums recorded at the Section 106 Monitoring Group are as follows:

|  |  |           |
|--|--|-----------|
|  | <p><b>Art work underspend at The Brambles, Doe Lea (Financial spreadsheet line 47)</b></p> <p><u>Previous Action</u><br/>Continue to press Gleeson Homes for a decision on whether the underspend money can be used on another project or if not for them to supply payment details for the return of the money to them.</p> <p><u>April Update</u><br/>CM advised the group that he had spoken to the relevant person at Gleeson Homes about using the underspend for a further art work project and that they had advised they had no objection to this. They indicated they were unlikely to need much input in the type of artwork.</p> <p>DO referred to his circulated options document and set out the pros and cons of the two identified options that the underspend could be put to, namely 1) Orchestras Live Partnership project or 2) Arts Sessional development extension. Following consideration of these options, the group identified option 1 as the preferred one.</p> <p>CM advised that aim was to get this agreed with Gleesons in time to report that progress to the June meeting of Planning Committee.</p> <p><u>New Actions</u><br/>DO to develop the Orchestras Live Partnership project proposal and write it up and circulate it to SP and CM by Friday 14<sup>th</sup> May to enable it to be put to Gleeson Homes for their sign off.</p> | <p>DO</p> |
|--|--|-----------|

|  |   |    |
|--|---|----|
|  | <p><b>Sterry House Farm - Informal POS £12,107 by 06.02.22<br/>(Financial spreadsheet line 75)</b></p> <p><u>Previous Action</u><br/>N/A</p> <p><u>April Update</u><br/>MC working with Parish Council to look at gateway site opportunity.</p> <p><u>New Actions</u><br/>CM welcomed this update and requested that MC email a timetable for progressing this S106 contribution by Friday 21<sup>st</sup> May.</p> | MC |
|--|---|----|

|  |   |    |
|--|---|----|
|  | <p><b>Sterry House Farm - Art £3,045 by 18.04.22<br/>(Financial spreadsheet line 79)</b></p> <p><u>Previous Action</u><br/>N/A</p> <p><u>April Update</u><br/>DO working with Barlborough History Group to look at art project at Clowne Linear Park.</p> <p><u>New Actions</u><br/>CM welcomed this update and requested that DO email a timetable for progressing this S106 contribution by Friday 21<sup>st</sup> May.</p> | DO |
|--|---|----|

2.4 At the time of writing, these three sums remain unspent by the actions above have been progressed and the following updates can be reported.

*Art work underspend at The Brambles, Doe Lea*

The Community Arts Development Officer has developed the arts / music / multimedia partnership project proposal to be delivered by Orchestras Live and Bramley Vale Primary School as required and this was sent to Gleeson Homes on 15<sup>th</sup> June 2021 for their sign off and this was received on 16<sup>th</sup> June 2021.

This confirmation enables the Council to now progress with this project without the risk of Gleeson's asking for the remaining Section 106 monies back. The Community Arts Development Officer has advised that the project will be developed further with the aim of delivering it in January 2022.

### *Sterry House Farm - Informal POS*

The Leisure Department's Special Projects Officer has advised that Clowne Parish Council are leading this project and started the procurement exercise in May 2021. Based on this, the timetable being worked to for the delivery of this project is Autumn 2021 – so prior to the funding deadline.

### *Sterry House Farm - Art*

The Community Arts Development Officer has advised that the timetable being worked to for the delivery of this one is September to December 2021 – so prior to the funding deadline.

- 2.5 These updates represent progress and on this basis it is expected that the risk of clawback is guarded against. However, these and other Section 106 Agreements will continue to be monitored.

### **3 Reasons for Recommendation**

- 3.1 The implementation of Section 106 Agreements in a timely manner is essential to achieving sustainable growth across the District and protecting the quality of life for the District's residents and businesses.
- 3.2 As a result, it is important that Members receive information about the progress being made by the various Council departments to deliver Section 106 Agreements and to give Members the opportunity to assess the effectiveness of the monitoring procedures.
- 3.3 Therefore, it is recommended that Members note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

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

- 4.1 Providing a progress report in respect of the monitoring of Section 106 Agreements to Planning Committee address recommendations made in the 2016 Audit report and has been agreed by members of the Planning Committee as part of the procedure for recording and monitoring Section 106 Agreements. Therefore, officers have not considered alternative options.

### **DOCUMENT INFORMATION**

| <b>Appendix No</b>   | <b>Title</b> |
|--|--------------|
|  |              |
| <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) |              |
|  |              |

## Bolsover District Council

### Planning Committee

30<sup>th</sup> June 2021

#### Local Enforcement Plan Update

#### Report of the Planning Manager / Principal Enforcement Officer

This report is public

#### Purpose of the Report

- To update the planning committee on the service targets set out in the Local Enforcement Plan.

#### **1.0** Report Details

##### 1.1 Background

1.2 The Local Enforcement Plan was adopted by the Planning Committee in 2019. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:

- 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. By way of an example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a conservation area.
- 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.

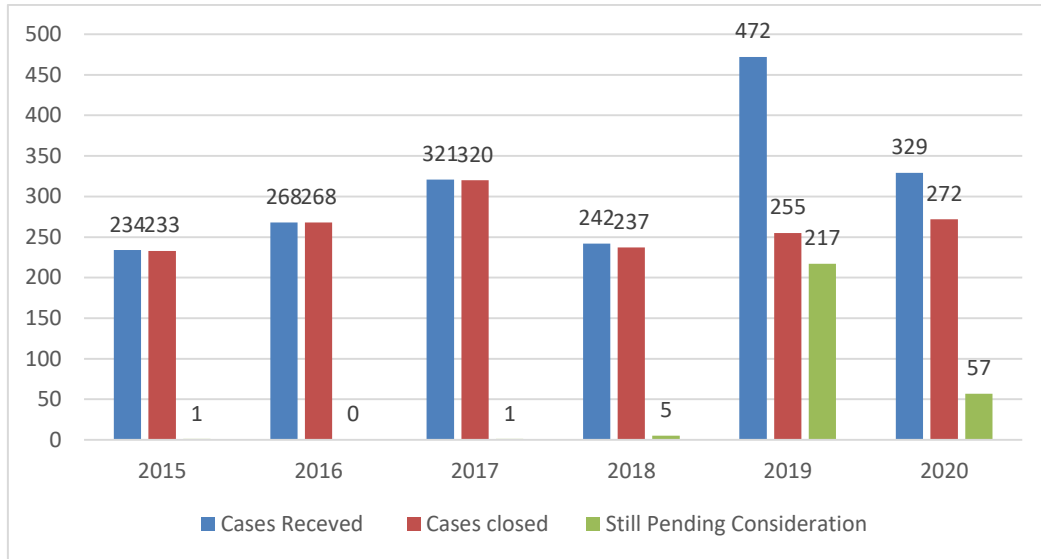
1.3 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases.

1.4 The purpose of this update is to update the planning committee with regards the enforcement enquiries that are being received and progressed to the period ending December 2020.

1.5 Performance

1.6 Graph One (Workflows) below shows the number of enquires received by the planning department over the last five calendar years).

Graph One: Workflows



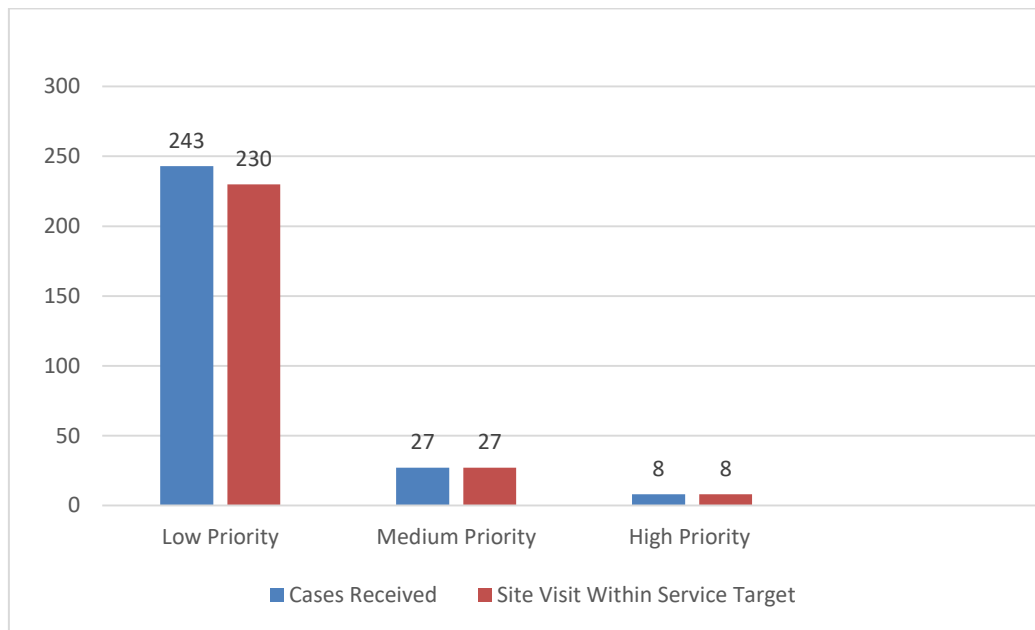
1.7 Table one below shows the number of historic cases that have been closed over the last five years as well as the number of cases that officers continue to process.

Table One Historic Cases:

| Year   | No. of Enquiries | Closed Cases | Cases Pending |
|--|------------------|--------------|---------------|
| 2015   | 234              | 233          | 1             |
| 2016   | 268              | 268          | 0             |
| 2017   | 321              | 319          | 2             |
| 2018   | 242              | 237          | 5             |
| 2019<br>(Excluding<br>Creswell Model<br>Village) | 278              | 230          | 48            |
| 2020   | 329              | 278          | 51            |

- 1.8 The 2019 increase in unauthorised enquiries relate to an ongoing project at the Creswell Model Village. The breaches of planning control that are not lawful are being progressed. This project will be reported to the Planning Committee under a separate report.
- 1.9 Graph two below shows that of the 329 actual enquires that were received in 2020 the enforcement team managed to visit 100% (8 cases) of high and medium priorities (27 cases) within the service target. However of the 243 low priority cases 14 cases were not inspected within the 42 day target. The implications of the Coronavirus is considered to be a factor in the failure of this target as officers continued to progress High and Medium cases from 2020 and 2019 cases.

Graph Two: Site Visits within Service Targets 2020



- 1.10 Table two below shows the numbers of cases and the number of cases by priority that have been closed in 2020 as well as the number that remain pending consideration.

Table Two Workflows; 2020

| 2020                | No. of Enquiries | Closed Cases |     | Cases Pending |     |
|---------------------|------------------|--------------|-----|---------------|-----|
| <b>Total</b>        | 329              | 272          | 83% | 57            | 17% |
| <b>Low Priority</b> | 293              | 247          | 84% | 46            | 16% |

|                        |    |    |      |     |     |      |
|------------------------|----|----|------|-----|-----|------|
| <b>Medium Priority</b> | 24 | 19 | 79%  | 5   | 21% | 1.11 |
| <b>High Priority</b>   | 12 | 12 | 100% | Nil | %   |      |

Table three below shows the cases that have progressed to enforcement action.

Table Three: Status of Historic Cases

| <b>Reference</b>           | <b>Location Allegation</b>  | <b>Status</b>  |
|----------------------------|---|--|
| E15/232<br>High Priority   | Barlborough<br>Development of Stables   | Extant enforcement notice.<br>Working with landowner to ascertain potential use.                 |
| E17/086<br>Medium priority | Clowne<br>Alleged hard-landscaping, front extension and erection of walls.          | Monitoring site following recent negotiations with Conservation Officers.                        |
| E17/178<br>Medium priority | South Normanton<br>Change of use of carpet warehouse to tyre fitting unit.          | Planning Enforcement Notice Issued   |
| E18/061<br>Medium priority | Shirebrook<br>Alleged unauthorised change of use to a C3 dwelling house Shirebrook. | Pending consideration: Working with landowner to regularise the use of the building.             |
| E18/069<br>Low priority    | South Normanton<br>Land On Corner Of Duke Street And, Main Street.                  | Issued S215 Notice to tidy land / working with Empty Properties Officer.                         |
| E18/092<br>Medium priority | Barlborough<br>Siting and permanent residential use of static caravans.             | Planning Inspectorate Decision issued 14 <sup>th</sup> June '21 granting temp 2 year permission. |
| E18/145<br>Low priority    | Clowne<br>Untidy Land / building / residential use of static caravans.              | Pending consideration.   |
| E18/163<br>Low priority    | Bolsover<br>High Hedges complaint.  | Remedial Notice issued.  |

1.12 Whilst there are 48 historic cases from 2019 these will reported at the next committee report update as many of these are advanced in terms of negotiation with the land owners and potentially many will be closed without further action.



## **2.0 Conclusions and Reasons for Recommendation**

- 2.1 Whilst officers consider that the Local Enforcement Plan is working, insofar as it is allowing the enforcement team to ensure there are sufficient resources to make sure breaches of planning control are dealt with effectively and efficiently, it is also considered that the enforcement team is performing well against the service standards with regard to promptly visiting sites where cases have been reported to the Planning Service and making first contact with the suspected offender.
- 2.2 Consequently, officers would recommend that this report is noted and further monitoring reports are resumed and submitted to the Planning Committee on a half-yearly basis to allow members to retain appropriate oversight of these issues and the effectiveness of the Council's planning enforcement function.
- 2.3 Members are reminded that a review of the Local Enforcement Plan is due to take place before March 2022.

## **3.0 Consultation and Equality Impact**

- 3.1 The above report has not been subject to consultation because it is mainly for information rather than for the purposes of policy-making or decision-making. For the same reasons, it not considered that the above report gives rise to any issues under the public sector duty set out in the Equality Act 2010.

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

- 4.1 Members of the Planning Committee have oversight of planning enforcement and it is considered appropriate to report on performance against the Local Enforcement Plan and highlight issues within planning enforcement on a regular basis. Therefore, options other than producing this type of report for Members on a half-yearly basis have not been considered in any detail.

## **5.0 Implications**

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

- 5.2 There are no significant cost implications involved with reporting performance against the Local Enforcement Plan but as noted below, this monitoring report may give rise to further consideration of the resources required by the enforcement team to work effectively.

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

- 6.1 Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.
- 6.2 The above report does not contain any personal data.

- 6.3 Where the case is still pending consideration, the property address has been anonymised to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record and that information is publically available.
- 6.4 Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

## 7.0 Human Resources Implications

- 7.1 The adoption of a Local Enforcement Plan should help officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. However, monitoring progress against service standards in the Plan may identify additional resource is needed to enable planning enforcement to be carried out effectively within the District.

## 8.0 Recommendations

- 8.1 This report is noted.
- 8.2 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.

## 9.0 Decision Information

|   |     |
|---|-----|
| <p><b>Is the decision a Key Decision?</b><br/> 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:<br/> <i>BDC: Revenue - £75,000</i> <input type="checkbox"/><br/> <i>Capital - £150,000</i> <input type="checkbox"/><br/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/><br/> <i>Capital - £250,000</i> <input type="checkbox"/><br/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No  |
| <p><b>Is the decision subject to Call-In?</b><br/> (Only Key Decisions are subject to Call-In)</p>  | No  |
| <p><b>Has the relevant Portfolio Holder been informed</b></p>   | Yes |
| <p><b>District Wards Affected</b></p>   | All |
| <p><b>Links to Corporate Plan priorities or Policy Framework</b></p>  | All |

## 10.0 Document Information

| Appendix No  | Title          |
|--|----------------|
| N/A  |                |
| <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 |
| Richard Scott  | Ext: 2264      |