

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Planning
Committee

Contact: Alison Bluff
Telephone: 01246 242528
Email: alison.bluff@bolsover.gov.uk

Tuesday, 19th April 2022

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, 27th April, 2022 at 10:00 hours.

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.



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

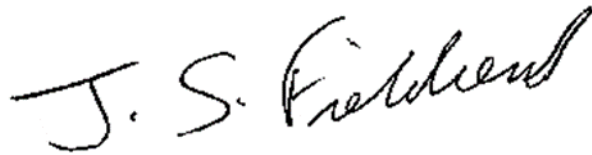
**If you require this agenda in large print
or another format please call us on 01246 217753**

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 on page 3.

Yours faithfully

A handwritten signature in black ink, reading "J. S. Fielden". The signature is written in a cursive style with a large, sweeping initial "J".

Solicitor to the Council & Monitoring Officer

**PLANNING COMMITTEE
AGENDA**

**Wednesday, 27th April, 2022 at 10:00 hours taking place in the Council Chamber,
The Arc, Clowne**

Item No.	OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 23 rd February 2022	To Follow
<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>		
5.	Application No. 21/00720/FUL - Change of use from a residential garden to beer garden and erection of a smoking shed/covered area - 47 Wharf Road Pinxton Nottingham NG16 6LH	4 - 22
<u>REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT</u>		
6.	Update on Section 106 Agreement Monitoring	23 - 29
7.	Statement of Community Involvement: draft for public consultation	30 - 74

PARISH Pinxton Parish

APPLICATION Change of use from a residential garden to beer garden and erection of a smoking shed/covered area
LOCATION 47 Wharf Road Pinxton Nottingham NG16 6LH
APPLICANT Kelly Allcock
APPLICATION NO. 21/00720/FUL
CASE OFFICER Miss Kay Gregory
DATE RECEIVED 29th November 2021

SUMMARY

This application has been submitted to seek full planning permission for a change of use from a garden at the rear of 47 Wharf Road into a beer garden with erection of a smoking shelter, ancillary to the operations of a Micro-pub (The Headstocks) at 47 Wharf Road, approved by reason of planning permission 20/00043/VAR.

This application has been called into Planning Committee by Councillor Dooley for the following reasons:

- Disturbance to residents through noise and anti-social behaviour.
- Bottles left on window sills.
- Parking on adjacent driveway and obstruction to access.

The 'material planning considerations' identified during processing of the application relate to:

- Extent of the application site boundary
- Principle of development
- Impact on residential amenity
- Highway safety and parking provision.

Site Location Plan



SITE & SURROUNDINGS

The application site is within the development envelope of Pinxton and is within the boundary of the Local Shopping Centre of Pinxton.

The site originally formed a rear garden to 47 Wharf Road, which is now an approved micro-pub, known as The Headstocks.

Since the original approval for the pub in 2018 (18/00637/FUL), the rear garden has been surfaced with loose stones, and during the site visit for the current application a number of benches and a partly constructed marquee were in place, as identified on the image below.



It therefore appears that the beer garden has been in operation for some time, without planning permission.

The extent of the beer garden, identified during the site visit also included land at the rear of 49 Wharf Road, which has also been laid with stones. It should be noted however, that during processing of the application, the rear of 49 has been removed from the red line boundary. There is a gated access to the side of 47 Wharf Road (see image below), which appears to provide vehicular access to the rear of 47, 49 and 51 Wharf Road. This has also been laid with loose stones and was originally included in the red line boundary, but subsequently removed during processing of the application. These matters will be discussed in greater detail in the Assessment section.



The image below identifies a gated access in the boundary between 49 and 51 Wharf Road which suggests that number 51 has a right of vehicular access across the rear of 47 and 49. The Council does not dispute this, and the right of access will be discussed in greater detail below.



Number 49 Wharf Road adjoins the north-east boundary of the application site, and is currently operating as a cosmetic skin clinic.

There appears to be residential accommodation above number 47 and 49, with access to this accommodation at the rear, directly onto the beer garden, as identified on the image below.



Adjoining the south-west boundary is a residential property, 43 Wharf Road, with its private amenity space adjacent to the beer garden boundary (see image below). The shared boundary treatment between 43 and 47 comprises mixed materials but is generally low level.



Adjoining the southern boundary is the well-established Brookhill Road industrial estate.

BACKGROUND

The micro-pub was originally granted permission by reason of application 18/00637/FUL, but was amended through the Section 73 process under planning permission 20/00043/VAR.

The amendment was to vary condition 3 of the 2018 approval, for an extension to the hours of opening from 10pm to 11pm. The submitted site location plan only outlined the building and did not include the garden at the rear.

The application was approved on the 24th April 2020. Apart from a condition imposing the hours of operation, the only other condition required that *no commercial deliveries were to take place between 6pm to 8am Monday to Saturday, and no deliveries on Sundays or bank holidays.*

Two advisory note were included, reminding the applicant that:

- 1. It will be necessary to apply to vary the licence at the property. Any application should include a noise management plan to include all measures to reduce the potential impacts of the development upon neighbouring residents.*
- 2. The public should not encouraged to use the outside areas for smoking or socialising and doors and windows should be kept closed to minimise the risk of noise breakout. If complaints relating to noise or anti-social behaviour are received, the Council will have a statutory duty to investigate to determine whether a nuisance is being caused.*

There were no objections received from adjacent residents on either application.

Environmental Health was consulted on the proposed extension to opening hours and raised no objections confirming that, *'we have had no recent complaints with respect to this premises but it is located close to residential dwellings, there is the potential for disturbances to occur with extended opening hours. However, as we stated in the original application, the potential impact on the amenity of the area can be controlled through good management and the sale of alcohol is covered by a licence enforced by our Licensing Department'*. They did request the inclusion of the two advisory notes provided above.

The Designing Out Crime (police) Officer was consulted on the 2020 application, who confirmed that they had received no reported incidents since the application had been approved in 2018, but they did recommend that the hours of closing remained at 10pm, not the proposed and subsequently approved 11pm.

Since the 2020 approval, the garden at the rear of number 47 and 49 Wharf Road has been surfaced with loose stones and used as an outdoor seating area for customers at the micro-pub. It is for this use that the current application has been submitted, although it is noted that the extent of the amended application site boundary includes land at the rear of number 47 only.

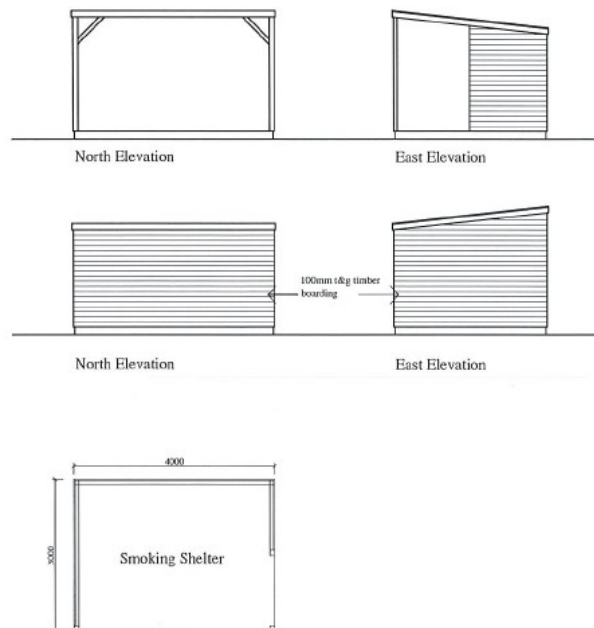
A premises license was approved by the Councils Licensing team in November 2021 to allow the pub to be open until 11pm. The conditions imposed on the license are:

- 1. After closing time the area surrounding the premises must be checked for glasses and litter and cleared.*
- 2. The outdoor area is not to be used after 10pm for any purpose*
- 3. Any right of way over the external area of the premises must be kept clear at all times.*

The submitted plan in the approved license application included the beer garden at the rear incorporating the land behind numbers 47 and 49, and the access drive to the side. Licensing has been notified that the area of the beer garden has been reduced.

PROPOSAL

This application is seeking full planning permission to change the use of the former rear garden of 47 Wharf Road into a beer garden, ancillary to the operations at The Headstocks micro-pub.



Given the reduction in the extent of the application site boundary, the space available for benches is reduced. The proposed smoking shelter will be of timber construction, with dimensions of 4m x 3m, positioned at the bottom of the beer garden. The smoking shelter will be open fronted, and one side will be partly open.

Access into the beer garden will be from the rear door of the pub only.

AMENDMENTS

- Proposed site plan and location plan - JW1/08/20 Revision B; received 31st March 2022.
- Additional noise information and Noise Management Plan received on the 8th February 2022.

EIA SCREENING OPINION

The proposal is not EIA development.

HISTORY

18/00637/FUL	Grant conditionally	Change of use from a charity shop to a micro-pub
20/00043/VAR	Grant	Variation of condition 3 (opening hours) of planning

conditionally permission 18/00637/FUL to open between 16:00 and 23:00 from Monday to Thursday, between 14:00 and 23:00 on Fridays, and between 12:00 and 23:00 on Saturdays, Sundays and Bank Holidays

CONSULTATIONS

BDC Environmental Health – see Residential Amenity section for full consideration of their comments.

- Received 3/3/22 - We have now had chance to review the Noise Management Plan submitted by the applicant and can confirm that Environmental Health have no comments to make providing the Noise Management Plan is implemented and retained thereafter.

BDC Licensing

- No objections.

DCC Highways

- It is noted that the Highway Authority did not raise any objection to the application for change of use from a charity shop to a micro-brewery. What seems to be unclear, however, is whether the intention at that stage was for seating to be provided such that customers would be staying at the premises for a drink rather than just purchasing to take away.
- The proposal would provide a beer garden whereby customers could consume alcohol on the premises.
- It is not considered that there are any sustainable highway reasons for a recommendation of refusal and in the event that planning permission was to be granted no highway conditions or notes are considered appropriate / necessary.

Derbyshire Constabulary Designing Out Crime Officer

- I wouldn't object to the application or offer any comments on the amended detail.
- The use and hours are established through previous applications which we were consulted upon.
- Our licensing department will have more detailed information in respect of the premises, however as this has already been granted I can only assume that they have no objections.

Parish Council

- Parish Council telephoned on the 12/4 to advise that in respect of the amendments to the application site boundary, their previous comments (see below) are still applicable.
- Objects in the strongest terms to this planning application for a beer garden and a smoking shed.
- There is already parking concerns where access to resident's homes have been restricted and disabled access hampered.
- The noise level late at night causes a disturbance for neighbours and with an introduction of a beer garden this would only exacerbate the situation.
- Pinxton Parish Council asks the planning officers to consider the impact this would have on residents and therefore refuse the application.

PUBLICITY

The application has been publicised by way of a site notice, and letters originally sent to 9 adjacent properties. There have been 12 representations and a petition received as a result of the publicity.

On submission of the amended site location / block plan on the 31st March 2022, a 14 day consultation was sent to all properties originally notified about the proposal, including those who commented during processing of the application. The end date for their comments is the 14th April 2022, and as such any representations received shall be reported to the Planning Committee as 'Late Items'.

A summary of the representations received to date are summarised below:

Petition received 14/1/22 – 13 signatures in support.

- No objections provided it closes at 10pm
- A beer garden would be lovely
- No noise, no problems
- No objections as long as its respectful
- Never heard any noise

8 representations in support of the proposal

- Since they opened I have never had any issues regarding noise either from within the pub or from the beer garden around the back. In my honest opinion, The headstocks has been a great addition to our village, providing somewhere for villagers to go to socialise & also to occasionally enjoy live entertainment which sadly we don't get to do that often now with so many pubs having closed in our area.
- Since the headstocks has arrived on my street it's been an absolute pleasure, especially with there not being as many pubs left in Pinxton it's nice to have a place to wind down with a drink after work and since the beer garden has been added it also been a pleasure bringing my family along.
- As for living next door but one noise is never a problem for us and I have seen staff with a noise monitoring device on the street making sure they aren't a nuisance when they have got a band in. They are doing a brilliant job and we welcome the idea of the pub with a happy heart.
- I have never hear any noise coming from the Headstocks. Even during summer months, sat out the back, any noise from the beer garden was nothing more than what you would hear from neighbours in their own gardens.
- The Headstocks is a great little pub where the staff and customers have always been friendly anytime I have been there. And living 3/4 doors away I have never heard or seen any trouble outside.
- I live opposite and have never heard any noise or commotion even when live music is on.
- I am a frequent visitor and happy with it. The staff are friendly and it is a good pint.
- The noise inside is quite low and have never heard music or TV's even when football is on.
- Support the signs saying to respect residents.
- I hear more noise from the industrial estate at the rear than from the application site

- I live in the flat upstairs, I have never had any issues with the noise levels from below, as well as from the backyard which serves as a seated area for The Headstocks
- As for the outdoor area, I have never had any concerns about the noise levels from the customers.
- I would be more than happy if The Headstocks were to hold more events or have later opening hours as, particularly after the events of nearly two years, I believe a return to better times is needed for everyone, whatever the size of the community that appreciate and enjoy it.
- Whilst we lived on Wharf Road there we never had any issues with the pub, we couldn't hear any noise from the pub or the beer garden even on busy days in the summer, always friendly atmosphere.

3 representations objecting to the proposal

- Oppose the application – the title deeds for 47, 49 and 51 have a conveyance agreement between all parties to provide access from the side of 47. If approved, each party would only be able to access their rear through the middle of the beer garden.
- Access to 49 and 51 would be restricted by the development.
- Part of this site belongs to 49 Wharf Road which I own and do not authorise any form of re-classification. Please refer to the land registry for details of the land footprint belonging to 49 Wharf Rd.
- Parking to the front of the premises is difficult as the road can get busy.
- 49 and 51 do not give permission for 47 to remove their access involuntary and have not received any money removing their right of access.
- The beer garden is proposed for use until 11pm with no noise management plan put forward.
- Unsuspecting cars travelling along the access at speed could injure children playing in the beer garden.
- The noise generated from the beer garden would be considerable especially late at night.
- Drunken patrons are likely to be a threat to security. In the past, drunken patrons have thrown objects onto our properties. I don't want the area to be peppered with broken glass, cigarette butts, and litter. Worried about the safety of my elderly mother.

Not planning related

- Damage to vehicle in rear garden of number 51 by children. Police aware. Children are the responsibility of the pub while on the back.
- Object to a camera pointing at headstocks from adjacent property.
- Right of access for 49 and 51 along the drive to the side of 47. If access is removed for these properties it will devalue them as there would be no parking.

POLICY

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

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:

- Policy SS1 Sustainable Development

- Policy SS3 Spatial strategy and distribution of development
- Policy WC 5 Retail, Town Centre and Local centre Development
- Policy SC1 Development within the Development Envelope
- Policy SC2 Sustainable Design and Construction
- Policy SC3 High Quality Development
- Policy SC11 Environmental Quality (amenity)
- ITCR10 Supporting sustainable transport
- ITCR11 Parking provision

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:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraphs 126-132 and 134: Achieving well-designed places

ASSESSMENT

Key issues

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

- Procedural matters with the extent of the application site boundary
- Principle of the development
- Visual impact of the proposed development
- Impact on residential amenity
- Parking and highway safety

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

Application site boundary

The site location plan originally submitted with the application included land to the rear of 47 Wharf Road, and also incorporated land at the rear of number 49, and the access drive to the side of 47. Part A of the ownership certificate was completed indicating that the applicant owned and therefore had full control over the entire application site.

This was disputed by adjacent land owners who sent into the Council, title deeds for 47, 49 and 51 Wharf Road. These deeds identified that the applicant only owned the garden area directly to the rear of number 47.

This was put back to the applicant who, after some discussion amended the red line boundary (submitted on the 31st March 2022), to remove the land at the rear of number 49, and to remove the access drive which provides historic vehicular access to the rear of 47, 49 and 51 Wharf Road. This amendment has reduced the area of the application site significantly, which will reduce available space for outdoor seating.

The application has been determined in accordance with the amended site location plan / block plan received on the 31st March 2022.

The Council's Licensing department approved a premises license in November 2021, which included the extent of the beer garden as originally submitted. The responding officer has been advised that the beer garden boundary has been reduced in area, and they have been sent a copy of the amended site location plan. They have verbally advised that this has no bearing as the planning permission overrides the License. For the avoidance of any doubt, an advisory note will be included reminding the applicant that the terms of the approved license may have changed and that they should contact them for further advice.

Principle

Pinxton is defined as a 'large rural village', under the provisions of policy SS3 of the adopted Local Plan.

The application site is within the development envelope of Pinxton as defined by policy SC1 of the adopted Local Plan, where development will usually be supported provided there are no material planning considerations to indicate otherwise.

The site is also within the adopted 'Local shopping centre' boundary of Pinxton, as defined by policy WC5 of the Local Plan.

Policy WC5 identifies that:

Support will be given to proposals which maintain or enhance the vitality and viability of the hierarchy of towns and local centres.

Retail and other town centre development of a scale and nature appropriate to these roles will be supported in each centre, provided that the development respects the character of the centre, and assists in maintaining its retail and service function.

Retail development must demonstrate that it is

- a) Located and designed to minimise its impact on the amenity of adjoining or nearby properties and that any impact will be at an acceptable level*
- b) Accessible by an appropriate level of public transport*

Policy ITCR4 of the Local Plan relates to 'local shops and community facilities'. Public houses fall within this category, and this type of community facility is typically steered towards town and local shopping centres. Public houses are considered to provide valuable facilities to serve communities, and provided developments do not cause overriding harm to amenity or highway safety the Council will seek to maintain and improve the provision of these services by supporting proposals in town and local centres which retain or enhance existing community facilities.

Given the current situation with the Covid pandemic, the viability and vitality of certain shops and community facilities have declined by reason that they are unable to provide outdoor space for customers. This has resulted in an increase in development proposals to provide outdoor facilities. Over the years, there has also been a decline in public houses owing to less footfall within town and local centres, due to a growing reliance on on-line shopping and rising living costs

The 'principle' of operating 47 Wharf Road as a public house has already been established through the grant of planning permissions in 2018 and 2020, and the business has been in operation for approximately 4 years. The beer garden has also been in operation, albeit unauthorised for some time. Discussions with Environmental Health and the police has identified that reports of incidents at the pub are low.

The Council acknowledge and fully appreciate that the proposal shares boundaries with residential properties and as such has ensured that the Council's Environmental Health team, Licensing, County Highways and the Police have been invited to comment during the application process. The Council has also ensured that all those who made representations on the proposal have been re-consulted on all amendments to the application. The Council has also taken note of the proximity of Brookhill industrial estate which adjoins the southern boundary of the site. Considerations relating to residential amenity will be discussed in depth below, along with highway safety and visual amenity.

It is therefore considered that provided there are no 'material planning considerations' to indicate otherwise, the 'principle' of allowing the change of use to beer garden is acceptable, in compliance with policies WC5, SC1 and ITCR4 of the adopted Local Plan.

Visual impact of the proposal

The property known as The Headstocks, since opening, has made visual improvements to the shop front, through the use of timber cladding and appropriate window signage.

The proposed beer garden only has limited visibility within the public domain, where it can be viewed from the side of number 47.

Whilst it is considered that the surfacing (loose stones) does not add any visual value to the site, it is considered that the appearance of the site can be improved through approval of a well presented boundary treatment. This will be required by an appropriately worded condition.

An advisory note will also be included for the applicant to provide some native landscaping within the beer garden, either through raised planters or by creating areas of soft ground. It is not deemed to be appropriate to impose landscaping as a condition, given that the appearance of the site prior to the stones being laid was relatively poor. This was identified on photographs taken during the site visit for the 2018 application.

It is therefore considered that given the limited visibility of the site within the public domain, the proposal will cause no detriment to the visual amenity of the area, in compliance with policies SS1 and SC3 of the adopted Local Plan.

Residential amenity considerations

A planning statement was submitted with the application which stated that the applicant had considered potential noise and how that would impact on adjacent residents, and proposed that the beer garden would be closed from 10pm at night. There was no other noise information submitted with the application.

The Environmental Health Officer originally recommended refusal of the application, stating that, *"I have concerns in regards the potential impacts of the proposals upon neighbouring*

residential amenity. The noise levels from a pub beer garden will be difficult to control, and are likely to have impacts such that neighbours will not be able to have their bedroom windows open for ventilation, particularly on warm summer evenings. No effective mitigation proposals have been submitted, and I do not feel that there is any reasonable planning condition that could be imposed that would address my concerns. When the application for the micro-pub was initially submitted, EH advised that use of outdoor areas for patrons should be avoided owing to the likely impacts that would arise, clearly setting out the limitations of the location for the proposed use.”

It was then identified that Bolsover Council Licensing had approved an application for a premises license, including the beer garden, and as such, the Environmental Health comments were sent on to the applicant to see if they wanted to provide additional information in support of the planning application. The Licensing department were consulted on the planning application and raised no objections. The responding Environmental Health Officer was advised that a premises License had been approved.

The applicant responded by email on the 6th January 2022, *“I have been round the neighbours and have got letters with nothing but good words. The beer garden has been in use for the last year and half with no comments so surely this should go for something good towards?”* A number of support letters and a petition of support was subsequently submitted

It was identified that for the licensing application a Noise Management Plan was required. This was requested by the Environmental Health Officer, as well as details on the equipment and locations where sound level readings were taken.

On the 8th February the applicant submitted additional information in the form of a video of noise recordings in an adjacent garden, details and location of noise recordings at certain events within the beer garden, building and on Wharf Road, and a Noise Management Plan. The Environmental Health Officer was re-consulted on the submitted information, and subsequently removed their objection on the 3rd March 2022, provided the Noise Management Plan was fully implemented and complied with.

In summary, the Noise Management Plan proposes:

Inside noise.

- Only members of staff are in control of the TV and music volume
- The maximum level it should be played at is set through using our 4-point plan of noise.
- Our 4-point plan is where we have identified 4 areas surrounding the pub noise could be heard from. Using these points, we record the levels in our noise monitoring book within the pub, to maintain control on when noise is heard from inside the pub.
- Due to our control system for the music and televisions being all on the same tablet, it ensures that only one may be played at once. However, we are aware that in the summer months volume shall be slightly lower to ensure that the noise is still only very faint.
- We also use a cooling off period before the end of service, the volume of all music or television is cut off 20 minutes before the actual closing of the pub.
- We also work on three strikes and you're out policy when it comes to customer noise.

Smoking area.

- Our designated smoking area is located at the back entrance of the pub to stop crowds gathering on the front pavement outside the pub which maintains the peace with neighbours and people who may be passing by.
- We try to keep the gatherings smaller by offering ashtrays on all our tables as well as at the back entrance, this helps prevent a group of people congregating at one point and making more noise than necessary when outside.
- We have also many signs leading out to the smoking area regarding respecting our neighbours when it comes to noise.
- We have made sure all the signs are visible both on the way to and around the smoking area itself. Always bearing in mind that staff are on hand at all times to keep the noise at acceptable levels.

Live Indoor Entertainment.

- Live music is very difficult to fully manage as most artists will bring their own equipment and therefore will be set at certain levels. So rather than managing the noise levels as normal, we aim to manage it by advertising and informing. Whenever we are due to have live music, we will inform all our neighbours in the surrounding area and let them know the times we are planning on being louder than normal.
- However, we do use our noise recording book on such dates and so far, have never received a complaint about the noise in doing so.
- Mainly using our 4-point plan to carry out our noise checks we also ask our neighbours if they can hear anything
- We will keep all doors and windows shut however during performances to help minimise the noise that can be heard from outside.
- So far, we have kept the acts booked to finish before our cooling off period as well and we try to limit the number of times we do actually hold such entertainment to no more than 3 a month.

Football.

- We currently have two football teams who play for the headstocks. We have made sure that they are a Saturday and Sunday side to try and keep a limit on the number of players/fans returning all on one day.
- We also ensure they sit together as to cause as little disruption as possible both inside and outside of the premises.
- We remind them on entrance to keep their noise down if they opt to sit outside especially. They also tend to play early afternoon most weekends so it doesn't cause disruption at night,

Beer Garden/Outdoor Entertainment.

- When we started using the beer garden it was under the 172f section because of covid and had strict rules to follow.
- Therefore we had to make the most of our outside area, going forward we have kept the tables the same as to keep a limit on how many customers can use it at one time, to keep the noise levels down as the capacity is spread throughout the whole garden.
- Some of the tables are also under the marquee which has all sides up to keep the noise inside.

- We have kept the rule that all sitting outside must try to remain seated also as to deter customers from becoming overly social with all other groups outside. This so far has proved to be successful as mostly tend to stay within their groups and don't join others, keeping groups smaller and quieter.
- We also have a db noise monitor that we use to monitor the noise levels, this has proved successful on the front of our building and on our 4 point system; this will be also done on the beer garden. We have all records available at all times of our readings.
- Tables will be took away to reduce number if levels are not satisfactory working with licensing we will also close our garden at 10pm and signage will be used to display this.

Our Neighbours.

- Good relationships with our neighbours are a priority.
- Invested in signs asking all customers to be respectful when on the premises, respecting the fact we are a micro-bar yet we do still have neighbours to maintain working relationships with.

Deliveries.

- We realise that a beer delivery can be very noisy, that's why we try our best to schedule only one during the week in the daytime. This way most of our neighbours are out at work and those who are home aren't disturbed during inconvenient hours of the day.
- We also schedule any other deliveries or business maintenance work for workday business hours only.
- We have kept our rubbish waste to be cleared fortnightly and have the front and back areas cleared for rubbish/cigarettes once a week all this being done with respect of keeping the area clean for all that uses it.
- Bottles will not be emptied after 10pm to keep noise down for neighbours.

The Derbyshire Constabulary Designing Out Crime Officer has been consulted on the application and raised no objections. They confirmed that the only crimes or incidents reported relate to a damaged vehicle on private land, some information about a drink driver, disputes at neighbouring houses and covid breaches, although it has not been confirmed whether these instances relate directly to the pub.

It is acknowledged that a License has been granted by the Council, and any complaints regarding noise, disturbance or anti-social behaviour would be reported directly to environmental health, licensing or the police through their relevant legislative powers.

The Council also fully acknowledge that a small number of resident complaints have been received through the application process, but given that noise monitoring has been submitted along with a Noise Management Plan, and any issues would be dealt with through the Statutory Nuisance process, or terms of the approved License, it is not deemed appropriate to refuse the planning application on residential amenity grounds.

The Council, when processing the application have given due regard to all comments received from adjacent properties, in objection and support of the proposal. Consideration

has also been given to the noise information submitted in support of the proposal, and the mitigation measures proposed to keep noise levels to a minimum. In accordance with the noise plan (which will be conditioned), a condition will also be recommended requiring that the beer garden is closed from 10pm every night. This is in accordance with the terms of the approved premises license.

In order to reduce potential noise and disturbance further, and to provide a clear distinction between the commercial use of the site and neighbouring residential properties, a condition will be included for a suitably high boundary treatment to be erected around the 'amended' application site boundary. This would need to ensure that any rights of access are not hindered.

It is therefore considered that subject to the full implementation of any appropriately worded conditions, the proposal will not cause such detriment to residential amenity to warrant a reason of refusal, in compliance with policies SS1, SC3 and SC11 of the adopted Local plan. In reaching this decision, some weight has also been given to the established industrial estate which adjoins the southern boundaries of properties along the south side of Wharf Road, where there will likely be noise and disturbance above levels expected around residential properties, and activities outside of normal working hours.

Highway Issues

There is no off road parking provision at the application site.

When the public house was approved in 2018, the County highway authority raised no objections. The highway authority was subsequently consulted on this application, and confirmed that, *"It is noted that the Highway Authority did not raise any objection to the application for change of use from a charity shop to a micro-brewery. What seems to be unclear, however, is whether the intention at that stage was for seating to be provided such that customers would be staying at the premises for a drink rather than just purchasing to take away. The proposal would provide a beer garden whereby customers could consume alcohol on the premises. It is not considered that there aren't any sustainable highway reasons for a recommendation of refusal and in the event that planning permission was to be granted no highway conditions or notes are considered appropriate / necessary"*

The Council are not aware of any highway related incidents at the application site, but have noted that an incident did occur whereby damage was sustained to a vehicle in the rear garden of 51 (which has a gated access into the application site), which was alleged to have been carried out by children in the beer garden. This matter was reported to the police, but is not considered to be a 'material planning consideration' of the application.

The Council acknowledge the representations which have been submitted and agree that there is likely to be a historic vehicular right of access along the side of number 47, providing vehicular access to the rear of 47, 49 and 51 Wharf Road. Comments have been received from residents identifying concerns that this right of access has the potential to cause accidents in the beer garden, given that vehicles accessing 49 or 51 would have to cross over the application site. 'Rights of Access' are not a planning matter and it is the responsibility of the applicant to ensure that the beer garden is safe. An advisory note will be included reminding the applicant that the access drive shall be kept available for any vehicles accessing the rear of properties, and patrons should be reminded to take care. It is not

expected that there would be a frequent flow of traffic using the access drive. An informative will also be included reminding the applicant that there shall be no customer access or exit through the gated access, all comings and goings shall be through the rear door of the pub only.

CONCLUSION

The proposed beer garden is to be located to the rear, and ancillary to the operations at the approved micro-pub known as The Headstocks.

The pub has been in operation for around four years, without any significant noise complaints from surrounding properties, or in respect of anti-social behaviour or highway issues. The beer garden is likely to have been in operation since pubs were allowed to reopen with limitations on service during the pandemic, albeit unauthorised.

A License has recently been granted by Bolsover District Council, and it is noted that residential amenity will be protected under the terms of the License as well as through the relevant provisions of Statutory Nuisance regulations.

The applicant has submitted information in respect of sound readings at the property, and have submitted a Noise Management Plan which has been agreed by the environmental health officer.

The pub, and proposed beer garden are within the Local Shopping Centre of Pinxton where these types of community facilities are typically supported, provided the development is located and designed to minimise its impact on the amenity of adjoining or nearby properties and that any impact will be at an acceptable level. It is considered that provided the Noise Management Plan is fully adhered to, and that customers respect that there are residential properties around the site, any potential for noise and disturbance can be effectively managed through the ongoing implementation of the approved Noise Management Plan.

As such, it is recommended that the Planning Committee approve the application, subject to conditions, in accordance with the officer recommendation.

RECOMMENDATION – Grant with conditions

Conditions

1. The development hereby permitted shall be carried out in accordance with the amended site location plan / block plan, received on the 31st March 2022.
2. The beer garden, which is the subject of this application shall closed to customers at 10pm every night, and there shall be no external activities carried out within this area after that time.
3. The development hereby permitted shall strictly accord with the Noise Management Plan submitted on the 8th February 2022.
4. Within 3 months from the date of this permission, a boundary treatment plan, and

timetable for implementation shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details and retained as such for the life of the development.

Reasons for Conditions

1. To define the terms of this permission and for the avoidance of doubt.
2. To protect the amenity of residents living adjacent to the application site, in compliance with policies SC3 and SC11 of the adopted Local Plan.
3. To ensure that the applicant has taken and maintained any necessary measures to prevent disturbance to adjacent residents. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.
4. To provide a clear distinction between the commercial and residential uses, to improve the appearance of the application site, and to provide additional noise mitigation measures. In the interests of visual and residential amenity and in compliance with policies SS1, SC3 and SC11 of the adopted Local Plan.

Notes

1. In compliance with condition 2, the applicant shall ensure that this is adhered to for the life of the development. All bottles, glasses and other litter shall be cleared from this area as soon as the beer garden closes to prevent potentially unacceptable noise levels in the beer garden after 10pm.
2. The applicant shall ensure that any established right of way over the beer garden must be kept clear at all times, and customers shall need to be informed of the potential for vehicles accessing the beer garden, in the interests of customer safety.
3. In compliance with condition 3 above, the applicant is encouraged to maintain a diary of sound levels and instances of unacceptable behaviour from the site, in the event that complaints are received.
4. In compliance with condition 4 above, the applicant is advised that the boundary treatment shall need to provide a good standard of privacy between the application site and adjacent properties. The applicant shall also ensure that any rights of access to adjacent gardens is maintained.
5. The applicant is required to ensure that access to, and exit from the beer garden shall be via the rear door of The Headstocks only. There shall be no access from the driveway at the side of number 47 at any time, as this area is outside of the application site boundary and is required for access to the rear of properties on Wharf Road.
6. The applicant is advised to make visual improvements, and to provide some biodiversity to the beer garden through the provision of native landscaping. The Local Planning Authority can provide advice and assistance in regard to this provision.

7. The extent of the application site boundary has been reduced during processing of the application. The applicant is strongly advised to contact the Bolsover District Council Licensing department for advice on whether an amended License application is required to account for the reduction in the area of the beer garden.

Statement of Decision Process

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

Meeting of the Planning Committee on 23rd April 2022

Report of the Assistant Director: Development

UPDATE ON SECTION 106 AGREEMENT MONITORING

Classification	This report is Public
Report By	Chris McKinney Interim Planning Policy Manager
Contact Details	01246 242292 chris.mckinney@bolsover.gov.uk

PURPOSE / SUMMARY OF REPORT

- 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.

REPORT DETAILS

1. Background

- 1.1 S106 agreements are a type of legal agreement between the Council and landowners / developers that are 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 2nd February 2022.

2. Details of Proposal or Information

- 2.1 Members will recall that four sums were identified in the report to Members in June 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)
 - b. Sterry House Farm - Informal POS £12,107 by 06.02.22
 - c. Sterry House Farm - Art £3,045 by 18.04.22
 - d. Thurgaton Way P2 - Health £30,132 by 01.08.22
- 2.2 These sums are now joined by the following four sums that were highlighted at the Section 106 Monitoring Group as needing to be spent within 12 months.
 - e. Carter Lane West - Art £5,165.20 by 07.12.22
 - f. Carter Lane West - Informal POS £12,766.86 by 07.12.22
 - g. Meridian Close - Informal POS £27,475.69 by 22.12.22
 - h. Meridian Close - Outdoor Sport £24,547.95 by 22.12.22
- 2.3 The updates for these eight sums recorded at the Section 106 Monitoring Group are as follows:

	Art work underspend at The Brambles, Doe Lea (Financial spreadsheet line 47)	Action owners
	DO to deliver the Orchestras Live Partnership project by end of March 2022. <u>Update</u> DO advised that the final celebration event is to be held on 16 th March 2022 and that this would see the project closed by the Jubilee.	DO

	<p>CM added that CCG had advised that the Surgery has agreed terms with their landlord and that DV report could be expected in mid-Jan 2022, although he added that this had not yet been achieved. Potential for money to be transferred in new financial year.</p> <p><u>New Actions</u> CM to continue to chase progress and keep the Leader informed.</p>	<p>CM</p>
	<p>Carter Lane West - Informal POS £12,766.86 by 07.12.22 (Financial spreadsheet line 68)</p> <p>MC to progress preferred location decision and to develop a suitable project by 30th November 2021.</p> <p><u>Update</u> MC advised that he is yet to meet with South Normanton Parish Council about the potential use of money at South Street Recreation Ground, but would get a date in the diary for a February meeting before the end of the week (Friday 4th February 2022).</p> <p><u>New Actions</u> MC to progress preferred location decision with South Normanton Parish Council and to develop a suitable project by 31st March 2022.</p>	<p>MC</p> <p>MC</p>
	<p>Carter Lane West - Art £5,165.20 by 07.12.22 (Financial spreadsheet line 66)</p> <p>DO to progress and update at the January 2022 meeting.</p> <p><u>Update</u> DO advised that he had programmed some time to look at this one in April / May 2022.</p> <p><u>New Actions</u> DO to progress and update at the April 2022 meeting.</p>	<p>DO</p> <p>DO</p>
	<p>Meridian Close - Informal POS £27,475.69 & Outdoor Sport £24,547.95 by 22.12.22 (Financial spreadsheet lines 81 & 82)</p> <p>MC to look at what improvements needed at King George's Recreation Ground, progress discussions with Old Bolsover Town Council about bringing forward this project and update at January 2022 meeting.</p>	<p>MC</p>

	<p><u>Update</u> MC advised that he will liaise with Old Bolsover Town Council to agree an improvement plan for King George's Recreation Ground.</p> <p><u>New Actions</u> MC to progress and update at the April 2022 meeting.</p>	MC
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- 2.4 As can be seen, it was reported that the Sterry House Farm sum of £12,107 for Informal Public Open Space (POS) had been spent and the Clowne Gateway Environmental Improvement Scheme delivered. However, the sum of £3,045 for Public Art remained outstanding and the Community Arts Development Officer advised that he was urgently establishing an alternative suitable scheme that could be delivered to ensure the S106 monies are spent prior to 18th April 2022 deadline. At the time of writing, the Community Arts Development Officer has advised that an alternative suitable scheme had been established and that the monies had paid for the development of a community arts resource to address anti-social behaviour on green spaces in the Clowne Parish area.
- 2.5 The Thurgaton Way Phase 2 sum of £30,132 for health is still yet to be transferred to the NHS for Primary Health Care improvements at the Staffa GP Practice in Tibshelf despite significant chasing. However, further to the update above the NHS Derby and Derbyshire Clinical Commissioning Group, the NHS organisation responsible for facilitating the increase to capacity at the Staffa GP Practice, has advised that they are currently working with the practice and their landlord to convert two existing admin rooms to form new clinical consultation rooms. These new consultation rooms are intended to be multi-functional, so providing further appointment availability to local residents in advance of the planned extension of the Staffa GP Practice building. At the time of writing, the plans for the new clinical consultation rooms are expected to be finalised during April 2022, enabling the sum of £30,132 to be transferred to the NHS and the conversion work to take place and be completed prior to the 1st August 2022 date. This situation has been reported to the Leader and he is supportive of continuing the taken approach to ensure the money is transferred in a timely manner.
- 2.6 The four new sums remain unspent but as is stated above work is ongoing to deliver the specified works in the required time. Beyond these cases, progress continues to be made but officers will continue to monitor and pursue the implementation of the Section 106 Agreements.

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.

RECOMMENDATION(S)

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

Approved by Portfolio Holder – Corporate Governance

IMPLICATIONS:

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

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

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Chair of Planning Committee

Links to Council Ambition: Customers, Economy and Environment

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

DOCUMENT INFORMATION

Appendix No	Title

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)

Bolsover District Council

Meeting of the Planning Committee on 27th April 2022

Report of the Assistant Director: Development

**STATEMENT OF COMMUNITY INVOLVEMENT: DRAFT
FOR PUBLIC CONSULTATION**

Classification	This report is Public
Report By	Jon Hendy Senior Planning Officer
Contact Details	01246 242591 Jonathan.Hendy@bolsover.gov.uk

PURPOSE / SUMMARY OF REPORT

- To seek approval to consult on a draft Statement of Community Involvement.

REPORT DETAILS

1. Background

The role of the Statement of Community Involvement

- 1.1 The Council's Statement of Community Involvement sets out how we will engage with the public in the development of our Development Plan documents, during our stage of the Neighbourhood Plan preparation process and on development management cases / planning applications.
- 1.2 We last published the Statement of Community Involvement in October 2017 and this has guided the Council's public engagement on the later stages of the preparation of the Local Plan for Bolsover District. This role is important as one of the Local Plan Examination's tests of legal compliance is whether the Council's public consultation took place in accordance with the Statement of Community Involvement.
- 1.3 In addition, the Statement of Community Involvement has guided the Council's public engagement on planning applications since it was published in 2017. The Statement of Community Involvement is also the appropriate document to refer to

if the Council receives complaints about its consultation methods in both the plan making and development management processes.

- 1.4 The Council's recently published Local Development Scheme highlights that the Statement of Community Involvement needs to be updated by October 2023 as part of the Council's duties to keep planning documents up to date and sets out the timetable for both public consultation on a draft Statement of Community Involvement and adoption.
- 1.5 This report implements this timetable and seeks approval to start a 6-week public consultation exercise on the prepared draft Statement of Community Involvement in May. The findings of this public consultation exercise will be taken into account and a final version prepared, which will be brought back to Planning Committee for adoption in advance of October 2022.

National Planning Reforms and Public Engagement

- 1.6 The Government published its Planning White Paper in 2020 and this proposed a greater emphasis on effective community involvement to ensure good quality front loading engagement where the White Paper says –

'democratise the planning process by putting a new emphasis on engagement at the plan-making stage' and '...create great communities through world-class civic engagement and proactive plan-making' (PWP, 2020: pgs. 20-21).

- 1.7 The Government followed up the Planning White Paper in 2022 with its Levelling-up White Paper, which amongst its many proposals also seeks a:

'Review of neighbourhood governance in England' and to make it 'easier for local people and community groups to come together, set local priorities and shape the future of their neighbourhoods' (pg. 215).

- 1.8 Whilst these national reforms need to go through several further iterations to become law, it is considered that both White Papers provide a good indication about the direction of travel the Government wishes to see in relation to public engagement. Furthermore, the Council is a pilot authority for the Government's digital planning reforms and their PropTech Engagement Fund, and we are trialling some of the latest techniques to strengthen public engagement.
- 1.9 How these reforms may ultimately affect the role of the Statement of Community Involvement are yet uncertain, but the Council will monitor the situation and will respond as appropriate whilst seeking to make its own progress and continue to innovate for the benefit of the District's communities.

2. Details of Proposal or Information

- 2.1 The prepared consultation draft Statement of Community Involvement forms an appendix to this report and sets out how the Council will engage with the public when carrying out its planning functions.

- 2.2 The format of the document has been reviewed and updated with a view to making the information more accessible by creating a slimmer, more concise document and moving procedural information into a series of appendices. The document includes lots of web links where further information can be found. Whilst the overall content has not changed significantly since last time, this version represents a welcome 'refresh'. It is intended that the document that will be issued for public consultation will be made to look more colourful and appealing, with the final version being prepared in line with corporate design standards.
- 2.3 The document is structured as follows and a brief summary of each section is provided below:
- Introduction
 - Plan Making
 - Neighbourhood Planning
 - Planning Applications
- 2.4 The Introduction sets out some basic general principles in line with Vision Bolsover where we are committed to increasing customer satisfaction with our services, improving customer contact and removing barriers to accessing information, and actively engaging with partners to benefit our customers and promoting equality and diversity and supporting vulnerable and disadvantaged people.
- 2.5 The Plan Making section covers how the public can expect to get involved in plan making and covers involvement in the preparation of the Local Plan, Supplementary Planning Documents and Non-Statutory Growth Plans. It also sets out how the public can respond to consultations and how we will consider comments.
- 2.6 Importantly, this section also sets out a number of specific options that the Council could choose to do that would exceed the minimum requirements of the Town and Country Planning (Local Planning) (England) Regulation 2012. These options are as follows:
- Publish a Consultation Response Information sheet or a guidance note that would set out the type of comments that are acceptable e.g. material considerations and explaining how we use evidence to help inform and change our policies.
 - Station a Planning Policy member of staff for at least 3 days within each of the District Offices at Shirebrook, Bolsover and South Normanton (or other suitable alternative venues) for each local plan consultation period. This is to be more accessible to other areas who may find it inconvenient to travel to Clowne to speak to a planning policy officer.
 - Have at least 1 Saturday morning drop in session in the district to have at least some availability to those people who cannot make a weekday or evening drop in session.
 - Offer to hold a meeting(s) with key representatives of General Consultation Bodies / community groups with elected members in

attendance, where we will explain the process and the background to any policy, and listen to their concerns.

- Offer to establish Local Plan Resident Forums where residents can be invited to meetings to discuss the current position within the Local Plan timetable and where we can explain in much greater detail what we are doing. Elected members would also be invited in an observational capacity. The number of, frequency of, and geographical coverage of such forums would depend upon levels of interest.
- Consult directly by letter all properties affected by a draft site allocation in the same way as we would an outline planning application, unless it already has planning permission. Engagement cannot be effective if people do not know about something to start with. But engagement must be proportionate. We cannot consult about every site allocation included within a plan, but we can consult on each of the following types of allocation:- residential, employment, gypsy and traveller, travelling show-people and retail, town centre and tourism uses.
- Offer to hold a meeting(s) with the Showmen's Guild, Access Bolsover and any Eastern European groups in the district.
- Continue to meet with the County wide Gypsy and Traveller Liaison working group that meets twice yearly and also one to one with the Derbyshire Gypsy Liaison Group itself.
- More regular meetings with Parish Councils
- After evaluating the Shirebrook Growth Plan consultation, consider using 'mobile phone' outreach methods to achieve higher engagement.

2.7 These options will form a key part of the public consultation on the draft Statement of Community Involvement and we will specifically ask our local communities if these would help or encourage their engagement in the Council's plan making processes. All of these options will impact on staff resources but officers will put together a report on how they could be delivered if the options receive good public support.

2.8 The Neighbourhood Planning section explains how the public can get involved in the Neighbourhood Planning process and the Neighbourhood Development Order process, providing links to existing publications such as the Neighbourhood Planning Protocol and to the Parish and Town Councils that prepare these neighbourhood planning documents. Alongside the stated options being put forward for consideration above, we will also invite during the consultation exercise the public's comments about how engagement could be improved in respect of neighbourhood planning.

2.9 The Planning Applications section covers how the public can get involved in development management cases and outlines the planning application process. It also covers public engagement in Planning appeals, Pre-application consultations, Planning Enforcement and Complaints. Alongside the stated options being put forward for consideration above, we will also invite during the consultation exercise the public's comments about how engagement

could be improved in respect of planning applications.

Consultation proposals

- 2.10 There is no statutory requirement to consult on draft Statements of Community Involvement but we have consulted on previous draft versions and it is common practice to do so. Ultimately, this proposed consultation exercise is the public's opportunity to talk to us about how they'd like to be consulted and therefore it is felt that public engagement on the preparation of a refreshed Statement of Community Involvement is important.
- 2.11 As outlined above, as part of this consultation it is proposed that in addition to asking people for comments on the draft Statement of Community Involvement, we ask specific questions about the listed options and ask for any other suggestions the public may have.
- 2.12 To publicise this consultation exercise, it is proposed that the Council will:
- write to everyone on the Planning Policy consultation database to notify them of the start of the consultation exercise and where to find the document;
 - publicise the consultation on Bolsover TV, the Council's website and Ask Derbyshire websites;
 - make the draft Statement of Community Involvement available online and place a physical copy at publically accessible venues such as Libraries, Customer Contact Centres including our offices, and others where appropriate.
- 2.13 It is proposed that this consultation exercise commences on Friday 6th May and runs for 6 weeks through to Friday 17th June 2022.
- 2.14 Finally, responses to the consultation will be presented to Members of the Local Plan Steering Group for discussion prior to reporting a final version of the Statement of Community Involvement back to Planning Committee in September / October 2022.

3. Reasons for Recommendation

- 3.1 The Council's new Local Development Scheme (February 2022) sets out the timetable for the preparation of a new Statement of Community Involvement by October 2022.
- 3.2 This report implements this timetable and seeks approval to start a 6-week public consultation exercise on the prepared draft Statement of Community Involvement in May.

4 Alternative Options and Reasons for Rejection

- 4.1 One alternative option available to the Council would be to choose to wait until more is known about how the Statement of Community Involvement will fit into the Government's planning reforms. However, given progress with the national

reforms is not certain, this could mean that the Council would not have an up-to-date Statement of Community Involvement by October 2022 and this option has therefore been rejected.

- 4.2 A further alternative option available to the Council would be to just re-issue the Statement of Community Involvement in the same format as it was last approved 2017. However, it is considered that this would reduce the chance to review its practice in light of the aspirations within Vision Bolsover and best practice from further afield and this option has therefore also been rejected.

RECOMMENDATION(S)

That Planning Committee:

Approve the draft Statement of Community Involvement (as attached at Appendix A) for a public consultation exercise as outlined in the above report.

Approved by Portfolio Holder for Corporate Governance

IMPLICATIONS:

Finance and Risk: Yes No

Details: There are no specific finance or risk issues arising from this report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: There are no specific legal or data protection issues arising from this report

On behalf of the Solicitor to the Council

Staffing: Yes No

Details: There are no human resources implications arising from this report. Decisions around staffing levels within the Planning Policy team will be raised in the report to the Employment and Personnel Committee.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<p>District Wards Significantly Affected</p>	ALL
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Yes</p> <p>Details: Councillor Duncan McGregor, Portfolio Holder for Corporate Governance</p>

<p>Links to Council Ambition: Customers, Economy and Environment</p>
<p>Focussing on Our Customers Focussing on Our Economy Focussing on Our Environment</p>

<p>DOCUMENT INFORMATION</p>	
<p>Appendix No</p>	<p>Title</p>
<p>A</p>	<p>Consultation Draft Statement of Community Involvement</p>

<p>Background Papers</p>
<p><i>(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)</i></p>
<p> </p>

Appendix A

Consultation Draft Statement of Community Involvement

Bolsover District Council



Statement of Community Involvement



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INTRODUCTION

1.0 What is a Statement of Community Involvement?

- 1.1. This document is the Council's Statement of Community Involvement (SCI) and it sets out how we will engage with the public in the development of our local plan, during our stage of the neighbourhood plan preparation process and on development management cases / planning applications.
- 1.2. We aim to empower the local community to engage with the planning system and to work positively and pro-actively to make sure you are: - fully informed; involved in the decision-making process, and that you have meaningful opportunities to have your say.
- 1.3. Preparing a Statement of Community Involvement is a legal requirement¹ and it must be reviewed every 5 years², and this latest review started in February 2022.
- 1.4. Since publishing our last Statement of Community Involvement in 2017, the Council published its 'Vision Bolsover' prospectus in 2021, which establishes Customers as one of its three overarching strands of modern governance and states our commitment to:-
- Increasing customer satisfaction with our services;
 - Improving customer contact and removing barriers to accessing information;
 - Actively engaging with partners to benefit our customers;
 - Promoting equality and diversity and supporting vulnerable and disadvantaged people.
- 1.5. We want communities to make a genuine and positive difference to their areas, and we value their involvement in both the planning application and plan making processes. And we aim to make this easier for people through the following actions:-
- Use plain English in our documents and consultation;
 - Reduce the use of planning jargon;
 - Improve the style and accessibility of our documents;
 - Reach out to all sectors including those that are 'seldom heard';
 - Improve how we use online technology and social media platforms
 - Live-stream and record meetings where possible;
 - Be transparent and clear about what is being proposed and how you can influence the outcome.
- 1.6. We will comply with all current legislation and all data that we store will be compliant with our Data Protection policy. We comply with our obligations under the Equality Act 2010 and have a Corporate Equalities Policy³ that sets out our commitment to equality together with setting equality objectives.

¹ Planning and Compulsory Purchase Act (2004) Section 18 As amended by the Neighbourhood Planning Act 2017, The Planning Act 2008 and the Localism Act 2011.

² The last Statement of Community Involvement the Council published was in 2017.

³ Single equality scheme 2019-2023

Why should I get involved?

- 1.7. The planning process seeks to promote sustainable development through the building of new homes, economic growth and investment, leisure, retail and the provision of new infrastructure. It seeks to ensure that new development meets the social and economic needs of our communities whilst at the same time protecting the natural and built environment.
- 1.8. Planning has a direct impact on the daily lives of residents and the business community. And we consider that decisions we make are enriched through community involvement where:
 - we can take account of local knowledge;
 - we can better understand and focus on local needs and priorities;
 - the removal of barriers can increase opportunity to comment;
 - an enhanced sense of community ownership over local plan documents can be achieved.

Digital innovation

- 1.9. We recognise that advancements in technology have changed the way in which we interact with our communities, e.g. though greater access to the internet, online meetings and correspondence by email and social media. And these changes have become all the more important during the Covid 19 pandemic. However, there remains a significant number of people who do not use electronic forms of communication and therefore we will continue to consult in a variety of ways, subject to current government guidelines.
- 1.10. We are keen to investigate the delivery of a digital planning service and are working with the Department for Levelling Up, Homes and Communities to explore and trial the use of digital innovations and technology to improve our service. By using digital tools, such as mobile phones, social media, QR codes, gamification and virtual reality, alongside more traditional methods we will aim to reach more people and make planning more accessible, inclusive and transparent. In relation to this, we are currently piloting the Government's Digital Planning projects in the Planning Policy and Development Control functions.

Planning Reforms

- 1.11. The Government published a Planning White Paper on reforms to the planning system in August 2020. We expect further legislation and guidance to follow during 2022 or later. This could significantly change the way that we engage. This Statement of Community Involvement is based on the current approach but we may need to update this following any new legislation.

PLAN MAKING

2.1 This section covers how you can get involved in plan making and discusses:

- Development Plans and Plan Making
- Who we consult?
- How we consult?
- How you can respond to consultations?
- How we will consider your comments?
- How we will try to exceed the minimum requirements?

Development Plans and Plan Making

2.2 Development Plans set out strategies of where new development can happen, such as identifying allocations for new residential development, and where it needs to be carefully controlled, such as in the Green Belt or countryside. They also include policies that explain how decisions on whether planning applications will be approved or refused will be made.

2.3 The Development Plan is by law the prime consideration when determining planning applications and planning decisions should be made in accordance with it unless [other material considerations](#) indicate otherwise.

2.4 The Development Plan⁴ for the area is principally the [Local Plan for Bolsover District \(2020\)](#) but also includes [The Derby and Derbyshire Minerals Local Plan](#) and the [Derby and Derbyshire Minerals Local Plan](#) and any neighbourhood plans that have been produced.

2.5 We are the responsible body for producing Local Plans, a process called 'Plan Making', and we recently produced the [Local Plan for Bolsover District \(2020\)](#). We also produce a number of other planning policy documents, such as Supplementary Planning Documents. We also publish our work programme for preparing planning policy documents in a document called the [Local Development Scheme](#) and it is regularly updated so that people are aware of upcoming opportunities to participate.

2.6 The [Local Plan for Bolsover District \(2020\)](#) was adopted in March 2020. We will need to have carried out a review of whether this Local Plan remains up-to-date by March 2025.

⁴ Statutory stages set out in [The Town and Country Planning \(local planning\) \(England\) Regulations 2012](#)

2.7 In terms of Government policy, the National Planning Policy Framework ⁵ states that plans should:

“c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”

2.8 We will set out below how we intend to engage with communities in effective but proportionate ways that exceed the minimum requirements.

2.9 Finally, the Key Stages in preparing a Local Plan, along with how we will consult you, are shown in Appendix B.

Local Plan Stages of Preparation

2.10 There are two main opportunities for you to be involved during the Plan Making process and both include a public consultation for a minimum of 6 weeks on the proposed strategy, allocations and policies that will be in the Local Plan. These stages are formally known as Plan Preparation (Regulation 18) and Plan Publication (Regulation 19) within the Town and Country Planning (Local Planning) (England) Regulations 2012⁶.

2.11 There is also an Examination of the Local Plan that is led by an Independent Planning Inspector (Regulation 24) where people can attend and are invited to participate in the hearings if they have made comments during the Plan Publication (Regulation 19) stage.

Supplementary Planning Documents

2.12 Supplementary Planning Documents (SPDs) add further detail to the operation of the policies in the Local Plan, so they can be produced once a plan is adopted. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions.

2.13 SPDs can be produced in a shorter time period. There is a formal time period but no examination by a planning Inspector at the end of the process. The stages of the production of an SPD are set out in legislation and summarised in Appendix C

Non-Statutory Growth Plans

2.14 The Local Development Scheme approved by the Council in February 2022 included a timetable for the production of Non-Statutory Growth Plans. These Growth Plans would not technically be able to ‘allocate’ land for

⁵ [NPPF Para 16](#)

⁶ [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

development, but would be able to influence decisions on planning applications by adopting the Growth Plans as material considerations in the planning process. The consultation methods for these Growth Plans are intended to mirror closely the methods used for statutory planning documents. The stages of the production of a Growth Plan are summarised in Appendix D.

Who we consult

- 2.15 We are legally required⁷ to consult the Specific Consultation Bodies, General Consultation Bodies and residents and businesses during the Local Plan process.
- 2.16 Specific Consultation Bodies (sometimes referred to as statutory consultees) include public organisations such as The Environment Agency, Highways England and Natural England, neighbouring Planning Authorities and Derbyshire County Council. A full list of SCBs is shown in Appendix A.
- 2.17 For us, General Consultation Bodies are defined in the regulations as being:
- voluntary bodies whose activities (some or all) benefit any part of Bolsover District;
 - bodies representing the interests of different racial, ethnic or national groups in Bolsover District;
 - bodies which represent the interests of different religious groups in Bolsover District;
 - bodies representing the interests of disabled people in Bolsover District; and,
 - bodies representing the interests of people carrying on business in Bolsover District.
- 2.18 In addition to these types of organisations, we encourage all interested parties to sign up to our [online local plan database](#) to stay up to date with new policy consultations or stages of the local plan process. You can also email planning.policy@bolsover.gov.uk if you would like to be added. If you wish to be consulted by letter, you can also write to Planning Policy, Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY. Or telephone us on 01246 242203.

How we will consult

- 2.19 We have traditionally used the following methods of consultation on Planning Policy documents:

⁷ [Part 6 of Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

- Emails – we will send email communications to those who are registered on our [online local plan database](#).
- Letters – write to everyone who has registered on our [online local plan database](#) but does not have an email address.
- Document deposit locations – consultation versions of documents, including associated representation forms for feedback, will be made available at publically accessible venues such as Libraries, Customer Contact Centres including our offices, and others where appropriate.
- Website – documents including associated representation forms will be made available on our website, including links to the [online local plan database](#).
- Local Press – we will promote consultations in the local press by issuing press releases and paid notices where appropriate.
- Formal Notices – these state when and where the plan and associated documents can be viewed. Also the Statement of Representation procedure and availability of documents⁸.
- Public Events – we will stage events such as Exhibitions or Drop –in sessions depending on the relevant stage in the process.

2.20 We are considering using the following additional consultation methods more and following consultation on this Statement of Community Involvement we may include them going forward:

- Social Media and Video Platforms – we may use our Twitter, Instagram and You Tube accounts and the Vimeo Video platform to host Bolsover TV to communicate planning policy news.
- Posters – we may put up posters in public buildings such as our Contact Centres and Community centres and Doctor’s Surgeries.
- Special Events – where appropriate we may hold additional events such as school visits and specific events aimed at hard to reach groups.
- Site Notices – we may put site notices around sites for proposed Local Plan allocations.

⁸ The Town and Country Planning (local planning) (England) regulations 2012 – Regulation 19

- We may use Council newsletters / magazines such as In Touch where timely.

2.21 We also make information available in other formats on request, such as in large print.

How you can respond to consultations

2.22 During a consultation period on a new Planning Policy document, we want to take account of what people have to say. However, as we need to be transparent and publish what people say so that others can also see the comments made, we can only take account of responses where they are written down. This can be done either online, by email or by letter.

2.23 To guide people on how to provide feedback, we publish Representation Forms that can be filled out online or in paper format. It is possible to make comments in an email or a letter but we may need to contact you to clarify which part of the planning document you are commenting on. We will also accept petitions, although please note a high number of signatories does not necessarily carry extra weight in the decision making process if the petition is only making one point. Please contact us if you need support in submitting comments.

2.24 We do not currently take account of comments received over social media or non-word based actions such as post likes, shares or retweets.

2.25 Beyond formal consultation periods we will still listen and discuss with you any points you wish to raise but sometimes will direct you to the next formal consultation stage where you can formally submit your comments.

How we will consider your comments

2.26 We will record all representations made and we will consider the points made carefully by everyone in the consultation and take them into account in the further preparation of the relevant planning document.

2.27 Your comments along with our response will appear online on the Council's website, through either the Local Plan Consultation database (currently Opus Consult) or through the Statement of Consultation we produce after each consultation, where summaries of your representations will be shown. As mentioned, you will also be able to see other comments and responses although any personal details such as signatures, email addresses or phone numbers will not be made public.

2.28 We also publish an Annual Monitoring Report (AMR) that shows how effective our planning policies are. Whilst these are not consulted on, the

information may be of interest and shows how we are being transparent by reporting the successes or failures of planning policies.

Hard to Reach Groups

- 2.29 Defining exactly which groups are ‘hard to reach’ groups is quite difficult because to date we have very little data about who our ‘respondents’ are and which groups we are ‘not reaching’. However, we get a sense of who gets involved through our drop in consultation events and anecdotally we see that the younger generation tend to not get involved and could be considered a ‘hard to reach’ group.
- 2.30 In March 2022 we were able to benefit from Government grants to use some new consultation methods to consult on the first stages of a Shirebrook Growth Plan. The methods took a ‘phone- first’ approach and utilised social media ads, phone friendly surveys, and QR codes to link to websites. We will review the success of these methods including any demographic information about who responded.
- 2.31 There are other groups that we historically have had very little or no involvement with through the local plan process, and as stated earlier in the report, we accord with our statutory obligations to undertake Equalities Impact Assessments to make sure that no protected groups are unfairly impacted.
- 2.32 Other groups that are perceived to be ‘hard to reach’ could include the following. The very small Gypsy and Traveller population tend not to engage in the local plan process but they are represented by the Derbyshire Gypsy Liaison Group, who do engage with us. The small travelling Show-people community that resides mostly in Pinxton are also represented by the Showman’s Guild. There are people who identify as ‘disabled’ spread throughout the district and can be represented by Access Bolsover. There are pockets of eastern European economic migrants who reside in the district where ‘language’ may be a barrier. We look to ensure that bodies representing these potentially hard to reach groups are identified as General Consultation Bodies and so specifically consulted on planning documents.
- 2.33 In addition to just sending an email or letter to these groups or their representatives, the Planning policy team could offer to have meetings where more meaningful engagement could take place as suggested below.

How we can exceed the minimum requirements?

- 2.34 As stated above and in Vision Bolsover, the Council is seeking to improve customer contact and removing barriers to accessing information and so we want to consider during the consultation on this draft Statement of Community Involvement as to how we can exceed the minimum requirements.
- 2.35 Some of the options we have seen other Councils do or that we have seen people ask for are listed below.
- Publish a Consultation Response Information sheet or a guidance note that would set out the type of comments that are acceptable e.g. material considerations and explaining how we use evidence to help inform and change our policies.
 - Station a Planning Policy member of staff for at least 3 days within each of the District Offices at Shirebrook, Bolsover and South Normanton (or other suitable alternative venues) for each local plan consultation period. This is to be more accessible to other areas who may find it inconvenient to travel to Clowne to speak to a planning policy officer.
 - Have at least 1 Saturday morning drop in session in the district to have at least some availability to those people who cannot make a weekday or evening drop in session.
 - Offer to hold a meeting(s) with key representatives of a community group/organisation with elected members in attendance, where we will explain the process and the background to any policy, and listen to their concerns.
 - Offer to establish Local Plan Resident Forums where residents can be invited to meetings to discuss the current position within the local plan timetable and where we can explain in much greater detail what we are doing. Elected members would also be invited in an observational capacity. The number of, frequency of, and geographical coverage of such forums would depend upon levels of interest.
 - Consult directly by letter all properties affected by a draft site allocation in the same way as we would an outline planning application, unless it already has planning permission. Engagement cannot be effective if people do not know about something to start with. But engagement must be proportionate. We cannot consult about every site allocation included within a plan, but we can consult on each of the following

types of allocation:- residential, employment, gypsy and traveller, travelling show-people and retail, town centre and tourism uses.

- Offer to hold a meeting(s) with the Showmen's Guild, Access Bolsover and any Eastern European groups in the district.
- Continue to meet with the County wide Gypsy and Traveller Liaison working group that meets twice yearly and also one to one with the Derbyshire Gypsy Liaison Group itself.
- More regular meetings with Parish Councils.
- After evaluating the Shirebrook Growth Plan consultation, consider using 'mobile phone' outreach methods to achieve higher engagement.

2.36 Whilst these options will increase the demand on the Council's officers, we think that some or all of these may help increase and improve public engagement in the planning processes. You may also have other options that you want to suggest and if so please let us know what they are.

NEIGHBOURHOOD PLANNING

- 3.1 Neighbourhood planning allows local communities to plan for their local area by producing their own Neighbourhood Plans or Neighbourhood Development Orders. These type of planning documents can be produced by a Town or Parish Council or by a designated neighbourhood forum.

Neighbourhood Plans

- 3.2 A Neighbourhood Plan becomes part of the Development Plan described earlier if it is approved at a referendum. The [Local Development Scheme](#) outlines progress on Neighbourhood Plans within the district.
- 3.3 The District Council is expected to provide assistance to Town and Parish Councils in the preparation of their Neighbourhood Plans and Orders. This includes working with Town and Parish Councils, and in particular sharing evidence to help ensure that a draft Plan or Order has the greatest chance of success at independent examination.
- 3.4 Parish / Town Council or designated neighbourhood forums must undertake their own consultation. To aid local groups wishing to develop neighbourhood planning initiatives, we have developed a [Neighbourhood Planning Protocol](#) This is intended to:
- Provide a general overview
 - Explain how and when we will support the neighbourhood planning process including advice on consultation methods.
 - Ensure there is clarity and transparency for local communities in terms of our support;
 - Provide a coordinated approach in relation to neighbourhood planning.
- 3.5 We strongly advise that groups considering making a Neighbourhood Plan or Order read the protocol, and contact the planning policy team early in the process to help ensure the smooth running of the project.
- 3.6 There are 5 key stages in preparing a Neighbourhood Plan are set out in Appendix E The ways in which you can get involved in this process are:-
- 3 stages of public consultation
 - Participating at a Public Examination if you have made comments.
 - Voting in a referendum

Neighbourhood Development Orders

- 3.7 A Neighbourhood Development Order (NDO) is another tool that communities can use, this time to permit different types of development without the need for planning permission. When preparing a NDO it must still be in line with national and local policy and other legal requirements. The Town or Parish Council or neighbourhood forum is the only body that can prepare an NDO.
- 3.8 Some community organisations can develop a Community Right to Build Order in an area. A Community Right to Build Order is a form of NDO that can be

created by a local community organisation, and so not restricted to a Town or Parish Council or neighbourhood forum and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

- 3.9 The process of developing a NDO is set out in Appendix F and the ways in which you can get involved in the process are:-
- 2 stages of public consultation
 - Participating at a Public Examination if you have made comments.
 - Voting in a referendum
- 3.10 You can also contact your Town or Parish Council and ask them about their views on preparing a Neighbourhood Plan or a Neighbourhood Development Order for your area.
- 3.11 You may also have other ideas that you want to suggest about how we can better engage with you about neighbourhood planning and if so please let us know what they are.

PLANNING APPLICATIONS

Introduction

4.1 This section covers how you can get involved in development management cases and outlines -

- The Development Management process
- How we consult?
- Who we consult?
- How to comment?
- Decisions on Planning Applications
- Planning appeals
- S.106 Planning Obligations
- Pre – application advice
- Planning Enforcement
- Complaints

The Development Management Process

4.2 We pro-actively manage development in the local area including:

- Dealing with planning applications, (including changes to your home; new houses and businesses or changing the use of land and buildings);
- Planning enforcement (dealing with alleged breaches of planning legislation); and
- Planning Appeals.

4.3 We are not responsible for schools, roads, paths and infrastructure, nor are we responsible for [National Significant Infrastructure Projects](#) such as HS2 or changes to the motorway.

4.4 The Development Management team is responsible for assessing planning applications in accordance with the [Adopted Local Plan for Bolsover District \(2020\)](#), the [National Planning Policy Framework \(NPPF\)](#), [Planning Practice Guidance](#) (PPG) and [other material considerations](#) that include consultation responses. The team also defends decisions at appeal and investigates and enforces against breaches of planning control. If you are unsure about whether you need planning permission please email Dev.control@bolsover.gov.uk

4.5 We receive several categories of planning application. The most common are:

- Major Application (10 or more homes or 1,000 m² non-residential floorspace);
- Minor Applications (up to 9 homes) or up to 999 m² non-residential floorspace);
- Other Applications (includes household extensions, advertisements, and Listed Building Consent).

The Planning Application process is shown in Appendix G

How we consult

4.6 We will carry out consultation on the application in the following ways.

Email Alerts

4.7 If you are interested in planning applications in your area you can sign up for email alerts. Once registered, you will receive an automatic email notification informing you of any new planning application or planning decision made in your area of search with a link to the relevant documents on our website. We encourage residents and businesses to subscribe [here](#).

Neighbour Notification Letter

4.8 We will send a notification by letter to properties adjacent to the boundary of the application site where we consider they may be affected. Application plans and documents will be available to see on our website and we will also make plans available to view at home on request for infirm or disabled neighbours without internet access.

Site Notice

4.9 Depending on the type of application we will display a notice at the application site in a place that is visible to members of the public. For all major applications we will display at least 1 site notice for a minimum of 21 days (a copy a typical notice is attached at Appendix H). We have a system for checking the notices and replacing any that are taken down during the 21 day period.

Press Notice

4.10 We will publicise all major planning applications in accordance with national requirements which currently includes the notices section of a local newspaper (see Appendix J for a list of local papers and their coverage). We will publicise a press notice for some other types of application including applications that are in conservation areas or that affect the character or appearance of a listed building.

Website

- 4.11 Once an application has been registered the whole application is published on [Online applications](#). All applications validated by week / month can be viewed, and can be filtered by district wards. It is also used by certain consultees to select which applications they wish to comment on.

Applications Weekly List

- 4.12 We send a copy of the weekly list to all councillors. The list gives details of the application site, the name of the applicant(s), what is proposed, the name of the planning officer dealing with the application, and determination by Committee or delegated powers. The weekly list is also available to view via [Online applications](#).

Who we consult on Planning Applications

Statutory Bodies

- 4.13 [The Planning Practice Guidance on Consultation and pre-decision matters](#) sets out the process for efficient and inclusive consultation of planning applications. [Statutory bodies](#) will be consulted on planning applications for certain types of development in accordance with relevant regulations. Consultation with these bodies will vary depending on the type of development proposed / and or location.
- 4.14 We also consult neighbours and town or parish councils. Councillors will be sent a copy of the weekly list. Members of the public can find out about applications through the methods in the 'How we consult' section.

How to comment

- 4.15 We can only accept comments in writing. We ask that all comments are made via our website in the first instance but we also accept emails and letters.
- 4.16 When commenting on an application, it is important to provide:
- Planning application reference number
 - Address of the site
 - Your name and address
- 4.17 Your comments will appear publicly on the planning application's webpage. All personal information such as telephone numbers, emails and signatures will be redacted, however addresses and names will be shown for transparency purposes.

- 4.18 Comments made on a planning application are not transferred to a subsequent consultation or to a new planning application (although if an amendment is made to a current application, comments originally submitted are taken into account and do not need to be made again). However, if a new planning application is submitted on the same application site as a previous application, you will need to resubmit your comments for consideration. Please note that we don't acknowledge or respond to comments directly, due to the high numbers we receive.
- 4.19 When commenting on planning applications, it is important to comment on issues which are [material planning considerations](#) as we can only take those into account. These are more likely to help shape the outcome of the application. Examples of material considerations are shown in Appendix I.
- 4.20 In accordance with our Customer Service Standards and equality policy, we will not tolerate comments that contain abusive, offensive or derogatory language, or those related to a personal circumstance not directly related to the application. Any comments submitted to us in this manner will not be published nor considered.
- 4.21 Once a planning application is registered and allocated to a planning officer, the application will be publicised online and appropriate parties will be notified. Parties have a minimum of 21 days to comment⁹. All comments must be made in writing, preferably through our website, or by email, or if this is not possible then by letter, within:
- 21 days from the date of our notification letter, or
 - 21 days from the date of a press notice or site notice appearing.
- 4.22 Due to the volume of correspondence we receive, it is not possible to respond to or discuss individual comments that we receive on planning applications, however a summary of these and the officers' responses are provided in the officer report, published on the relevant planning application page.

Decisions on planning applications

- 4.23 Decisions on planning applications will be determined in accordance with the decision-making processes set out in our constitution, in the [Council's Planning Protocol](#)

⁹ This period is set out in Article 15 of the Town and County Planning (Development Management Procedure) Order.

- 4.24 The constitution sets out how we operate, how decisions are made and the procedures that are followed to ensure that we are efficient, transparent and accountable.
- 4.25 Time periods for determination are set out in [law](#) but the time limit is usually:
- 8 weeks for most planning applications
 - 13 weeks for ‘major’ (larger) developments
 - 16 weeks for applications that need an Environmental Impact Assessment.
- 4.26 If more time is needed to determine an application, an ‘extension of time’ can be agreed between the planning officer and the applicant.

Planning Committees

- 4.27 All planning applications are allocated to a case officer who will assess the application and make a recommendation on whether the application should be approved or refused. Most applications are determined under delegated powers, which means the applications do not need to go to a planning committee for a decision. However, some larger and / or complicated planning applications will need to be determined by a planning committee. The planning committee, which comprises elected councillors, has a duty to decide planning and other development-related applications. Elected members can also call in applications to be decided at planning committee in accordance with our [Planning Protocol](#).

Speaking at Planning Committee

- 4.28 If an application that you have commented on is due to go to a planning committee for a decision, we will write to you and invite you to speak or submit a statement for the meeting in line with our [Speaking at Planning Committee Guidelines](#). Each speaker, or group of speakers, can speak for up to five minutes on each application site.
- 4.29 Agenda papers are published on our website five working days before the committee meeting. If you wish to speak or submit a statement at the meeting, please contact the Democratic Services Officer using the contact details provided or alternatively you can complete the online [self serve form](#).

Planning Appeals

- 4.30 If a planning application is refused, the applicant can either re-apply for planning permission with an alternative scheme, or they can appeal against the decision. Applicants also have the right to appeal against non-

determination, if we have not determined the application within the statutory time limits. It is also possible to appeal against any planning condition imposed on a planning permission. Appeals are made to the Government's Planning Inspectorate (PINS).

- 4.31 Only the person who applied for planning permission, or was served with an enforcement notice, has a legal right to appeal (known as the appellant). There is no right of appeal for interested people or organisations (known as third parties).
- 4.32 There is planning practice guidance on [appeals](#) available online that provides useful information about the appeals process.
- 4.33 If an appeal is made, we will notify the interested parties of the appeal and provide information on how and when to respond to the Planning Inspectorate. You can view current appeals on the Planning Inspectorate's Appeals Casework Portal.

Section 106 (Planning Obligations)

- 4.34 A Section 106 is a legal agreement between us and developer(s) and / or landowner(s) to raise money to provide affordable housing or to fund infrastructure if it is needed to support development.
- 4.35 We draw up a Section 106 agreement before we grant planning permission, so the developer is legally bound to deliver the affordable housing or other infrastructure we have agreed. Money is collected from the developer or works are provided on site once the planning permission is implemented and when certain points in the agreement have been met.
- 4.36 We do not consult on Section 106 agreements. However, we work with Town and Parish Councils and local district councillors as well as other technical consultees, to find out which community facilities may be impacted by new development or that require investment as a result of the development. We also publish an Annual Infrastructure Funding Statement.

Pre-application advice

- 4.37 We encourage developers to carry out pre-application consultation with us when they are preparing an application. We will discuss the need for community involvement with applicants and agents at the pre-application stage for significant proposals. Early engagement can help to identify and resolve issues before the application is submitted.
- 4.38 On significant proposals developers are asked to:

- i. Submit a consultation programme at pre-application discussions with us. The programme will show who will be consulted, and how they will be consulted, together with full details of the meetings/events proposed;
- ii. Notify neighbours of the site of the proposal;
- iii. Carry out the agreed consultation programme prior to submitting the planning application;
- iv. Submit a Public Consultation Statement at the same time as the planning application. The statement will set out the results of the agreed consultation;
- v. Notify all of those engaged in the pre-submission process of the submission of the application;
- vi. Certify that they have notified people; and
- vii. Advise people involved in pre-submission process of any significant changes made between proposals put forward at the pre-application stage and the submitted application.

4.39 For the purposes of this statement a significant proposal is defined as:

- Industrial, office, retail, and community development in excess of 10,000 m²;
- Warehouse development **in excess of 20,000 m²**;
- Applications requiring the submission of an Environmental Impact Assessment;
- All housing of more than **100 houses**;
- All major applications which are also departures to the development Plan.

Planning Enforcement

4.40 When a person carries out development without planning permission we consider what action to take. Although we investigate allegations, the decision on whether to take formal action is discretionary.

4.41 If we find a breach of planning control has occurred, we can consider enforcement action. However, before such action is taken, we will give the person an opportunity to put things right. This could involve us asking for a new retrospective planning application at which point public consultation will happen.

4.42 If no application is made and the breach is deemed to be harmful in planning terms, then formal action will be considered. We have several tools we can use including enforcement notices and high court

injunctions. However, our action needs to be proportionate to the breach that has taken place and formal action is a last resort. Further details on our approach to addressing planning enforcement matters can be found on our [website](#) where you can report a suspected unauthorised development or breach of planning permission.

Complaints

- 4.43 Should customers wish to make a complaint, in the first instance they are encouraged to talk to the officer concerned, or failing this, the Planning Manager (Development Management). If you are still unhappy, then we have a corporate complaints procedure which can be used. Information is available on our website, and you should visit [Compliments, comments and complaints](#)
- 4.44 The [Local Government Ombudsman](#) investigates complaints of injustice arising from maladministration. They can investigate complaints about how we have done something, but cannot question what we have done simply because someone does not agree with it. You must give us an opportunity to deal with a complaint against it first (see above). If you are unhappy with the action we take then you can write to the Ombudsman.
- 4.45 You may also have other ideas that you want to suggest about how we can better engage with you in respect of planning applications and if so please let us know what they are.

Appendices

- A) Full list of SCBs
- B) Key Stages of the Development Plan process
- C) Key stages of the Supplementary Planning Document process
- D) Key stages of the Growth Plan process
- E) 5 Key stages of Neighbourhood Plan Preparation
- F) Key stages of a Neighbourhood Development Order
- G) The Planning Application process
- H) Site notice
- I) Material considerations as found on the Planning Portal
- J) Newspaper coverage of the district

Appendix A - Full list of SCBs

- Any relevant authority any part of whose area is in or adjoins the local planning authority's area*
- The Coal Authority;
- Electricity Companies;
- The Environment Agency;
- Gas Companies;
- National Highways;
- The Historic Buildings and Monuments Commission for England (known as Historic England);
- The Homes and Communities Agency;
- The Marine Management Organisation;
- Natural England;
- Network Rail Infrastructure Limited;
- The Primary Care Trust;
- Sewerage Companies;
- Telecommunications Companies;
- Water Companies; and
- A neighbourhood forum, any part of whose area is in or adjoins Bolsover district.

*Relevant authorities include:

- Amber Valley Borough Council;
- Ashfield District Council;
- Bassetlaw District Council;
- Chesterfield Borough Council
- Derbyshire County Council;
- Mansfield District Council;
- North East Derbyshire District Council;
- Nottinghamshire County Council;
- Rotherham Metropolitan Borough Council;
- any Parish Council whose area is in or adjoins Bolsover district
- the local policing body

Although not a Specific Consultation Body, government departments or agencies are also often consulted or notified as appropriate.

Appendix B

Stages of plan development and community involvement in respect of local plans

DETAILED STAGES OF PLAN DEVELOPMENT AND COMMUNITY INVOLVEMENT IN RESPECT OF LOCAL PLANS
Stage 1 – Early Community Engagement and Evidence Gathering
<p>We will:</p> <ul style="list-style-type: none">• Issue a press release to appropriate local newspapers, and place an article on our website on the subject of the plan.• Contact people on the Local Plan consultation database¹⁰ either by letter or email seeking views on the new plan, and what topics / issues you think the plan should address.• Make copies of any documents, including key background papers available for you to view on the website, and at contact centres and libraries in the district.• Hold open participation meetings / exhibitions to meet planners and discuss issues (the number and locations will depend on the subject of the plan). <p>You can:</p> <ul style="list-style-type: none">• Contact us to discuss any issues before responding.• Let us know your views. <p>Ask to be added to our Local Plan consultation database to be notified of future consultation by contacting the Planning Policy team.</p>
Stage 2 – Building on Engagement
<p>We will:</p> <ul style="list-style-type: none">• Record all representations made. Consider them carefully, and take them into account in the further preparation of the Local Plan• Publish summaries of the representations and responses on our website. <p>You can:</p> <ul style="list-style-type: none">• See our response to representations.• See what other representations have been made, and our initial response(s).
Stage 3 – Preparation of Local Plan Documents
<p>We will:</p> <ul style="list-style-type: none">• Prepare the next version of the plan, including: a submission policies map if a new one is needed; a Sustainability Appraisal; and a statement setting out full details of consultation undertaken so far, and our response(s). <p>There is no formal consultation at this stage. The details above have been set out to show the process of plan development.</p>

¹⁰ This will include Specific Consultation Bodies; General Consultation Bodies; other stakeholders; and the Local Strategic Partnership – see section 9 below for further details.

Stage 4 - Publication

We will:

- Publish the plan, in what we think should be the final version, together with any associated documents, for example the Sustainability Appraisal and policies map, together with details of the consultation undertaken so far and our response to the key points made to date.
- Write to or email the people on the Local Plan consultation database and let them know where they can see a copy of the document(s).
- Hold a formal public consultation of not less than 6 weeks.
- Issue a press release setting out details of when and where the plan and associated documents can be viewed.
- Publish details of when and where the plan and associated documents can be viewed on our website.
- Make copies of the plan and associated documents available to look at and comment on: on our website; at the main council offices; customer contact centres; and at local libraries.
- Prepare a form for replies so that people can respond easily, and we can contact them if required.
- Listen to what people have to say.

You can:

- Contact us to discuss any issues before responding.
- Let us know your views in writing or by electronic communication
- Let us know if you would like to be notified of:
 1. When the plan is submitted for examination.
 2. When the recommendations of the inspector are published.
 3. When the plan is adopted.

Stage 5 – Consideration of the points made in representations

We will

- Consider the points made by everyone who responded to the consultation.
- Prepare our response to the key points made in representations.
- Prepare a Statement of Consultation giving a summary of the main issues raised by the representations.
- Make any amendments to the draft plan.
- Exceptionally, if the representations raise significant major issues, we may withdraw the plan and return to Stage 3.

There is no formal consultation at this stage. The details above have been set out to show the process of plan development.

Stage 6 – Submission to the Secretary of State

We will

- Send the plan, together with any associated documents, for example the Sustainability Appraisal and Policies Map, to the Secretary of State.
- Also send a statement of: who has been consulted; how they were consulted; the main points made; and how representations made have been taken into account; and how the requirements of this Statement of Community Involvement have been met.
- Make copies of the above information available on our website, our main Council offices, at contact centres and libraries in the district.
- Write to or email the people on the Local Plan consultation database and let them know that the documents have been submitted, and where they can access copies of them.
- Inform people who asked to be notified of the submission of the plan to the Secretary of State that the Plan has been submitted.

Stage 7 – Independent Examination and Public Hearing

An Inspector appointed by the Government will carry out an independent examination into the soundness of the plan. Before this takes place

We will:

- Publish on our website, and make available at our main offices; customer contact centres; and libraries; details of the date, time, and place of the Hearing, together with the name of the Inspector.
- Notify anyone who made representations under Stage 4 and has not withdrawn them of details of the examination.

You can:

- If you made written comments about the plan at Stage 4, you can appear at the Hearing to speak in support of or against issues in the plan.

Stage 8 – Following the Hearing

Once the Hearing has taken place, the Inspector will prepare a report setting out his views on the plan, and recommendations.

We will:

- Publish the Inspector's recommendations on our website and make copies available at our main offices; customer contact centres; and libraries.
- Notify anyone who asked at Stage 4 of the publication of the recommendations.

You can:

- View the Inspector's recommendations.

Stage 9 - Adoption

We will consider the Inspector's recommendations and make any appropriate

changes.

We will:

- Adopt the plan.
- Publish the adopted plan and associated documents on our website and make copies available at our main offices; customer contact centres; and libraries.
- Notify anyone who asked at stage 4 that the plan has been adopted.

You can:

- View the adopted plan and associated documents.

Stage 10 - Review

We will:

- Set targets and monitor the performance of the plan to ensure it is effective, and meeting its objectives.

You can:

- View the monitoring reports to see what the plan is achieving for your community, and how the policies are performing.

Appendix C

Key stages of SPD preparation

STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN SUPPLEMENTARY PLANNING DOCUMENTS (SPD)
Stage 1 – Early Community Engagement and Evidence Gathering
<p>We will:</p> <ul style="list-style-type: none">• Issue a press release to the Local Press, and place an article on the Council’s website on the subject of the SPD.• Collect information, including recent studies to create an up to date evidence base on the topic.• Collate information from people / groups / organisations on the subject of the SPD. This will involve using the most appropriate methods of community involvement set out in section 11 below proportionate to the geographic area and topic of the SPD as appropriate. <p>You can:</p> <ul style="list-style-type: none">• Let us know your views. <p>Ask to be notified of future consultations on this topic by contacting the planning policy team.</p>
Stage 2 – Preparation of a draft Supplementary Planning Document
<p>We will:</p> <ul style="list-style-type: none">• Prepare a draft version of the SPD using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the SPD. <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>
Stage 3 – Consultation on the draft Supplementary Planning Document
<p>We will:</p> <ul style="list-style-type: none">• Hold a formal public consultation of a minimum of 4 weeks.• Make the draft SPD and associated documents available to view and comment on via the Council’s website, and at the Council’s main office; customer contact centres; and, libraries.• Write to or email people with an interest in the topic(s) in the SPD.• Listen to the comments you make. <p>You can:</p> <ul style="list-style-type: none">• Write or e-mail, and let us know your views.
Stage 4 – Consideration of the points made in representations
<p>We will:</p> <ul style="list-style-type: none">• Consider the points made by everyone who responded to the

consultation.

- Make any appropriate amendments to the draft document.

There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.

Stage 5 - Adoption

We will:

- Adopt the Supplementary Planning Document.
- Make the adopted Supplementary Planning Document and associated documents available to view on the Council's website, at the main council offices; customer contact centres; and, libraries.
- Notify anyone who asked to be notified of the adoption of the Supplementary Planning Document.

Appendix D

Key stages of Growth Plan preparation

STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN GROWTH PLANS
Stage 1 – Early Community Engagement and Evidence Gathering
<p>We will:</p> <ul style="list-style-type: none">• Issue a press release to the Local Press, and place an article on the Council’s website on the subject of the Growth Plan. .• Collect information, including recent studies to create an up to date evidence base on the topic.• Collate information from people / groups / organisations on the subject of the Growth Plan. This will involve using the most appropriate methods of community involvement set out in section 11 below proportionate to the geographic area of the Growth Plan as appropriate. <p>You can:</p> <ul style="list-style-type: none">• Let us know your views. <p>Ask to be notified of future consultations on this topic by contacting the Planning Policy team.</p>
Stage 2 – Preparation of a draft Growth Plan
<p>We will:</p> <ul style="list-style-type: none">• Prepare a draft version of the Growth Plan using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the preparation of the draft Growth Plan. <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>
Stage 3 – Consultation on the draft Growth Plan
<p>We will:</p> <ul style="list-style-type: none">• Hold a formal public consultation of a minimum of 4 weeks.• Make the draft Growth Plan and any associated documents available to view and comment on via the Council’s website, and at the Council’s main office; customer contact centres; and, libraries.• Write to or email people with an interest in the preparation of the Growth Plan.• Listen to the comments you make. <p>You can:</p> <ul style="list-style-type: none">• Write or email, and let us know your views.

Stage 4 – Consideration of the points made in representations**We will:**

- Consider the points made by everyone who responded to the consultation.
- Make any appropriate amendments to the draft document.

There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.

Stage 5 - Adoption**We will:**

- Adopt the Growth Plan.
- Make the adopted Growth Plan and associated documents available to view on the Council's website, at the main council offices; customer contact centres; and, libraries.
- Notify anyone who asked to be notified of the adoption of the Growth Plan.

Appendix - E

Key stages in preparing a Neighbourhood Plan

1. We approve a Neighbourhood Area Application (Regulation 6).

This stage includes public consultation for at least four weeks (unless application relates to more than one Parish / Town area, then the period for representations must be at least six weeks). Once the Neighbourhood Area is approved by the council work can start on preparing a neighbourhood plan.

2. Pre - submission Consultation (Regulation 14)

This stage consists of a public consultation for a minimum of six weeks on the draft neighbourhood plan. The plan may then be amended as a result of comments received during consultation before submission to us.

Publication of Neighbourhood Plan (Regulation 16)

This stage consists of a public consultation for a minimum of six weeks on the neighbourhood plan. The plan is then sent to an independent examiner.

3. Examination of the Neighbourhood Plan

The plan is examined by an independent examiner. During the examination process the examiner will review the comments submitted during the Regulation 16 consultation.

4. Referendum on the Neighbourhood Plan

A local referendum is held where voters can decide whether they wish to support the Neighbourhood Plan. At least half of the voters must vote 'yes' for the plan to be 'made' i.e. adopted by the Council.

Appendix F

Key Stages in preparing a Neighbourhood Development Order

1. Pre-submission consultation on draft Order (Regulation 21)

Minimum 6 week consultation on the Draft Order

2. Publication of Order (Regulation 23)

Minimum 6 week consultation on the Order. The Order is then sent to an independent examiner.

3. Examination of the Order

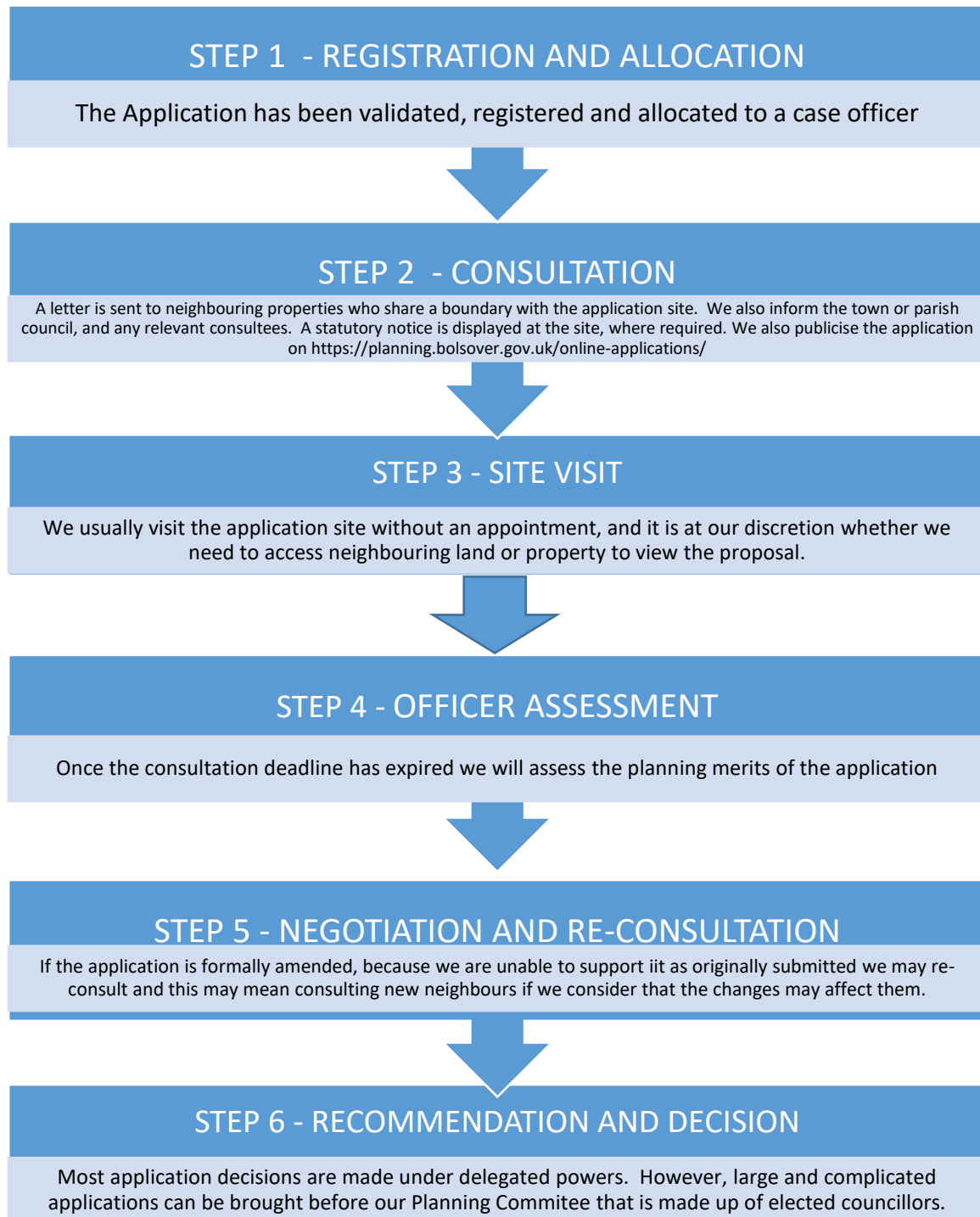
During the Examination process the examiner will review the comments submitted during the Regulation 23 consultation.

4. Referendum on the Order

A local referendum is held where voters are asked if they will support the Order. At least half of the voters must vote 'yes' for the Order to be 'made' i.e. adopted by the Council.

Appendix G

The Planning Application Process



Appendix I

Material Considerations

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations. And neither are :- Breach of private covenant; Loss of trade to a competitor; Level of profit a developer might make; Personal circumstances of the applicant (other than in exceptional cases); Character of the applicant; Nuisance caused by building works; Moral objections (e.g. to uses such as amusement arcades and betting offices); Boundary or neighbour disputes; Conflict with private access.

Appendix J

Newspaper coverage of the district

Mansfield Chad – (Wednesday)

Covering: - Whaley Thorns, Nether Langwith, Upper Langwith, Langwith Junction, Langwith, Shirebrook, New Houghton, Stony Houghton, Pleasley and Whaley.

Worksop Guardian - (Friday)

Covering:- Elmton with Creswell, Whitwell, Belp, Bakestone Moor, Hodthorpe and Steetly.

Derbyshire Times - (Thursday)

Covering:- Ault Hucknall, Hardstoft, Astwith, Stainsby, Glapwell, Rowthorne, Bramley Vale, Palterton, Pinxton, Scarcliffe, Hillstown, Bolsover, Shuttlewood, Stanfree, Clowne, Barlborough, Doe Lea, Spinkhill, Tibshelf, Newton, Blackwell, Hilcote and South Normanton.