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To: Chair & Members of the Planning
Committee

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Thursday 26th May 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, The Arc, High Street, Clowne, on Wednesday, 8th June, 2022 at 10:00 hours.

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

You will find the contents of the agenda on pages 2 and 3.

Yours faithfully

A handwritten signature in black ink, appearing to read "J. S. Fielden".

Solicitor to the Council & Monitoring Officer

The logo for Bolsover District Council, featuring the word "Bolsover" in a large, black, serif font, with "District Council" in a smaller, black, sans-serif font below it. A black swoosh underline is positioned beneath the text.

We speak your language

Polish **Mówimy Twoim językiem**

Slovak **Rozprávame Vaším jazykom**

Chinese **我们会说你的语言**

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AGENDA

**Wednesday, 8th June, 2022 at 10:00 hours taking place in the Council Chamber,
The Arc, Clowne**

| Item No. | | Page No.(s) |
|----------|---|-------------|
| 1. | Apologies For Absence | |
| 2. | Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972. | |
| 3. | Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time. | |
| 4. | Minutes To consider the minutes of the last meeting held on 27 th April 2022 | 4 - 8 |
| | <u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u> | |
| 5. | Change of Use of agricultural land to equine use and the erection of two stables/field shelters - Land East Of April Cottage, The Square, Elmtun. | 9 - 24 |
| 6. | Change of use of the premises as a single dwelling house and associated domestic curtilage - Former Stainsby Centre and Baden Powell Scouts Centre, Hawking Lane, Stainsby. | 25 - 33 |
| | <u>REPORT OF THE PLANNING MANAGER</u> | |
| 7. | May 2022 Local Enforcement Plan (Planning) – Review. | 34 - 62 |

**REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT
AND PLANNING**

- | | | |
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| 8. | Quarterly update on S106 Agreement Monitoring. | 63 - 69 |
| 9. | Annual Infrastructure Funding Statement 2020/21 and 2021/22. | 70 - 110 |

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Chamber Suites, The Arc, Clowne, on Wednesday 27th April 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Paul Cooper, Chris Kane and Duncan McGregor.

Officers:- Sarah Kay (Planning Manager), Chris Fridlington (Assistant Director - Development), Chris McKinney (Interim Planning Policy Manager), Julie Ann Middleditch (Conservation Officer), Jon Hendy (Senior Planner (Planning Policy)), Jenny Owen (Legal Executive) and Alison Bluff (Governance Officer)

PL43 – 21/22. APOLOGIES

An apology for absence was received on behalf of Councillor Jim Clifton.

PL44 – 21/22. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL45 – 21/22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL46 – 21/22. MINUTES – 23rd FEBRUARY 2022

Moved by Councillor Derek Adams and seconded by Councillor Chris Kane
RESOLVED that the Minutes of a Planning Committee meeting held on 23rd February 2022 be approved as a correct record.

PL47 – 21/22. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

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.

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

The application was 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.

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Further detail was included in the Supplementary Report which advised of one further letter of objection, however, the issues highlighted in this additional representation had already been considered in the original officer report.

The officer recommendation was not for a temporary consent, as it was considered that the operation of the beer garden was acceptable in planning terms on a permanent basis. The property already had a permanent premises license granted for the use of the beer garden in connection with the premises.

The Planning Manager read out a statement on behalf of Councillor Mary Dooley who had called in the application and could not be in attendance at the meeting. The statement spoke against the application.

The Planning Manager read out a statement on behalf of Julie Keward, who had not been able to attend the meeting. The statement spoke against the application.

Mr Ian Allcock (applicant) attended the meeting and spoke for the application.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the application be granted 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

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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").

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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.

(Planning Manager – Development Control)

PL 48 – 21/22. REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT

i) Update on Section 106 Agreement Monitoring

Committee considered a report which provided progress 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.

The Council had approved a procedure for recording and monitoring Section 106 Agreements in 2019. This procedure governed the work of the Council's cross-departmental Section 106 Monitoring Group who provided a progress report to Planning Committee highlighting any sums at risk of clawback that needed spending within 12 months. The report was the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 2nd February 2022.

Councillor Adams requested that future reports showed information in a graph format at each stage S106 monies were due per development and when monies had to be spent by. The Interim Planning Policy Manager advised Committee that the Annual Funding Statement would be presented to Members soon and would cover the graphs Councillor Adams referred to - the report to be considered at this meeting was in relation to the S106 monies which were coming to the end of their 5 year period.

Councillor McGregor raised serious concern regarding the time factors involved in relation to some of the S106 monies as set out in the report and stated that serious discussions needed to take place with officers. He referred to paragraph 1.3 of the report which clearly stated that a developer was entitled to request S106 money back if the Council failed to spend monies within a set period of time. Further, the negative impact on the affected local community and the consequential reputational impact on the Council if this happened.

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The Interim Planning Policy Manager stated that Members were right to raise their concern. He provided an update to Committee that the Community Arts Development Officer had advised that an alternative suitable scheme had been established and the sum of £3,045 for Public Art had paid for the development of a community arts resource to address anti-social behaviour on green spaces in the Clowne Parish area and this money was spent prior to 18th April 2022 deadline.

In relation to the Thurgaton Way Phase 2 sum of £30,132 for health, plans for new clinical consultation rooms were 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.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro
RESOLVED that the report be noted.

Councillor Chris Kane left the meeting at this point.

i) Statement of Community Involvement: draft for public consultation

Committee considered a detailed report which sought Members' approval to consult on a draft Statement of Community Involvement. The draft Statement was attached as an appendix to the report.

The Council's recently published Local Development Scheme (February 2022), set out a timetable for the preparation of a new Statement of Community Involvement by October 2022, as part of the Council's duties to keep planning documents up to date.

The report for Members consideration implemented the timetable and sought approval to start a 6-week public consultation exercise in May 2022. The findings of the public consultation exercise would be taken into account and a final Statement of Community Involvement prepared, which would be presented to the Local Plan Steering Group and then to Planning Committee for adoption in advance of October 2022. It was proposed that the consultation exercise commenced on Friday 6th May 2022 for a 6 week period through to Friday 17th June 2022.

Members welcomed the report and noted that the Council was a pilot authority for the Government's digital planning reforms and their PropTech Engagement Fund, and was also trialling some of the latest techniques to strengthen public engagement.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the draft Statement of Community Involvement, as attached at Appendix A to the report, be approved for a public consultation exercise as outlined in the report.

(Planning Manager/Senior Planner (Planning Policy))

The meeting concluded at 1100 hours.

PARISH Elmton With Creswell Parish

| | |
|------------------------|---|
| APPLICATION | Change of Use of agricultural land to equine use and the erection of two stables/field shelters |
| LOCATION | Land East Of April Cottage, The Square, Elmton |
| APPLICANT | Miss Tracey Scrimshaw, 4 Elmton View, Creswell, Worksop, S80 4PG |
| APPLICATION NO. | 22/00109/FUL |
| FILE NO. | |
| CASE OFFICER | Mrs Karen Wake (Mon, Tues, Wed) |
| DATE RECEIVED | 1st March 2022 |

SUMMARY

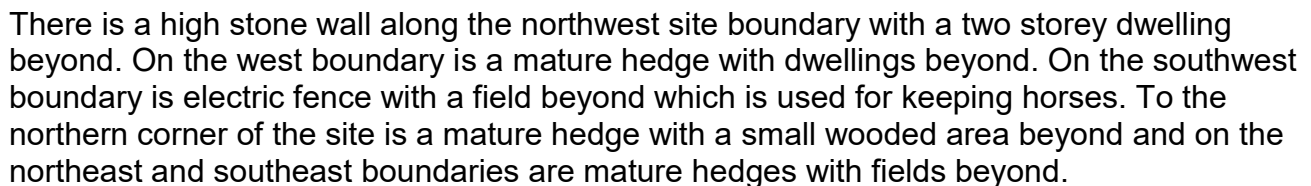
This application has been referred to the Planning Committee by Councillor Clifton given the concerns of local residents about the impact of the development on the character and appearance of the conservation area.

In summary, the application is recommended for approval. The proposal is considered to be a use which requires a rural location. The applicant has made amendments to the proposal following discussions with the Conservation Manager. The amended proposal still has some impact on the character and appearance of the conservation area and its setting, but it is not considered to result in any greater harm than other existing equestrian uses in and adjacent to the conservation area or than some agricultural uses would have which could be implemented without the need for planning permission. On this basis the proposal accords with most policy requirements, subject to the inclusion of suitable conditions.

Site Location Plan



The site is a grass field outside the development envelope. There are two public footpaths which cross the site. One is immediately adjacent to the northwest boundary of the site and the other crosses through the site from northwest to southeast. The footpath which crosses through the site is the conservation area boundary. The part of the site which is to the south west of the site is within the conservation area. The remainder of the site is outside the conservation area in an area allocated as an important open break in the Local Plan for Bolsover District. This is shown in the map extract below.



The site has been used for the keeping of horses since 2018. The dark brown timber block of three stables and a tack room was also constructed in 2018. A complaint was received and the council visited the site. The applicant was advised that the use of the land and the stable block required planning permission and invited the submission of a retrospective planning

application.

A planning application wasn't submitted so the council had to consider whether or not it would be expedient to take enforcement action to seek the removal of the stable block and/or to stop the use of the land for the keeping of horses.

In 2019 the Council formally considered this and resolved to take no further action in respect of the building and the use for keeping horses. The council decided that there were insufficient planning reasons to justify taking any formal action. This conclusion was reached on the basis that if the Council had received a planning application it would be likely to be approved without planning conditions. The Council should therefore not seek to take action in such a scenario.

That decision did not authorise the development which had been carried out and it remains a breach of planning control. However, that decision does prevent any enforcement action being taken to require the brown timber stable block to be removed or for use of the land for the keeping of horses to stop.

Since that decision was taken a block of two timber field shelters finished in green, an open fronted stable/field shelter, a hay barn and a metal storage building have been added to the site without planning permission.

PROPOSAL

The current application seeks to regularise the use of the site for the keeping of horses and the timber stable block which was considered by the council in 2019. It also seeks to retain the block of two timber field shelters finished in green, the open fronted stable/field shelter attached to the original stable block, the hay barn and a metal storage building which have also now been added to the site.

AMENDMENTS

The application has been amended since its original submission following concerns expressed by the Conservation Manager.

The green field shelters are to be moved to the northern corner of the site adjacent to the hedge and the wooded area. A revised plan has been submitted to show the amended location. The applicant has also confirmed that they will be painted dark green.

The applicant has clad the rear and side of the open store/shelter attached to the stable block in timber cladding and painted it dark brown to match the original stable block and planters have been positioned to screen the surface water collection/treatment butts to the rear of the stable block.

HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

Derbyshire County Council (Highways) –

No objections to the proposals subject to a condition that the equestrian use will continue for private purposes and not be for any business or commercial enterprise: 9/03/2022

Parish Council –

No comments received.

Conservation Manager-

In the initial consultation response concerns were raised about the following structures on site:-

- Open fronted hay barn with tarpaulin sides
- 2 horse shelters situated in the conservation area and highly visible in views from the conservation area and identified in views HP2 and HP3.
- Pre-fabricated metal garage
- The use of green electric tape rather than white tape would be preferable.

Following a meeting on site with the applicant and the case officer:

- The applicant explained the rationale behind the larger storage shelter and the use of fire retardant mesh. It was agreed that the open structure was preferable to a solid timber clad structure which would appear more permanent and require future maintenance and upkeep.
- A revised plan has been received showing the 2 field shelters re-positioned from a prominent location in the conservation area to a new position in the eastern corner of the field (outside the conservation area) set against a backdrop of mature vegetation. The field shelters will be painted green. It is considered that the revised position in the eastern corner of the field will reduce the visual impact of the structures and addresses the concerns raised previously in relation to the identified views HP2 and HP3.
- There are still some concerns about the metal storage shed as the materials of construction would not normally be acceptable in conservation areas. The need for a secure storage unit in this isolated location has been documented and may justify the use of a composite timber effect cladding in this location. When viewed on site the shed is seen in the context of the adjoining stables. It could be clad in timber but this will introduce further maintenance issues.
- It has now been brought to my attention that the tape is not classed as development and as a result does not require permission. However, the introduction of the white rope in lieu of white tape is regarded as a visual improvement.
- The rear of the shelter has now been clad in timber cladding to match the existing stable block. This has improved the appearance of the building and ensures a continuous design.
- Overall there has been an improvement in the general appearance and tidiness of the site and the applicant has introduced some screening to the water butts.
- The introduction of a solid post and rail fence across the length of the public footpath would be more visually intrusive than the temporary rope and post arrangement used at present and this option would not be supported.

The change of use of the land to equine use is considered acceptable in policy terms. The

revisions outlined above have alleviated some of the concerns previously raised about the harm (less than substantial / low level harm) of the development on the landscape setting of the Conservation Area and the non-designated assets. In particular, the relocation of the field shelters from a prominent site in the conservation area to a much less prominent site outside the conservation area set against a row of mature vegetation thus removing the impacts on identified views HP2 and HP3, the cladding of the rear of the stable, the introduction of white rope and the introduction of vegetation to provide screening has resulted in an overall improvement which has removed the less than substantial / low level harm identified previously and resulted in a neutral impact which now meets the conservation policy requirements set out: 16/05/2022

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

PUBLICITY

Site notice, press notice and 15 neighbours notified. Letters of objection received from 11 residents and the Chair of Elmtun Community Association which raise the following issues:

1. Part of the field is in the Conservation Area, the rest is adjacent to the conservation area and is sensitive to change.
2. The field shelters are in the conservation area. They do not comply with how field shelters should be constructed which are on skids so that they can be moved.
3. The use of the land has increased with more people using the facilities which means increased vehicles visiting the site causing some to park on the Lane. If the change of use is approved the land will become more developed causing more vehicles.
4. Agricultural land does not have to be re-designated as equestrian to have field shelters on it.
5. The landscape of Elmtun is one of open vistas, large gardens and wide uncluttered spaces. This use of land goes against the landscape character.
6. All Elmtun residents are aware of and abide by the strict planning process due to its conservation and award winning status. Stables were erected without planning permission and now residents have to look at these wooden structures instead of views of the beautiful village and fields.
7. Over the last 2yrs the stable building has increased in size and now further buildings have been constructed.
8. How have these permanent structures been built without any planning permission?
9. The plans are inaccurate.
10. Why has a solar power system has been installed which is illuminated all night shining towards homes within Elmtun without any planning permission?
11. The stables do not have an adequate water supply. Water is often piped in from April Cottage across the public right of way causing a tripping hazard, also without consent.
12. If the facility has no planning permission it probably has no insurance and yet a petrol vehicle and hay barn are stored on site close to houses which is a fire risk. Are the Fire service aware of this development?
13. The highway outside the site entrance is covered in mud and sludge from vehicles accessing the site. This, together with the on-street parking on a blind bend means and accident is imminent. There are regularly 3 or 4 vehicles parked on the bend eroding the verges.
14. The original field dividing hedgerows to the east of the site have been compromised by tons of horse manure piled against it which now breaches the hedgerow on to the

adjoining field.

15. The field now contains white tape fences and barbed wire in the hedges. This is an eyesore, is dangerous to pets and children, may interfere with nesting habitats and is an issue of public safety.
16. The woodchip rear elevation of the stable block is an eyesore to public using the footpath.
17. Rats have been seen at the site and are causing a problem in an adjacent garden. Prior to this use of the site there have never been problems with rats.
18. The public rights of way are impassable in wet weather due to the mud at the site entrance caused by the vehicles entering the site. This is a particular problem for people who are elderly or have disabilities and means they cannot use the footpaths.
19. The applicant has shown disregard for the planning process, the village and its residents.
20. If planning permission is granted then further development will follow without planning permission being sought to the detriment of the village.
21. The site should be returned to agricultural use and the buildings removed.
22. The white tape and plastic post fence is harmful to the landscape.
23. There are currently 3 established riding schools in close proximity to the site. The re-designation from agricultural use to equestrian use has potential to create a commercial venture which would be inappropriate to the scale of the village and the conservation area.
24. The proposal affects the setting of a listed building.
25. The buildings are of poor quality and the field shelters are showing signs of neglect. The buildings have more in common with a shanty town than a rural village.
26. The applicant has complained about the annual bonfire night at the pub for animal welfare reasons. Why are there complaints about animal welfare if the horses shouldn't be there.
27. The applicant was advised of the need for planning permission in 2018 and was advised that no further work should be undertaken by the council's planning officer. This advice has been ignored and the site has not been monitored by the council.
28. The building has grown to industrial size without any intervention from the council. This suggests a "closed mind bias" and favour toward the applicant by the council given the applicant's senior role in public office. This is substantiated by the applicant's statement that two officers visited the site and all was found to be acceptable. This takes no account of the previous planning officer's advice to the applicant. How can these buildings be acceptable when 3yrs previously the applicant was advised the buildings required planning permission and the only structures which may be acceptable would be moveable night shelters not those currently in situ.
29. Chatsworth Estates have advised the applicant that the land was for agricultural purposes but the applicant said they would be using the land for equestrian purposes demonstrating a cavalier approach to the planning process and commercial tenancy agreements. The tenancy agreement is complicated by another party who is involved and Chatsworth are waiting for the outcome of the planning application.
30. Elmtun is a conservation area and the surrounding areas of agricultural land are an integral part of this and should be protected from development. The buildings and change of use of land will undermine the environment and the landscape.
31. The site is in open area of countryside, next to the largely protected Elmtun, is agricultural land and is accessed from a relatively narrow public highway on a bend in the road which may be appropriate for occasional agricultural use but not for regular

- access for commercial stables.
32. The buildings are the start of a riding establishment or commercial stables.
 33. This intensive use of the field is to the detriment of the field itself.
 34. The access will need to be hardcored to the detriment of the environment.
 35. The site has no electricity.
 36. The proposal is contrary to policy SC5 because it operates to the detriment of Elmtun, the constructions are illegal and do not reflect agricultural use, the number of stables is detrimental to the adjacent village, utilities to the site are inadequate, the problem of surface water on site has been dealt with badly.
 37. The proposal is contrary to Policy SS9 of the Local plan because the building of industrial size involves more than a change of use or re-use, the buildings are not agricultural, this is not small scale employment in farming or tourism, it is not a community facility, the land had an agricultural use and did not have a vacant or redundant building, there is no neighbourhood development plan which would justify it and nothing constructed is of exceptional quality, just the opposite.
 38. This perceived anti-democratic process of allowing an open door for people to do as they like may encourage further abuse of the planning system.
 39. Elmtun is an important village in the area as underpinned by its conservation area status and award winning success. Residents work hard to maintain its character through careful property management and contribution to numerous conservation projects in recent years. The village hosts and annual open gardens and well dressing weekend attracting visitors and raising thousands of pounds for local and national charities. Villagers do not want to see their efforts diminished by allowing poor quality intrusive developments to take place which set a poor precedent for the future.
 40. The revised plans do nothing to address the concerns raised all they do is move the field shelters all they have done is move the field shelters out of the view of some and into the views of others.

One letter of support has been received which raise the following issues:

1. The applicant has been on site for three years during which time she has been respectful and courteous. She is a good neighbour and no issues or concerns have been experienced. It is a pleasure to have the horses next door and is very fitting for a rural area.
2. Some of the complaints refer to parked cars blocking the road and damaging the grass verge. This road and driveway have never been blocked by parked cars and the verges only get damaged by passing farm vehicles and speeding motorists.

One letter of support from the applicant's landlord has been submitted which confirms the tenancy agreement only allows the applicant and one other person to keep a maximum of 6 horses on the field for hobby or recreational purposes and there can be no manufacture trade or business use of the land or buildings. The applicant has no intention of operating a business from the site.

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:

- SS1 (Sustainable Development)
- SS9 (Development in the Countryside)
- SS11 (Development in Important Open Breaks)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC5 (Change of Use and Conversions in the countryside)
- SC11 (Environmental Quality (Amenity))
- SC16 (Development Within or Impacting upon Conservation Areas)
- SC17 (Development affecting Listed Buildings and their Settings)
- SC21 (Non-designated Local Heritage Assets)

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
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

Supplementary Planning Documents

Elmton Conservation Area Appraisal 2021.

ASSESSMENT

Key issues

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

- the principle of the development in the countryside
- the impact on the open character of the important open break
- the impact on the character, appearance and setting of the conservation area, listed buildings and non-designated local heritage assets
- residential amenity
- whether the development would be provided with a safe and suitable access

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

Principle of the development in the Countryside

The site is outside the development envelope in an area of open countryside.

The site was previously used for agricultural purposes. The proposed use is the retention of the use of the site for the keeping of horses together with the retention of the existing buildings for private equestrian use. As part of the proposal the green field shelters are to be moved to the northern corner of the site adjacent to the hedge and the wooded area.

Policy SS9 of the Local Plan for Bolsover District restricts development in the countryside unless it falls within one of a number of categories. The proposed development involves the change of use of agricultural land to a private equestrian use. The proposed use is considered to be an appropriate land based use which requires a rural location given the need to graze horses.

The existing timber stable buildings and field shelters are considered to be an acceptable scale and design for their intended use and are fairly standard buildings designed for equestrian/rural purposes. The stable block and hay barn are positioned towards the edge of the field where they are partially screened by and seen against a high stone wall and mature trees. The field shelters are proposed to be positioned in the northern corner of the site, adjacent to the existing mature landscaping which gives some screening from wider views within the countryside.

The existing metal storage building is adjacent to the main stable block and is again partially screened by/seen against the adjacent building, high wall and trees. A metal storage building is not an ideal construction for rural buildings, but they have been accepted elsewhere in the district given the need for on-site secure storage at stable yards. This building is a similar scale to a stable with a shallow mono-pitch roof and although it is constructed in metal it has a mock timber finish which has the appearance of wooden boarding.

The proposal utilises an original field access. There is no solid surfaced parking area and none is proposed as part of this application but grass mats have been installed which allow grass to grow through but create a solid space to park.

Subject to conditions requiring the re-positioning of the field shelters, the field shelters to be retained dark green and the other buildings to be retained dark brown, the proposal is considered to be an appropriate use requiring a countryside location which is not considered harmful to the rural character of the area. On this basis the proposal is considered to broadly meet the requirements of Policies SS9 and SC5 of the Local Plan for Bolsover District.

Impact on the open character of the important open break

The proposal, as amended is considered to be a small scale development which requires a rural location. It is not considered to detract from the objective of maintaining and open character to keep the separation of settlements and as such the proposal is considered to meet the requirements of Policy SS11 of the Local Plan for Bolsover District.

Impact on the character, appearance and setting of the conservation area, listed buildings and non-designated local heritage assets

The site lies in area of open countryside to the east of the historic settlement of Elmtun. Part of the site lies within the Elmtun Conservation Area (a designated heritage asset) and the remainder of the field lies adjacent to the boundary but forms part of the wider setting of the conservation area. The recently adopted Conservation Area Appraisal identifies a number of designated and non-designated heritage assets adjacent to the site and include

- Church of St Peters Church (GII*),
- April Cottage, Dain Court and outbuilding (Key townscape buildings – non designated heritage asset),

- Sunday School (Key townscape buildings – non designated heritage asset),
- Elmton House (Key townscape buildings – non designated heritage asset).

In heritage terms the main issue for consideration is the impact of the proposed development on the character and appearance of the Conservation Area and setting of the designated and non designated assets in accordance with the policies contained in the Bolsover District Local Plan and the NPPF as outlined above.

Setting is described as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. An assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. It will usually involve an analysis of views to and from the heritage assets.

The designation of a conservation area at Elmtun is in acknowledgement that it retains the character of an historic agrarian settlement. The village of Elmtun is a long standing farming community with Anglo Saxon and possibly earlier origins and the Conservation Area has a strong landscape component to its character. It is a simple yet distinctive agricultural landscape of gently rolling land which has remained relatively unchanged.

The characteristic gentle roll of the underlying landscape is perceptible within the village along the slope of Main Street as well as from the many views out of the village along its length.

The appraisal identifies a number of important open spaces and views within the conservation area.

OS5: Paddock facing former Elm Tree Farm and Elm Tree Inn. This contributes as an open frontage that allows long distance panoramic views of the historic agricultural landscape setting. It also enables picturesque views to the rear of properties fronting Markland Lane in a landscape setting. As a traditional boundary the stone wall enclosing the paddock along Main Road contributes significantly to its visual quality.

HP2: View north east from Elm Tree Farm the view across the paddock extends to a long distance view across a gently undulating landscape with Creswell on the horizon. A characteristic of the view is the lack of tree cover which enables the view to be long distance. Significant in its contribution to the landscape setting.

HP3: View north east from the Elm Tree Inn is a long distance view across a paddock and open fields. This view is significant for the foreground contribution of the traditional village buildings that front Markland Lane which combine with garden trees to create a picturesque timeless view.

The appraisal summarises the character of the Conservation Area as:

- An unspoilt historic farmland setting which makes a significant contribution to the character of the conservation area
- A high quality of vernacular buildings from the 16th to the 19th century reflecting its agricultural origins

As well as the conservation area itself, other designated and non designated assets are:

- Church of St Peter – GII* - designated heritage asset - Completed in 1771 as a replacement for the medieval parish church. It is an ashlar sandstone construction consisting of a nave, and a chancel with a bell turret at the west, as opposed to a tower.
- April Cottage, DainCourt and outbuilding – group of buildings all dating from the 18thC recognised as key townscape buildings of merit in the Appraisal (non designated heritage assets). April Cottage is a stone and pantile detached residence of a size that at the time would have been suitable for a yeoman farmer. It forms a group with Dain Court, a property of similar size at right angles to April Cottage. On the third side of the 'square' an agricultural building. Of significance for its architectural and historic interest and in its contribution to the townscape.
- Sunday School, Markland Lane dating from 19th C (key townscape building as identified in the Appraisal – non-designated heritage asset) is a redbrick building with ashlar dressings and a blue slate roof. The building is single storey and of a domestic scale. The details of its design; porch and openings have an ecclesiastical resonance. Extended at the rear but with a street elevation that retains its original architectural presence. A key building for its historic importance and architectural contribution.
- Elmton House Markland Lane dating from early 19th C (key townscape building as identified in the Appraisal) is a grand villa built in the Regency style with shallow pitched blue slate roofs and rendered facades. The stone boundary wall enclosing the rear garden of the property forms the southern boundary to the site. A key building for its historic importance and architectural contribution.

It is accepted that in rural communities equine use is an appropriate land based use and it follows that well designed and appropriately sited stables are considered necessary to the operation of the business. There a number of established equine sites with stables in the local vicinity.

However, in this case in addition to the original stable block there was an untidy array of buildings which are highly visible in views across the site to and from the Conservation Area and adjacent non designated heritage assets.

It was considered that the original stable block constructed in dark stained timber and sited to the rear of the field adjacent against the backdrop of a solid stone boundary wall would meet the policy requirements listed above, but a number of the additional structures were considered to be out of character and detrimental to the character and appearance of the conservation area. The structures considered to be out of keeping and detrimental were as follows:

- Open fronted hay barn with tarpaulin sides.
- 2 horse shelters situated in the conservation area and highly visible in views from the conservation area and identified in views HP2 and HP3.
- Pre-fabricated metal garage.
- The use of green electric tape rather than white tape would be preferable.

Due to the intervening built form and the distance from the site it is considered that there will be no impact on the setting of the GII* Listed Church of St. Peter.

In planning terms there is a presumption in favour of development unless material planning considerations indicate otherwise and the National Planning Policy Framework requires Local Planning Authorities to approach decisions on proposed development in a positive way and work proactively with applicants to seek to approve applications for sustainable development where possible. Given this requirement, a site meeting was arranged with the applicant to discuss amendments to the proposal to try to address the concerns about the impact of the proposal on the character and setting of the conservation area.

Following discussions at the meeting the applicant has submitted additional information including:-

- a revised site layout showing the 2 field shelters moved to a new position in the eastern corner of the field and a photograph to show they have been re-painted green
- a quotation for post and rail fencing along the line of the public footpath as an alternative to electric fencing
- a photo showing the rear of the new part of the stable block which was chipboard has been clad in timber to match the original building
- Planters added to screen the water pump and tanks
- The side of the hay barn has been clad in timber and stained dark brown to match the original building
- A photo showing the grass mats installed to create a parking area
- Confirmation that the white electric tape has been replaced with green and white electric rope

On site it was clear that the larger storage shelter did not have tarpaulin sides but and it was in fact dark green fire retardant mesh. It was agreed that the open structure with mesh that can be raised and lowered was preferable to a solid timber clad structure which would appear more permanent and require more future maintenance and upkeep. The storage building was erected to allow on site storage of feed and bedding to reduce the number and frequency of deliveries required to the site.

A revised plan has been received showing the 2 field shelters re-positioned from a prominent location in the conservation area to a new position in the northern corner of the field (outside the conservation area) where the land level is slightly lower and the shelters are set against a backdrop of mature vegetation. The amended siting of the shelters could be controlled by condition. The field shelters have been re-painted green but it is considered a darker green would be more appropriate and this could be required by condition. It is considered that the painting of the shelters and the revised position in the northern corner of the field will reduce the visual impact of the structures and addresses the concerns raised previously in relation to the identified views HP2 and HP3.

There are still some concerns about the metal storage shed as the materials of construction would not normally be acceptable in conservation areas. However the need for a secure storage unit in this isolated location may justify the use of a non-traditional material. This building is a similar scale to a stable with a shallow mono-pitch roof and although it is constructed in metal it has a mock timber finish which has the appearance of wooden boarding and when viewed on site the shed is seen in the context of the adjoining stables. It could be clad in timber but this will introduce further maintenance issues and on balance it is not considered necessary to require the building to be clad in timber.

The field has been subdivided into paddocks using posts and electric tape. This temporary fencing is not development and as such does not require planning permission and as such cannot be controlled. However, the applicant has changed the tape to rope and the introduction of the green and white rope in lieu of white tape is regarded as a visual improvement. The introduction of a solid post and rail fence across the length of the public footpath was discussed but this is considered to be more visually intrusive than the temporary rope and post arrangement used at present and as such would be considered more harmful to the setting of the conservation area.

The rear of the shelter which was just chipboard has now been clad in timber cladding to match the existing stable block. This has improved the appearance of the building and ensures a continuous design.

Overall there has been an improvement in the general appearance and tidiness of the site and the applicant has introduced some screening to the water butts.

The change of use of the land to private equine use is considered acceptable in policy terms and is not considered harmful to the character and appearance of the conservation area. The revisions outlined above have alleviated some of the concerns previously raised about the harm (less than substantial / low level harm) of the development on the landscape setting of the Conservation Area and the non-designated assets. In particular, the relocation of the field shelters from a prominent site in the conservation area to a much less prominent site outside the conservation area set against a row of mature vegetation thus removing the impacts on identified views *HP2 and HP3*, the cladding of the rear of the stable, the introduction of green and white rope and the introduction of vegetation to provide screening has resulted in an overall improvement which has removed the less than substantial / low level harm identified previously and has resulted in a neutral impact which is now considered to meet the requirements of Policies SC16, SC17 and SC21 of the Local Plan for Bolsover District.

In reaching this conclusion consideration has also been given to the fact that the use of the land for agricultural purposes does not require planning permission. Such agricultural uses could include growing maize for biofuel which grows to over 2m in height before being harvested or the keeping of livestock which would also create the need for fencing and may require shelters such as pig arcs which would also do not require permission and could be used on site at any time. Such uses of the site could not be controlled and could be considered to have a greater impact on the setting of the conservation area than the proposed use.

Residential amenity

The site is adjacent to residential properties. The new position of the field shelters is set away from existing dwellings. The remainder of the buildings are close to the boundary with the dwelling to the north of the site but the dwelling to the north is set well away from the buildings and the buildings are partially screened by the existing boundary treatment. There is also a mature hedge providing partial screening from the dwellings to the southwest of the buildings. The proposal is therefore not considered to result in a material loss of daylight to or outlook from adjacent dwellings and is not considered to result in a loss of privacy to adjacent dwellings.

The proposals are obviously visible in views from adjacent dwellings but the planning system does not protect the view from a dwelling.

The use of the site will result in some noise from the comings and goings from the site but this is not considered to result in any greater noise and disturbance for adjacent residents over and above what could reasonably be expected if the field was used for agricultural purposes for keeping livestock which would require daily monitoring and care and which would not require planning permission.

Whether the development would be provided with a safe and suitable access

There are no objections to the proposal from the Highway Authority. The proposal utilises an existing field access. The road on to which the access opens is quite narrow and the access is close to a bend in the road such that there is some restriction to visibility. However, the road is not heavily trafficked and the narrow width and bend in the road will mean that vehicle speeds are restricted at this point. The use of the site for the keeping of horses for private use is not considered to generate a significant increase in vehicle movements to and from the site over and above what could be expected if the agricultural use of the site extended to keeping of livestock which could be the case without the need for any planning permission.

The proposal includes a parking area where the applicant has installed grass mats to prevent the area becoming too muddy and unusable in wet weather. The use of the access may result in mud on the road but this would be no different to the use of the access for agricultural purposes and mud/debris on the road is controlled under The Highways Act.

Subject to a condition restricting the use of the site to be private with no commercial use then the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District in this respect.

OTHER PLANNING CONSIDERATIONS

Issues raised by residents

Most of the issues raised by local residents have been covered in the above assessment.

The issues relating to a commercial equestrian use have not been considered as this does not form part of the proposal.

The issue of parking on the lane has not been considered as there is adequate room to park on site and the applicant has installed grass mats so this area can be used in wet weather. Legal parking on the highway cannot be controlled and if illegal parking occurs this is a police matter.

The issue of future structures has not been considered as if additional structures require planning permission then a separate planning application would be required and considered at that time.

The issue raised about the safety of the fence for users of the footpath cannot be considered as the fence does not require planning permission. The applicant has however put signs on

the fence to warn people that it is electric.

The issues of obstructing the right of way are partially covered in the above assessment. The public right of way cannot be blocked or altered without consent from Derbyshire County Council.

The issue of lack of electricity and water have not been considered as this is provided by the solar panel and batteries and on site water collection and pumping system. Many equestrian facilities do not have electricity or piped water due to remote locations.

The issue of rats in adjacent gardens cannot be proven to be as a result of this development and is a matter covered under Environmental Health Legislation not Planning Legislation.

The issue of the application being retrospective has not been considered as there is provision within the Planning legislation to apply retrospectively to regularise a development and a retrospective application is considered no differently to an application submitted prior to a development taking place.

CONCLUSION

The keeping of horses is considered to be a use which requires a rural location. The applicant has made amendments to the proposal following discussions with the Conservation Manager. The amended proposal still has some impact on the character and appearance of the conservation area and its setting but it is not considered to result in any greater harm than other existing equestrian uses in and adjacent to the conservation area or than some agricultural uses would have which could be implemented without the need for planning permission. On this basis the proposal accords with the relevant policy requirements, subject to the inclusion of suitable conditions.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. Within 56 days of the date of this permission the field shelters must be moved to the new position shown on the revised plan received via email on 9th May 2022 and must be maintained as such thereafter.
2. Within 56 days of the date of this decision the field shelters must be painted dark green and must be maintained as such thereafter.
3. The stable block and shelter marked building 1 on the revised plan submitted via email on 9th May 2022 must be stained dark brown and must be maintained as such thereafter.
4. The use of the land and buildings must be for the keeping of horses for private use only and no trade, business or commercial use in connection with the keeping of horses must be carried out.

Statement of Decision Process

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

PARISH Ault Hucknall Parish

APPLICATION Change of use of the premises as a single dwelling house and associated domestic curtilage.
LOCATION Former Stainsby Centre and Baden Powell Scouts Centre, Hawking Lane, Stainsby, Chesterfield
APPLICANT Mr & Mrs Austin, School House, Hawking Lane, Stainsby, Chesterfield, S44 5RN
APPLICATION NO. 22/00059/FUL **FILE NO.** PP-11008793
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 4th February 2022

SUMMARY

This application has been referred to the Planning Committee by the Planning Manager as the proposal is contrary to policy ITCR4 of the Local Plan for Bolsover District as it involves the loss of a community facility. In summary, the application is recommended for approval. The loss of the community facility needs to be balanced against the enhancement to the conservation area.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building proposed by the applicant will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair which is a possibility if the application is refused, the attendant impact will be one of harm to the Significance of the Conservation Area as a designated heritage asset.

It is therefore considered that, whilst these issues are finely balanced, in this instance the benefit brought about by the enhancement to the conservation area is outweighed by the loss of a community facility.

Site Location Plan



SITE & SURROUNDINGS

Former Stainsby School and Scouts Centre set within an area of open countryside with fields to three sides and a detached dwelling to the north. The main building on site is two storey with a smaller single storey building to the front/side of the main. The site is accessed via a single width driveway with parking and turning on site for several cars. To the west of the buildings within the site are a number of mature trees.

BACKGROUND

The site was previously owned by the National Trust. The main building and two of the outbuildings have been vacant for some time. One of the building is being used for storage purposes by Stainsby Festival (a registered Charity) but the lease on this building runs out in July this year. The National Trust recently sold the property at auction.

PROPOSAL

The application is for the change of use of the site and buildings to a single dwelling house and associated domestic curtilage. The proposal includes repairs to the existing building and repairs to the existing timber windows. There are no other external alterations to the buildings.

The amended proposal includes the erection of a wall to divide the site frontage from that of the adjacent dwelling but this wall does not require planning permission.

AMENDMENTS

The application was originally submitted for the change of use and installation of new aluminium clad timber windows. The replacement of the windows has now been removed from the application and it is proposed to repair the existing timber windows.

HISTORY

| | | |
|---------------|--|--|
| 02/00375/TCON | Determined Not to make a Tree Preservation Order | To fell 5 trees |
| 22/00163/TCON | Determined Not to make a Tree Preservation Order | Various tree works - (1a) Crown reduction, (2), Crown reduction, (3) Remove, (4) Crown reduction, (5) Removal of dead wood, (6) Crown reduction. |

CONSULTATIONS

Ault Hucknall Parish Council:

No objections to the change of use of the main school building. The building is an important landscape feature and the re-use will prevent the building deteriorating further. However, there is a breeding colony of long eared bats in the building and a condition requiring an appropriate survey should be included. There are also a number of assertions in the

application which need to be corrected. The application states that the site is unoccupied and, whilst this is true of the school itself, a building in the grounds (the former dining room known locally as the Hut) has been in continuous use by a community charity and is currently used by them under the terms of a licence granted by the National Trust valid until July this year. The claim that this has been terminated is in dispute but a mutual understanding has been reached between owner and tenant to see out the term.

The main building was in use for overnight accommodation until 2015 and access to the facilities for cooking, eating, washing and toilet provision continued until 2017. This use existed at the time of the application for designation as a community asset, although this information was not disclosed to BDC at the time by National Trust. The National Trust agreed to develop the site for a community hub in cooperation with the Parish Council when the latter ceded its interest in doing so with St Peter's mission, at the Trust's request. Three years ago, National Trust decided to dispose of the property. In response, the Parish Council developed a sustainable plan for community use (along with two local charities, and community business support groups) and attempted to negotiate with the Trust to lease or buy. The recent campaign to raise funds for the auction bid raised donations ranging from £10k to £10 indicating the strength of local support. The Parish Council is hoping that a less ambitious facility based in the Hut, when vacated by the current users, could be negotiated with the new owners, and would appreciate any support the planning committee may be able to give. It should be noted that Stainsby Festival is a registered charity and does not report to Companies House as stated. It reports solely to the Charity Commission.

Conservation Officer:

The proposal brings a traditional building into full use which will ensure its preservation. In that way it ensures that the building continues to make a positive contribution to the character and appearance of the conservation area. The applicant has submitted a full itemised schedule of repair for each of the individual windows which involves sanding down, wood filler repairs, splicing in new cills where required, re-puttying, re-glazing where necessary and repainting. The proposed schedules of repair submitted in support of the application are considered to be acceptable and will preserve and enhance the character of the building. The applicant should be advised that if any of the windows are considered to be beyond repair then permission will be required for any replacement windows. The proposal complies with Policy SC16.

Environmental Health Officer:

No comments to make.

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

PUBLICITY

Site notice, press notice and 1 neighbour notified. No comments received

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:

- SS1 (Sustainable Development)
- SS9 (Development in the Countryside)
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC5 (Change of Use and Conversions in the Countryside)
- SC9 (Biodiversity and Geodiversity)
- SC11 (Environmental Quality (Amenity))
- SC16 (Development Within or Impacting upon Conservation Areas)
- SC17 (Development affecting Listed Buildings and their Settings)
- ITCR4 (Local Shops and Community Facilities)

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 55-56: Planning conditions
- Paragraph 119: Making effective use of land
- Paragraph 174: Conserving and enhancing the natural environment
- Paragraph 180: Habitats and biodiversity
- Paragraphs 194 -208: Conserving and enhancing the historic environment

Supplementary Planning Documents

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

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

ASSESSMENT

Key issues

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

- the principle of the development in the countryside
- the loss of a community facility
- the impact on the character and appearance of the Conservation area
- residential amenity
- whether the development would be provided with a safe and suitable access;

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

Principle of the development in the countryside

The site is outside the development envelope in an area of open countryside and lies within a designated conservation area.

The proposal involves the change of use of existing buildings and will secure the retention and enhancement of the main building on site which has been redundant for some time. This building is worthy of retention, is structurally sound and makes a positive contribution to the character and appearance of the area. The building can be converted without substantial reconstruction, just repairs. On this basis the proposal is considered to meet the requirements of Policies SS9 and SC5 of the Local Plan for Bolsover District in this regard.

The loss of a community facility

The previous use of the building was as a community facility. Policy ITCR4 of the Local Plan states that planning permission will only be granted for development which involves the loss of a community facility will only be granted where the proposal can meet one of a number of criteria. These criteria are:

- a) The loss of the specific facility would not create, or add to, a shortfall in the provision or quality of such facilities within the locality.
- b) Appropriate replacement facilities are provided in a suitable alternative location.
- c) The facility is no longer viable and this can be proven through adequate marketing of the premises for its current use which has failed to produce a viable offer.
- d) The facility can be enhanced or reinstated as part of any redevelopment of the building or site.

The applicant has provided financial costing for the repairs necessary to allow the building to be brought back into use. These costings indicate that it is very unlikely that a community use for the building could be secured as the costs to repair the buildings would be prohibitive and make such a use unviable. This is also partially verified by the fact that the Parish Council, in conjunction with community charities and business support groups were unable to raise the funds necessary before the building was sold at auction. However this has not been tested by marketing the site for community use and as such the current proposal does not meet any of these criteria and as such is considered contrary to Policy ITCR4.

The impact on the character and appearance of the Conservation area

Stainsby village lies due south east of an earlier medieval settlement which survives as earthworks. The present-day village dates mainly from the 18th and 19th centuries. 20th century development takes the form of large agricultural buildings, extensions to some traditional properties and the conversion of others.

The village retains its character as a traditional agricultural hamlet with the undulating pastoral landscape a significant component. The Conservation Area boundary has been drawn to include the present-day village and surrounding fields together with the former settlement, which covers around a quarter of the designated area and is protected as a Scheduled Ancient Monument. The village has a long association with the close by and visible Hardwick Hall, an Elizabethan Country House.

This application main building is a former school, built in the late 19th century by the Derbyshire District School Board. It sits on the former medieval settlement at the northernmost extent of the present day village.

The 19th century was a century of significant change in Stainsby with diversification within its agricultural community. By the mid-century there was a joiner and a boot and shoe maker, a corn miller, a joiner, two stone-masons, a woodman and three shoe makers. It is likely that its growth was to service the nearby Holmwood Colliery which lay to the west of the village. At that time there were 8 farmers listed in the village, one of whom was also a coal-master. In the 1860's the main parish school was moved from Hardwick to Stainsby. The school was provided by the Duke of Devonshire with free places for 80 girls and boys. It utilised buildings on the site of the former Manor, which was then a farmstead. The former farmstead sits adjacent to the application site and is now a row cottages.

Over the next 20 years Doe Lee became the larger settlement and the natural focus of activity. In 1890 the Duke of Devonshire signed over the land and existing school buildings at Stainsby to the District School Board on a 99 year lease on the proviso that they provided a new building. A new school (the subject of this application) was built to hold 200 boys with a further new school at Doe Lee to take Girls and Infants.

By 1908 Stainsby was in decline. By 1941 there were 8 farmers and a small holder, no tradespeople. Even so, during the interwar period an additional timber building was added to the school site to provide for a communal hall and kitchen. Not much later, by the mid 20th century the school was to become redundant. It closed, to be leased eventually by The Scouts Association who occupied the building up until 2008. It has been vacant since that time apart from the storage use of one of the later buildings by a local charity.

The proposal is for the change of use of the site and buildings to residential use for one dwelling. The internal layout of the building is not proposed to be changed and externally the only works proposed are repairs to the main building including repairs to the existing timber windows.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair the attendant impact will be one of harm to the Significance of the Conservation Area as a designated heritage asset.

Part of the historic value of the building lies in the traditional detailing, architectural features and materials of construction. It is therefore imperative that any repairs are carried out using like for like materials to match the existing thus preserving the character of the building.

The applicant has submitted a costed spreadsheet which provides details of the internal and external repairs. The approach outlined in respect of the repairs to doors, soffits, bargeboards, roof, rainwater goods as itemised in the schedule are all considered to be acceptable in conservation terms and will preserve the character of the building.

The large traditional windows are an important feature in defining the character of the building

and as a result any proposals for repair / replacement will require careful consideration. The applicant has submitted a full itemised schedule of repair for each of the individual windows which involves sanding down, wood filler repairs, splicing in new cills where required, re-puttying, re-glazing where necessary and repainting. The proposed schedule of repair is considered acceptable and will preserve and enhance the character of the building. In accordance with Policy SC16 of the Local Plan for Bolsover District.

It is however considered necessary to remove some of the permitted development rights which the building would benefit from once it becomes occupied as a dwelling. This is because the proposed use is only considered acceptable as it is proposed to sensitively restore the building such that it enhances its appearance. The extension or alteration of the building could negate this enhancement.

There could be a potential future impact on the Scheduled Ancient Monument in the proposed use of an overgrown area for garden land as part of this proposal due to the sensitivity with regard to buried remains and the removal of permitted development rights would allow this to be considered before any buildings were erected on site. Removal of permitted development rights would therefore mean the building was considered to meet the requirements of Policy SC17 of the Local Plan for Bolsover District.

Residential amenity

The site is capable of conversion without resulting in a loss of privacy or amenity for residents of the adjacent dwelling and is large enough to provide a dwelling and garden which provide an adequate standard of amenity for its future residents.

Whether the development would be provided with a safe and suitable access

The site utilises an existing access and there is parking and turning space for several cars. The use of the access to the site is considered to generate far less vehicular movements to and from the site than the previous community use of the site and as such the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District in this respect.

Biodiversity

The site is adjacent to fields and an area of woodland and there is potential for bats to roost on the site. The parish council have suggested that there may be a colony of long eared bats in the building. Only repairs are now proposed to the building and as the building could be repaired without the need for planning permission and as such requesting a bat survey is not considered reasonable or necessary. Bats are a protected species and as such are protected under separate legislation and a note could be added to any planning permission to advise the applicant of their responsibility in this respect. Subject to such a note the proposal is considered to meet the requirements of Policy SC9 of the Local Plan for Bolsover District

Issues raised by Parish Council

The issues raised by the Parish council are covered in the above assessment and in the conclusion below

CONCLUSION / PLANNING BALANCE

The proposal results in the loss of a community facility contrary to the requirements of Policy ITCR4 of the Local Plan for Bolsover District but enhances the character and appearance of the conservation area by bringing an important traditional building which is currently redundant back into full use and enhancing its appearance.

Discussions/negotiations have been entered into with the applicant to try to reach a compromise and retain one of the single storey buildings on site for a community use but allow the remainder of the site and buildings to be converted to residential use. It was suggested that one of the buildings be removed from the current change of use application and as such that building would remain in community use. However, the council could not require the applicant to use that building for community purposes only prevent them using it for domestic purposes and as the applicant does not want a community use on site that building would merely remain vacant and as such negotiations weren't continued.

The loss of the community facility therefore needs to be balanced against the enhancement to the conservation area.

In this instance the cost of the purchase of the building together with the cost of necessary repairs and upkeep is considered to mean that the use of the site for community purposes is unlikely to be viable. In addition this is a large building/site which would only be necessary to serve a small local community who could access the site easily. The use of the site for a wider community use would not be considered sustainable given the relatively remote location and the ability to only visit the site by car. In addition, the access to the site is via a long single width driveway making it unsuitable for use by the large number of vehicles which would need to access the site for a community use to be viable.

This proposal brings a vacant traditional building which has fallen into disrepair back into full use which will ensure its preservation. The sensitive repair of the building proposed by the applicant will enhance its current appearance and will make a positive contribution to the character and appearance of the conservation area. Critically if the building is left to fall into disrepair which is a possibility if the application is refused, the attendant impact will be one of harm to the significance of the conservation area as a designated heritage asset.

It is therefore considered that, whilst these issues are finely balanced, in this instance the benefit brought about by the enhancement to the conservation area is outweighed by the loss of a community facility which would appear to be unsuitable for a viable community use in the future.

It is however considered necessary to remove some of the permitted development rights which the building would benefit from once it becomes occupied as a dwelling by condition. This is because the proposed use is only considered acceptable as it is proposed to sensitively restore the main building such that it enhances its appearance and that of the conservation area. The insensitive extension or alteration of the building could negate this enhancement without which there is no reason to approve the loss of the community facility contrary to Policy ITCR 4 of the Local Plan for Bolsover District.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The repairs to the exterior of the building must be carried out in accordance with repair schedule and costing submitted via the Planning Portal on 12th May 2022 within 12 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F & G of Part 1 and Class C of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take place unless authorised by an express grant of planning permission.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to try 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 on the balance of the relevant issues in accordance with the guidelines 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 8th June 2022

May 2022 Local Enforcement Plan (Planning) – Review

Report of the Planning Manager (Development Control)

| | |
|------------------------|--|
| Classification | This report is Public |
| Report By | Sarah Kay Planning Manager (Development Control) |
| Contact Details | 01246 242265 sarah.kay@bolsover.gov.uk |

PURPOSE/SUMMARY OF REPORT

- To report to the Planning Committee the overall performance against the Local Enforcement Plan (Planning) since its original adoption in March 2019 – April 2022; and
- To report to the Planning Committee the May 2022 review of the Local Enforcement Plan (Planning) for adoption.

REPORT DETAILS

1. Background

- 1.1 In March 2019 the Planning Committee adopted the Local Enforcement Plan (Planning), which set out:
 - how we will prioritise suspected breaches of planning controls;
 - how to report a suspected breach of planning controls;
 - how we will deal with suspected breaches of planning controls;
 - who is responsible for implementing these policies; and
 - how we will monitor planning enforcement.
- 1.2 The 2019 Plan committed to a 6 monthly reporting cycle to Planning Committee against performance targets set, and a review of the entire Plan after 3 years.
- 1.3 Alongside a collaborative review of the last 3 years performance figures, the review of the Local Enforcement Plan (Planning) for Bolsover District May 2022 is included as Appendix 1 to this report.

- 1.4 Paragraph 59 of the National Planning Policy Framework (July 2021) states that, *'Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.'*
- 1.5 Publication of a Local Enforcement Plan is therefore consistent with Government guidance on best practice in respects of planning enforcement; as well as the Regulator's Code and the Council's corporate enforcement policies.

2. Details of Proposal or Information

- 2.1 Since the adoption of the March 2019 Local Enforcement Plan (Planning) update reports have been brought to Planning Committee on 31/07/2019, 04/11/2020, 30/06/2021 and 19/01/2022 setting out the service areas performance against the Plan targets. These dates were broadly in line with the 6 monthly reporting schedule set out in the Plan, with the exception of 2020 when committee dates were cancelled due to the pandemic.
- 2.2 The update reports have consistently presented details in respect of the number of planning enforcement cases received, closed and pending since 2015 – 2021; and since 2019 performance against site visit targets for all low, medium and high priority cases. The reports have also presented anonymous details of outstanding historic cases.
- 2.3 A reminder of the high, medium and low priority categories and the Plan targets against those categories are set out below:

What is a high priority case?

High priority cases are cases where there is an immediate and serious risk of harm or irreparable damage resulting from the unauthorised works that might be taking place. We will aim to investigate these cases on the same day that they are reported to the Council. We will then decide what further action to take, if any, within 24 hours. Examples of high priority cases are as follows:

- Demolition in a Conservation Area;
- Destruction of an important hedgerow;
- Hazardous substances;
- Unauthorised works to protected trees;
- Unauthorised works to listed buildings; and
- Unauthorised development in Green Belt

What is a medium priority case?

Medium priority cases will not normally require immediate action to prevent serious harm. They will include suspected breaches of planning control that would not normally get planning permission because they are contrary to

local planning policies and/or have a harmful impact on the amenity of the area.

We will aim to start investigating cases that are likely to be a medium priority by visiting the site within two weeks of receiving a complaint. We will then decide what further action to take, if any, within four weeks of the site visit. Examples of medium priority cases are as follows:

- Unauthorised development that contravenes local planning policy;
- Unauthorised development that significantly impacts on local amenity and public safety;
- Unauthorised development that results in harm to the character of a Conservation Area; and
- Unauthorised development that results in harm to the setting of a listed building.

What is a low priority case?

Low priority cases will be minor breaches of planning control. We will aim to start investigating cases that are likely to be a low priority by visiting the site within six weeks of receiving a complaint. We will then decide what further action to take, if any, within six weeks of the site visit. Examples of low priority cases are as follows:

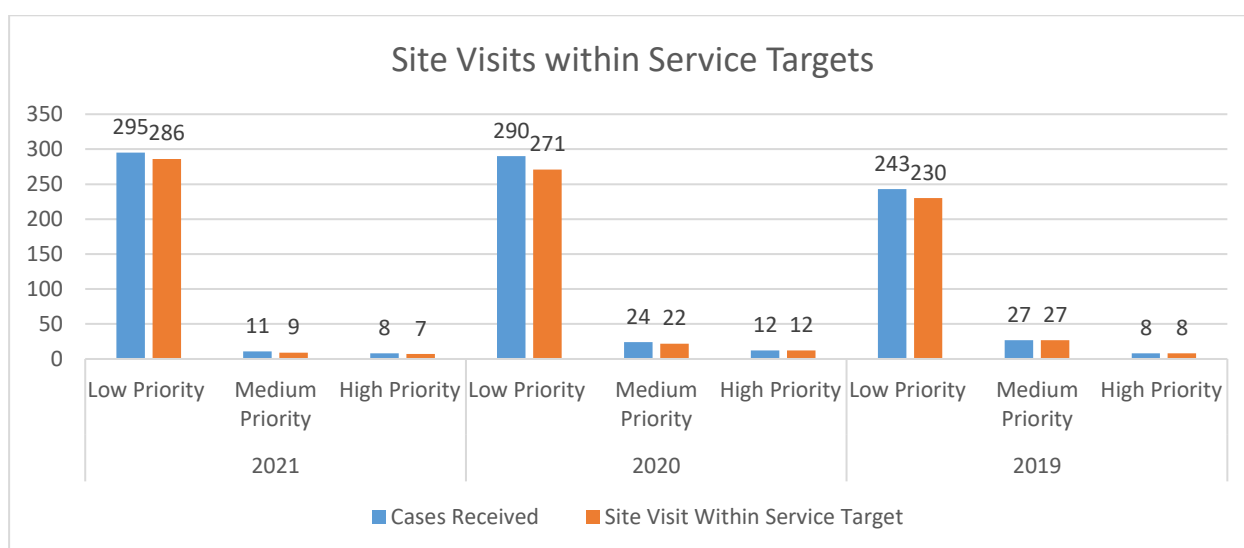
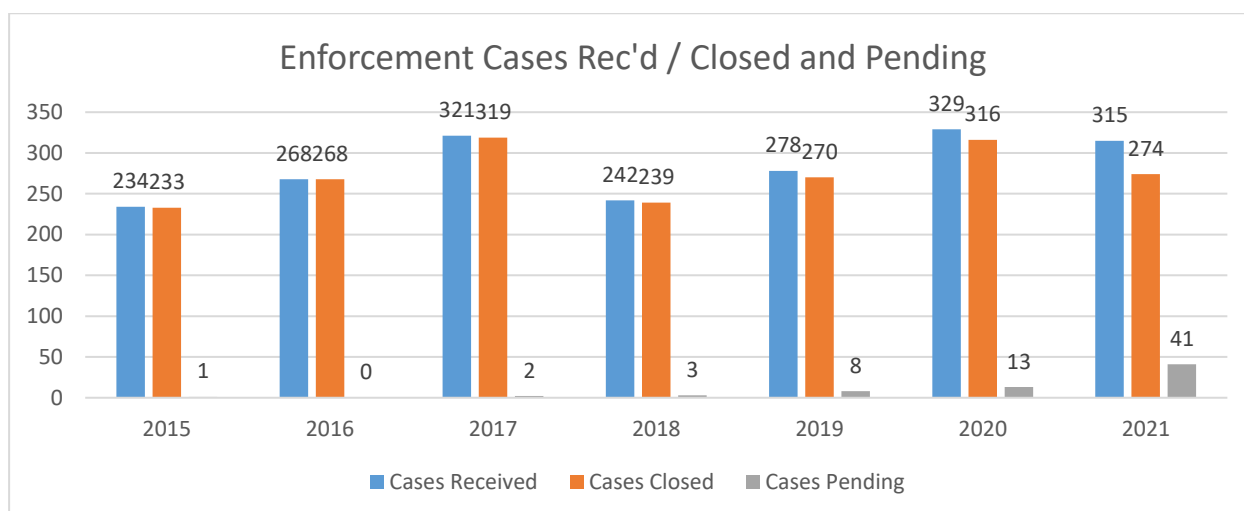
- Running a small business from a residential property;
- Unauthorised advertisements;
- Unauthorised fences and walls;
- Unauthorised householder developments; and
- Untidy land and buildings.

The site of a **HIGH** priority case will be visited in the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within **24 hours** of that site visit.

A site visit will be undertaken within **2 weeks** of identifying a suspected breach of planning controls that is likely to be a **MEDIUM** priority case. A decision on what further action to take will be made within four weeks of that site visit.

A site visit will be undertaken within **6 weeks** of identifying a suspected breach of planning controls that is likely to be a **LOW** priority case. A decision on what further action to take will be made within six weeks of that site visit.

- 2.4 Detailed below are the latest figures for all of these performance indicators, which have been used to gauge the suitability of the service area targets set and assess overall performance of the Local Enforcement Plan (Planning) to inform this 3 yearly review.



- 2.5 The figures presented demonstrate that the Local Enforcement Plan (Planning) is working, and reported breaches of planning control are being dealt with efficiently and effectively. This is reflected in the performance against service standards whereby the team continue to promptly visit sites and make first contact with suspected case subjects.
- 2.6 Since the adoption of the Local Enforcement Plan (Planning) there have been no Ombudsman cases upheld against the Council concerning the way in which any planning enforcement cases have been handled, which suggests that the Plan is effective in explaining the way in which reported breaches of planning control will be handled by the Planning Department.
- 2.7 The number of historic outstanding cases are low, with any outstanding cases from 2015 – 2021 representing only 3% of the overall cases which have been dealt with. Furthermore less than 1% of these cases pre-date 2020.
- 2.8 Having regard to the background data presented above, it is considered that there is little reason to amend or change the targets and priorities set out in the Local Enforcement Plan (Planning) review. It is therefore proposed that the same targets and priorities are maintained, alongside the 6 monthly report of performance to planning committee. The review of the document has allowed its branding and appearance to be refreshed and it has also been published in an

'accessible' format to ensure it is accessible to all users of the service as part of its publication on our website.

- 2.9 In November 2021 the Citizen Panel Review included questions about the Planning Enforcement Service, where it was revealed that many service users (74%) were not aware of the Local Enforcement Plan (Planning) or that they could report a concern about a suspected breach of planning control to the Council using our self-service forms. Where service users had reported a suspected breach of planning control to the Council they had done so by either **phoning** the Council (18%), **emailing** the Council (9%), **speaking** directly to an Elected Member (5%), **visiting** Council premises and talking to a member of staff (4%) or **writing** to the Council (3%). The remaining 64% of panel respondents had never had need to use the service.
- 2.10 The results of the Citizen Panel Review suggest that we should utilise the timing of this review of the Plan as an opportunity to highlight how the Planning Enforcement Service can be accessed and to make sure that our website holds sufficient information and direction for service users. Drawing attention to the self-service forms is one way of doing this, but we also want to make sure that officers in the team are accessible to all service users who still want to phone, email, speak or visit to discuss their concerns.
- 2.11 Following Planning Committee approval the document will be promoted amongst all Parish Council's, Contact Centres and on Bolsover TV / Bolsover News outlets.

3. Reasons for Recommendation

- 3.1 It is not a criminal offence to carry out unauthorised development (unless an enforcement notice is in place) and there are many different ways that the Council can tackle unauthorised development and other breaches of planning control including taking no further action because planning enforcement is discretionary.
- 3.2 The Government says that the Council should act in a proportionate way when tackling breaches of planning control. This means the Council cannot normally justify taking formal enforcement action against minor breaches of planning control and formal enforcement action should be used as a last resort in most cases.
- 3.3 The Council has to prioritise cases to ensure there are sufficient resources to make sure serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently. This means cases will be dealt differently depending on the individual circumstances of the case but the Council still needs to demonstrate it takes a consistent approach to planning enforcement.
- 3.4 In these respects, effective planning enforcement is important to:
- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;

- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally get planning permission; and
 - maintain public confidence in the Council's decision-making processes by ensuring conditions and planning obligations needed to make development acceptable in planning terms are complied with.
- 3.5 Therefore, the preparation and adoption of a local enforcement plan is equally important because it:
- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
 - sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
 - provides greater transparency and accountability about how the Council will decide if it is expedient to exercise its discretionary powers;
 - provides greater certainty for all parties engaged in the development process.
- 3.6 Consequently, officers consider the review and further adoption of a Local Enforcement Plan (Planning) is not only best practice from a planning perspective; adoption of a Local Enforcement Plan (Planning) is also closely aligned with the Council's priorities including promoting sustainable development and growth, transforming our organisation, promoting healthy and safe communities and delivering excellent customer service. Confidence in the Planning Enforcement Service is important to all service users, and this aligns with indications of the Governments aspirations to give greater enforcement powers to Local Planning Authorities as set out in the Planning White Paper and the latest Levelling Up and Regeneration Bill May 2022.

4. Alternative Options and Reasons for Rejection

- 4.1 Members of the Planning Committee have oversight of planning enforcement and it is considered adoption of a Local Enforcement Plan (Planning) will provide the Planning Committee with greater certainty of how officers will carry out this function within the District. The adoption of a Local Enforcement Plan (Planning) is also consistent with Government guidance on best practice and accords with the Council's priorities. Therefore, no alternative options were considered.

RECOMMENDATION(S)

1. To note the overall performance against the Local Enforcement Plan (Planning) since its original adoption in March 2019 – April 2022; and
2. To agree to the adoption of the May 2022 review of the Local Enforcement Plan (Planning).

Approved by Portfolio Holder – Corporate Governance

IMPLICATIONS:**Finance and Risk:** Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details: The above report does not contain any personal data. Where the case is still pending consideration, the property address has been anonymised to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record and that information is publically available. Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

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

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 type="checkbox"/> <input type="checkbox"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | 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: Portfolio Holder and Chair of Planning Committee |

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| Links to Council Ambition: Customers, Economy and Environment |
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- | |
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| <ul style="list-style-type: none">• Developing attractive neighbourhoods;• Increasing customers satisfaction with our services. |
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| DOCUMENT INFORMATION |
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| Appendix No | Title |
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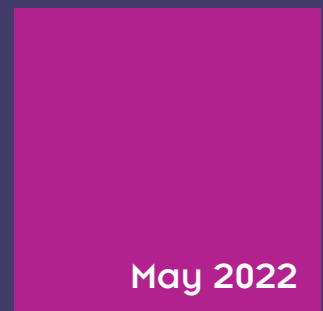
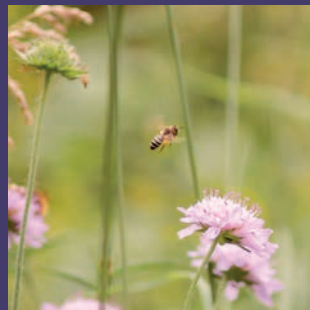
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| 1. | Local Enforcement Plan (Planning) May 2022 |
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| Background Papers |
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| <i>(These are unpublished works which have been relied on to a material 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> |
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| N/A |
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LOCAL ENFORCEMENT PLAN (Planning)



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1.0 Introduction

What is a local enforcement plan?

A local enforcement plan should provide information on how the Council will respond to suspected breaches of planning control, tackle unauthorised developments, and monitor the implementation of planning permissions.

What is a breach of planning control?

There are many different types of breaches of planning control, including:

- the development of a building without the correct planning permission;
- changes to the external appearance of a building without the correct planning permission;
- changes of the use of the land or buildings without the correct planning permission;
- engineering operations that change the existing levels of land or create new land forms that are carried out without the correct planning permission; and
- the demolition of a non-listed building within a Conservation Area.

We normally refer to these types of breaches of planning control as ‘unauthorised development’ because they are dealt with under powers in the Town and Country Planning Act 1990, as amended (‘the 1990 Act’).

The 1990 Act also covers other breaches of planning control, including:

- non-compliance with conditions attached to a planning permission, which is normally referred to as a ‘breach of condition’;
- non-compliance with a planning obligation contained in a S106 legal agreement attached to a planning permission; and

- untidy land or buildings that has an unacceptable impact on the character and appearance of the local area.

In addition to unauthorised developments, there are other types of breaches of planning control that are normally dealt with under powers in different legislation, including:

- unauthorised alterations to a listed building or demolition of a listed building;
- unauthorised works to trees in a designated Conservation Area;
- unauthorised works to or removal of a tree protected by a Tree Preservation Order, or trees located in a conservation area; and
- unauthorised removal of important hedgerows.

Why is a local enforcement plan important?

The National Planning Policy Framework (NPPF) states that the Council should act in a proportionate way when tackling breaches of planning control and formal enforcement action should be used as a last resort. In addition, it is not a criminal offence to carry out unauthorised development (unless an enforcement notice is in place), and there are many different ways that the Council can tackle unauthorised development and other breaches of planning control. This means the Council cannot normally justify taking formal enforcement action against minor breaches of planning control and may decide not to take formal action against some cases.

Therefore, in some cases, the Council may seek a retrospective planning application to resolve a breach of planning control instead of taking action whilst in others the Council might determine not to take any further action because the works that have been carried out do not cause any harm. However, in other cases the Council may

take formal enforcement action to resolve a breach of planning control and it is important that we can show how we decide when we will take formal enforcement action.

The Council also has to prioritise cases to ensure there are sufficient resources to make sure serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently. This means that whilst we will take a consistent approach to planning enforcement: different cases may well be dealt with differently depending on the individual circumstances of the case. In these respects, it is important that we can show how we decide to deal with some issues urgently and how long we will normally need to deal with less urgent cases.

Therefore, the preparation and adoption of a local enforcement plan is important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; and
- provides greater certainty for all parties engaged in the development process.

What is the scope of this Local Enforcement Plan?

The following sections of this document will set out:

- how we will prioritise suspected breaches of planning control;
- how to report a suspected breach of planning control;
- how we will investigate suspected breaches of planning control;
- how we will take formal enforcement action against breaches of planning control; and
- who is responsible for implementing and monitoring these policies.

2.0 Priorities

How will the Council prioritise planning enforcement?

For planning enforcement to work effectively and efficiently it is important to prioritise cases so we have sufficient resources available to tackle the most serious cases quickly. It is also important that we have sufficient resources to properly investigate suspected breaches of planning control to make sure we take the most appropriate action in the most reasonable amount of time.

To make sure planning enforcement is carried out effectively within the District the first thing we will normally do when we identify a breach of planning control is decide whether the case is classed as a high, medium or low priority.

Why is effective planning enforcement important?

Effective planning enforcement is important to:

- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;
- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally be granted planning approval; and
- maintain public confidence in the Council's decision-making processes by ensuring planning conditions and planning obligations needed to make development acceptable in planning terms are complied with.

What is a high priority case?

High priority cases are cases where there is an immediate and serious risk of harm or irreparable damage resulting from

the unauthorised works that might be taking place. We will aim to investigate these cases on the same day that they are reported to the Council. We will then decide what further action to take, if any, within 24 hours. Examples of high priority cases are as follows:

- Demolition in a Conservation Area;
- Destruction of an important hedgerow;
- Hazardous substances;
- Unauthorised works to protected trees;
- Unauthorised works to listed buildings; and
- Unauthorised development in Green Belt

What is a medium priority case?

Medium priority cases will not normally require immediate action to prevent serious harm. They will include suspected breaches of planning control that would not normally get planning permission because they are contrary to local planning policies and/or have a harmful impact on the amenity of the area.

We will aim to start investigating cases that are likely to be a medium priority by visiting the site within two weeks of receiving a complaint. We will then decide what further action to take, if any, within four weeks of the site visit. Examples of medium priority cases are as follows:

- Unauthorised development that contravenes local planning policy;
- Unauthorised development that significantly impacts on local amenity and public safety;
- Unauthorised development that results in harm to the character of a Conservation Area; and
- Unauthorised development that results in harm to the setting of a listed building.

What is a low priority case?

Low priority cases will be minor breaches of planning control. We will aim to start investigating cases that are likely to be a low priority by visiting the site within six weeks of receiving a complaint. We will then decide what further action to take, if any, within six weeks of the site visit. Examples of low priority cases are as follows:

- Running a small business from a residential property;
- Unauthorised advertisements;
- Unauthorised fences and walls;
- Unauthorised householder developments; and
- Untidy land and buildings.

How will we monitor implementation of planning permissions?

The Council does not have sufficient resources to monitor every planning permission that is implemented across the District. Some ad-hoc monitoring of development by case officers may take place but we will normally need to rely on reports of suspected breaches of planning conditions to be able to identify problems.

When we receive a report of a suspected breach of planning conditions or we identify a breach of planning conditions on a development site, we will approach the case in the same way as other breaches of planning control depending on whether the breach of condition is considered to be a high, medium or low priority case.

However, we will monitor sites where permission has been granted subject to a S106 legal agreement. Typically, these types of legal agreements will have a ‘trigger point’ when payments are required to be made or when affordable housing or other infrastructure should be delivered.

In many cases, a trigger point will be related to the number of new houses that have been built and/or occupied. Planning officers are responsible for monitoring the trigger points for obligations including payments of commuted sums.

3.0 Reporting a suspected breach of Planning Control

How should a suspected breach of planning control be reported?

We publish a form on the Council's website that asks for all the information we need to allow us to investigate a suspected breach of planning control. This form is available via the 'Self Service' section of the Council's website.

[I Want to Report a Planning Enforcement Issue - Details - Section 1 - Self Service \(bolsover.gov.uk\)](#)

You can also report a suspected breach of planning control by sending an email to dev.control@bolsover.gov.uk or by post to the Planning Department at Bolsover District Council, The Arc, High Street, Clowne S43 3JY.

We do not normally need photographs to be submitted with a completed form because we cannot use these photographs as evidence. However, we do need the address of the person reporting a suspected breach of planning control and that person's contact details. We do not accept anonymous complaints and we may need to discuss the case with the person who has reported it as part of our investigations.

Once we have received details of a complaint we will send an acknowledgement. At the conclusion of our investigations we will let the person who has reported a suspected breach know what action we have taken. We will not normally provide any other updates on our investigations but we will aim to work to the timescales we have set out in Section 2 of this document for high, medium and low priority cases.

How will we use personal data included on a completed form?

We will only share the address and private contact details of a person reporting a

suspected breach of planning control with officers dealing with the case, unless the case involves a matter that cannot be dealt with by planning enforcement.

If a case should be dealt with by another department in the Council, we will share the details of the case with relevant officers in that department so they can take appropriate action. However, the Council will not share personal contact details with any external third parties without that person's consent.

We do not publish your personal contact details and we treat these details in confidence because we recognise many people will not have the confidence to report a suspected breach of planning control if their identity were to be made public.

For these reasons, the Council would not normally provide information about the details of a person who has reported a suspected breach of planning control if we receive a request for this information made under the freedom of information act or the environmental information regulations.

However, we may have to share your personal details with the police or the courts if, in very exceptional circumstances, the suspected breach of planning control actually amounted to a criminal offence subject to prosecution.

What types of complaints cannot be dealt with by planning enforcement?

Before reporting a suspected breach of planning control, it is important to check that the matter is for the Council's Planning Department to deal with so we can avoid any unnecessary work or delay in taking the most appropriate action. The most common issues that are incorrectly reported to the Council's Planning Department are listed below:

Approved development or works

In some cases, we receive reports of suspected breaches of planning control about development or works that have been granted planning permission. We publish details of most planning applications on the Council's website including details of approved plans, planning conditions and planning obligations.

If it is found that works or a development has already got consent and is being carried out in accordance with the permission, then we will not take planning enforcement action. However, a complaint can still be made to the Council's Complaints Department about the way we dealt with an application for planning permission but not about the decision itself.

Boundary disputes

The planning department cannot deal with boundary disputes. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter. We may be able to provide extracts from plans or details of application site boundaries on request but these details will also normally be available on the Council's website.

Damage to private property

Similar to the above, the planning department cannot deal with reports about damage to private property. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or the matter may need to be reported to the police.

Dangerous Structures

The Planning Department cannot deal with reports of dangerous structures, which should be reported to Derbyshire Building Control Partnership who can be contacted on 0333 880 2000 or by email at info@dbcp.co.uk

Empty Properties

The Planning Department cannot deal with empty properties, which should normally be reported to the Council's Empty Property Officer by telephoning 01246 242424.

Fly-tipping

The planning department cannot deal with reports of fly-tipping, which should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Fracking

All issues related to fracking should be discussed with Derbyshire County Council who can be contacted on 01629 580000.

Highways Land

The planning department cannot deal with complaints about any structures, advertisements, A-boards or any other operations, such as cars sales for example, that have taken place on land within the boundaries of a highway, which will normally include grass verges, footpaths and pavements and other highway infrastructure like barriers, lampposts and bridges, as well as the road itself.

Complaints about activities taking place on highways land that is connected to the local road network should be reported to the Highways Department at Derbyshire County Council by telephoning 01629 580000. Complaints about activities taking place on highways land connected to the strategic road network should be reported to National Highways by telephoning 0300 123 5000.

Invasive non-native plants and harmful weeds

Unless a breach of a planning condition has been identified, complaints about non-native invasive species or harmful weeds cannot be dealt with by the Planning Department and should be reported to the Council's Streetscene Department on 01246 242424

if the land belongs to the Council. In all other cases, complaints about non-native invasive species or harmful weeds should be referred to the Environment Agency and more information can be found on their website at www.gov.uk/government/organisations/environment-agency

Light Pollution

Unless a breach of a planning condition has been identified, complaints about light pollution cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Noise Nuisance

Unless a breach of a planning condition has been identified, complaints about noise nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Odour Nuisance

Unless a breach of a planning condition has been identified, complaints about odour nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Parking Restrictions & On-Street Parking

Derbyshire County Council Civil Parking Enforcement (CPE) are responsible for the enforcement of parking restrictions in Derbyshire. Civil Enforcement Officers (CEOs) have replaced traditional traffic wardens and enforce a range of restrictions. Further information can be found on Derbyshire County Council's Website via the following link:

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/parking/parking-enforcement/civil-parking-enforcement-cpe.aspx>

CEOs are responsible for enforcing:

- limited waiting bays
- double/single yellow lines
- on street pay and display bays
- residents' parking zones
- Blue Badge bays
- loading bays
- bus stops
- taxi bays
- school keep clears
- clearways
- dropped kerb access (also police)
- double parking (also police)
- pedestrian crossings (also police)
- car parks (with orders).

The police are responsible for enforcing:

- double white lines
- obstruction – for example, pavements with no parking restrictions
- dangerous parking where there are no restrictions in place, for example, on bends, brows of hills and junctions
- dropped kerb access (also CEOs)
- double parking (also CEOs)
- one-way traffic
- box junctions
- access only
- white-hatched areas
- pedestrian crossings (also CEOs).

In summary, problems about contravention of parking restrictions should normally be reported to Derbyshire County Council on 01629 533190 or email: contactcentre@derbyshire.gov.uk

For police related offences, please call 101 or 999 in an emergency.

Quarry Sites and active Mineral Extraction

All issues related to quarrying or mineral extraction should be discussed with Derbyshire County Council who can be contacted on 01629 580000.

Trespass

Reports about private individuals trespassing cannot be dealt with by the planning department and these types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or reporting the matter to the police.

Vermin

The planning department cannot deal with reports of vermin or other types of infestation, which should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing EnvironmentalHealthAdmin@ne-derbyshire.gov.uk

Waste sites

Any complaints about the operation of a waste transfer site including public amenity waste disposal sites and scrapyards should be directed to Derbyshire County Council who can be contacted on 01629 580000.

4.0 Investigating suspected breaches of Planning Control

How will we investigate suspected breaches of planning control?

Effective enforcement action relies on the Council having accurate information about a suspected breach of planning control. This means that the first part of our investigation is arranging a site visit. This can often involve contacting the owner of the land where the suspected breach of planning control has taken place and/or the person that appears to be responsible for the breach to arrange a site meeting.

We prefer to organise a site meeting because this gives us the opportunity to discuss the case with the people involved and it will help us with our investigations if we have a better understanding of what has happened and why. In addition, a breach of planning control may be the result of a genuine mistake where, once the breach is identified, the person responsible may take immediate action to remedy it.

However, we will not delay starting our investigations if we are not able to arrange a site meeting or are refused entry to a site. If we are unable to arrange a site visit or are refused entry to the site then we will consider using our rights of entry. If we use our rights of entry, we will inform anybody on site who we are and the purpose of our visit. Our officers will also be carrying their staff cards as proof of identity.

Rights of Entry

The Council can authorise named officers to enter land specifically for enforcement purposes (sections 196A, 196B and 196C of the Town and Country Planning 1990 Act). This right of entry is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control. The Act specifies the purposes for which

entry to land may be authorised (section 196A (1) of the 1990 Act), namely:

- to ascertain whether there is or has been any breach of planning control on the land or any other land;
- to determine whether any of the local planning authority's enforcement powers should be exercised in relation to the land, or any other land;
- to determine how any such power should be exercised; and
- to ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

The phrase "or any other land" means that, if necessary, neighbouring land can be entered, whether or not it is in the same ownership or is being occupied by the person whose land is being investigated.

Section 196A of the 1990 Act state there must be reasonable grounds for entering the land for the purpose in question. This is interpreted to mean that entering the land is the logical means of obtaining the information required by the local planning authority when investigating a suspected breach of planning control. It is also an offence to wilfully obstruct an authorised person acting in exercise of a right of entry under section 196C (2) of the 1990 Act.

Where there are reasonable grounds for entering land for enforcement purposes, and a right of entry is refused or is reasonably likely to be refused, or there is a need for urgency, then it is possible for a Justice of the Peace to issue a warrant to allow entry (section 196B (1) of the 1990 Act). However, entry to a building used as a dwelling house cannot be demanded as of right unless 24 hours advanced notice of intended entry has been given to the occupier.

Assessing the Evidence

In many cases, we can collect enough relevant information from our historic records of the site, as well as information collected on a site visit and other publicly available information to be able to properly assess whether an actual breach of planning control has taken place and what further action we need to take.

On some occasions we might need to obtain further information to make an assessment of whether there are any legal grounds that mean we cannot take formal enforcement action. In these circumstances, a planning contravention notice may be issued under section 171C of the 1990 Act and can be used to do the following:

- allow officers to request any information they need for enforcement purposes about any operations being carried out; any use of; or any activities being carried out on the land; and
- invite its recipient to provide officers with constructive suggestions about how any suspected breach of planning control may be remedied satisfactorily.

One proportionate way to tackle suspected breaches of planning control is to negotiate an acceptable solution with interested parties. Issuing a planning contravention notice can be one way to achieve this, allowing officers to collect the information they need to help progress a case. However, it is an offence not to return a planning contravention notice within the time specified for its return and it is an offence for a recipient to provide false information when completing a planning contravention notice.

When might the Council be unable to take formal enforcement action?

One reason the Council may not be able to take formal enforcement action is when an investigation of a suspected breach of planning control reveals that a breach of planning control has not actually taken place.

For example, we will not take any further action if we find that development or works taking place or completed on a site already has the appropriate planning permission and is being carried out or has been completed in accordance with the permission

We will also not take any further action if we find that development or works taking place or completed on a site benefits from 'deemed consent' because it is permitted development under the Town and Country (General Permitted Development)(England) Order 2015, as amended, or when we find that a sign or advertisement has 'deemed consent' under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

In addition, the 1990 Act and Town and Country Planning (Use Classes) Order 1987 (as amended) set out various activities and operations that cannot be considered to be development and does not require planning permission as a matter of law. We will not take any further action if we find that a suspected breach of planning control falls within these statutory provisions and is not development that requires planning permission.

Time limits for enforcement

In most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use or breaches).

These time limits are set out in section 171B of the 1990 Act and we will not normally take any further action if we find out that an unauthorised development is immune from enforcement because we are too late to take action.

However, these statutory time limits do not prevent enforcement action after the relevant dates where there has been deliberate concealment of a breach of planning control.

Deliberate concealment may be considered to have occurred when deliberate attempts have been made to hide or disguise a breach of planning control to prevent its discovery, or deliberately misleading statements or information have been provided to the Council to prevent a breach of planning control being discovered.

In cases of deliberate concealment, officers may decide to proceed with formal enforcement action that would normally be considered 'out of time' or apply for a planning enforcement order to gain more time to consider whether formal enforcement action should be taken.

When might formal enforcement action not be appropriate?

Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of planning control may be the result of a genuine mistake where, once the breach is identified, the person responsible will take immediate action to remedy it.

We will generally not take further formal enforcement action when action is taken to remedy a breach of planning control within 3-6 months of that action being agreed. The amount of time needed to put things right will depend on what actions are required to remedy the identified breach of planning control, but officers will not normally agree to a period longer than 6 months unless there are exceptional circumstances.

In deciding, in each case, what is the most appropriate way forward, the Council should also usually avoid taking formal enforcement action where:

- there is a minor or technical breach of planning control which causes no

material harm or adverse impact on the amenity of the site or the surrounding area;

- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- the submission of a formal retrospective planning application is the appropriate way forward to regularise the situation, for example where planning conditions may need to be imposed to make an unauthorised development acceptable in planning terms.

In most cases, only a minor breach of planning control will fall within the above criteria and these types of breaches will normally be low priority cases. However, if the Council decides not to take further action when it has completed its investigation of a low priority case this should not be taken as condoning a wilful breach of planning law.

A decision to take no further action will be a proportionate response when the retention of an unauthorised development or works will not result in any demonstrable harm. Nonetheless, it is in the landowner's own best interests to regularise unauthorised development by applying retrospectively for the relevant planning permission or consent even when the Council decides not to take any further action.

When do we invite retrospective planning applications?

We will always invite the submission of a retrospective application for low priority cases and other minor breaches of planning control because it is likely these types of applications will be granted permission. The right planning permission will normally be needed by the landowner when it comes to selling the property to reduce any conveyancing and legal issues.

We will also normally invite a retrospective planning application for some medium priority cases where planning conditions

could be used to make the unauthorised development or works acceptable in planning terms and the person responsible for the breach of planning control has expressed a willingness to submit a retrospective application within 3 months of the breach being identified.

However, it is highly unlikely that we will invite an application if the breach of planning control we are investigating is significantly contrary to planning policies and/or has resulted in or continues to significantly detract from the living conditions of local residents or the character and appearance of the local area in a way that cannot be dealt with satisfactorily by planning conditions or amendments to the development.

In these circumstances, we will consider taking further action and this will normally involve commencing formal enforcement action to tackle some medium priority cases and all high priority cases.

5.0 Formal Enforcement Action

When will we start formal enforcement action?

Formal enforcement action should only be taken where the Council is satisfied that there has been a breach of planning control and it is expedient to take enforcement action, taking into account the provisions of the development plan and any other material considerations. Formal enforcement action should only be taken as a last resort.

Therefore, we will normally only start formal enforcement proceedings when we have thoroughly investigated the suspected breach of planning control and explored and exhausted every opportunity to agree a timely resolution to a breach of planning control with the person responsible for that breach and/or the landowner if they are not the person who has carried out the breach of planning control.

However, we cannot defer enforcement action indefinitely and some breaches of planning control require immediate action. So, we will consider taking formal enforcement action without giving further notice when we are tackling the most serious breaches of planning control, when the time limits for enforcement are close to running out, when we cannot negotiate an acceptable solution or when the actions needed to remedy a breach of planning control have not been carried out in an agreed timescale.

It is therefore important that any person contacted by the Council about a suspected breach of planning control that they are responsible for, or that has been carried out on their land gets in contact with officers to discuss the case as a matter of urgency. It is also important that if a way to put things right has been agreed with officers to prevent further enforcement action being taken by the Council then it is important the actions needed to put things right are completed within the agreed timescale.

What types of formal enforcement action can the Council take?

There is a range of ways of tackling breaches of planning control available to the Council through formal enforcement action. In each case officers not only have to determine which of the options would be the most effective way of dealing with the breach but also which would be the most proportionate way of securing a resolution.

In these terms, in most medium priority cases and in some high priority cases, issuing an enforcement notice will normally be the right approach for officers to take when it appears to them that there has been a breach of planning control and it is expedient to take formal enforcement action when taking into account the provisions of the development plan and any other material considerations (including the guidance in this document).

Enforcement Notices

An enforcement notice should enable every person who receives a copy to know:

- exactly what, in the local planning authority's view, constitutes the breach of planning control; and
- what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach of planning control.

There is a right of appeal against an enforcement notice, however it is an offence not to comply with an enforcement notice once the period for compliance has lapsed.

Therefore, it is important that the recipient of an enforcement notice takes immediate action to lodge an appeal against the notice if they think there are good grounds to do so or take immediate steps to comply with the notice.

Stop Notices

A stop notice can prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in a related enforcement notice, ahead of the deadline for compliance in that enforcement notice. Therefore, a stop notice might be issued shortly after an enforcement notice because it is important to prevent a development from continuing before the enforcement notice comes into effect.

There are very strict limitations on the use of a stop notice so it is unlikely officers will consider issuing a stop notice unless there are very serious risks of irreparable harm from on-going development. For example, a stop notice may be considered where an unauthorised development involves the demolition of an unlisted building in a designated Conservation Area and an agreement to stop demolition with immediate effect has not been reached.

Temporary Stop Notices

A temporary stop notice requires that an activity which is a breach of planning control should stop immediately. A temporary stop notice must state the date the temporary stop notice has been served, the activity that has to cease, and that any person contravening it may be prosecuted for an offence.

The Council does not need to have served an enforcement notice before it issues a temporary stop notice and officers may consider issuing a temporary stop notices in some high and medium priority cases when it is essential to take immediate action to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area.

A temporary stop notice expires after 28 days, so officers will consider what further action is required within this period if an alternative way of dealing with the breach which would overcome the objections to it in an environmentally and legally

acceptable way cannot be agreed with the recipient of the temporary stop notice.

Breach of Condition Notice

A breach of condition notice is mainly intended as an alternative to an enforcement notice for remedying a breach of condition. Officers will consider issuing a breach of condition in addition to an enforcement notice, as an alternative to a stop notice, where officers consider it is expedient to stop the breach of conditions quickly and before any appeal against the enforcement notice is determined.

A breach of condition notice is therefore most likely to be used in some high or medium priority cases when immediate action is required to stop a continuing breach of conditions in the interests of safeguarding amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. There is no right of appeal to the Planning Inspectorate against a breach of condition notice.

Injunction

The Council can apply for an injunction whether or not it has exercised, or proposes to exercise, any of their other powers to enforce planning control. However, starting proceedings for an injunction is one of the most serious types of enforcement action that the Council can take because if a person fails to comply with an injunction (once it has been granted) they may be committed to prison for contempt of court. Additionally, once an injunction has been granted, it cannot be discharged except where there has been a significant change of circumstances since the order was made.

Therefore, officers will only consider applying for an injunction if there have been persistent breaches of planning control such as failure to comply with the requirements of an enforcement notice over a long period and/or other enforcement options have been, or would be, ineffective in the event of a serious breach of planning

control that would cause substantial and/or immediate harm to the local area.

Prosecution

When officers are dealing with high priority cases, many of the breaches of planning control may constitute a criminal offence subject to prosecution including unauthorised works to protected trees, removal of important hedgerows, unauthorised works to listed buildings and where hazardous substances are involved.

Officers will take further legal advice in these cases with a view to pursuing a prosecution in the event of a serious breach of planning control that has resulted in substantial harm to the local area. It is therefore important that a person that is contacted by officers about a high priority case makes every effort to stop any unauthorised works or activities on site immediately.

Officers will also take further legal advice with a view to pursuing a prosecution in the event of non-compliance with the requirements of an enforcement notice, breach of conditions notice, stop notice, temporary stop notice, listed building notice, community protection order or a section 215 notice.

Listed Building Enforcement Notice

Although broadly similar, there are a number of important differences between planning enforcement notices and listed building enforcement notices including the fact that there are no time limits for issuing listed building enforcement notices.

Officers will consider issuing a listed building enforcement notice in medium and high priority cases where works have been carried out without the necessary listed building consent, or a condition attached to that consent has not been complied with when such works materially detract from the historic or architectural significance of the building and there is no agreement to put those works right in any other way.

Community Protection Notices

Officers have the power to issue a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014 and these Notices can be used to tackle a wide range of issues including:

- untidy land / buildings;
- unauthorised use of land; and
- unauthorised buildings / structures.

Where any of the above problems are causing ongoing detrimental effects to the living conditions of the local community a Community Protection Notice can contain reasonable requirements:

- to stop doing specified things;
- to do specified things; or
- to take reasonable steps to achieve specified results.

Officers will consider issuing a Community Protection Notice if an earlier written warning that a Notice may be issued has been ignored and may be used as an alternative to a section 215 Notice.

Section 215 Notices

Section 215 of the 1990 Act provides the Council with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears to officers that the public amenity of part of the District is being adversely affected by the condition of neighbouring land and buildings, they may consider serving a section 215 notice on the owner requiring that the situation be remedied.

These notices will set out the steps that need to be taken, and the time within which they must be carried out. The Council also have powers under section 219 of the 1990 Act to undertake the clean-up works itself and to recover the costs from the landowner.

Other default powers

The Council can prosecute for a failure to comply with an enforcement notice but it

can also consider using its default powers under section 178 of the 1990 Act to enter enforcement notice land and carry out the requirements of the notice itself.

It is an offence to wilfully obstruct anyone who is exercising those powers on the Council's behalf and Council can recover from the person who is then the owner of the land any expenses reasonably incurred by them in undertaking this work.

Officers will only consider using these default powers when all other methods to persuade the owner or occupier of land to carry out any steps required by an enforcement notice have failed.

Advertisements and fly-posting

The Council will not take action against any adverts or fly-postings on the local road network, which would normally be dealt with by the local highway authority (Derbyshire County Council). Highways England would be expected to deal with adverts and fly-posting on the strategic road network.

In other cases, where signs, adverts or fly-posting are unauthorised and is damaging the character and appearance of the local area, officers will normally serve advance written notice to anyone who can be identified as the person responsible, that:

- in the Council's opinion the advert or sign is displayed illegally; and
- the Council intends to remove it after the expiry of a period specified in the notice.

Officers can then remove the sign or adverts 2 clear days after the notice was served.

However, the Council need not give any notice to remove fly-posters where a placard or poster does not give the address of the person displaying it and officers do not know that address and are unable to ascertain the relevant address after making reasonable enquiries.

How will human rights be taken into account in planning enforcement?

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action should be taken, officers, where relevant, will have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

When considering commencing formal enforcement action, officers must be satisfied that there has been a breach of planning control and that the activity which amounts to the breach must be stopped within the time limits set for compliance or by action to be taken through the courts in the wider public interest. In compliance with Article 6 of the Human Rights Act 1998, a recipient of a formal enforcement notice will also have the right of appeal or the right to a fair trial in the event of non-compliance with a formal enforcement notice or on receipt of a summons.

How will the public sector equality duty be taken into account in planning enforcement?

In deciding whether enforcement action should be taken, officers, when the relevant information is publically available or has been made available to officers, will have regard to the potential impact on any person with a protected characteristic or group of persons that share a protected characteristic that are either likely to be affected by the proposed action or likely to be affected by a breach of planning control.

Officers will also make any reasonable adjustments that have been requested and in particular, will make the process of planning

enforcement as accessible as possible by ensuring all written communication is in plain English, can be produced in bigger text or different languages if appropriate, and where necessary, by visiting people at their home to discuss any breach of planning control that directly affects their living conditions or any action that will have a material effect on their quality of life.

Unauthorised Encampments

An absence of authorised sites does not mean that the Council cannot take enforcement action against unauthorised encampments. There are also extensive powers available to help the Council deal with illegal and unauthorised sites.

However, officers will only proceed with action against unauthorised encampments following liaison with the Council's Corporate Enforcement Officer Group, the equalities officer and other interested parties including the police, particularly because of the need to balance the potential of taking urgent action to remedy a serious breach of planning control whilst dealing with sensitive issues around human rights and compliance with public sector equality policy.

6.0 Implementation and Monitoring

Who will be responsible for implementing the Local Enforcement Plan?

The Assistant Director of Development, Planning & Leisure, the Planning Manager and the Principal Enforcement Officer will be responsible for implementing the plan and ensuring the guidelines in this document are followed by officers.

The Principal Enforcement Officer, Enforcement Officers and Planning Officers, where appropriate, will be responsible for a pro-active approach to reporting suspected breaches of planning control, investigating suspected breaches of planning control, and monitoring large housing sites.

The Assistant Director of Development, Planning & Leisure, the Planning Manager and the Principal Enforcement Officer will assist, where appropriate, with deciding what action should be taken when an investigation into a suspected breach of planning control has been completed, and the Council's solicitors will be consulted before any formal enforcement action is commenced.

The Council's solicitors will also be consulted before any legal action is commenced and the Council's solicitors will assist with any legal proceedings including instructing a QC to represent the Council in any court proceedings.

The Planning Manager and/or the Principal Enforcement Officer will normally be expected to prepare a statement of case and/or represent the Council at an informal hearing or public enquiry in the event of an appeal to the Planning Inspectorate where an enforcement notice has been served in particularly complex or high profile enforcement cases

The Planning Manager and the Principal Enforcement Officer will assist the Enforcement Officer or Planning Officers, where appropriate, to prepare a statement of case in other more straightforward cases.

The Council's Corporate Enforcement Officer Group will also have a role to play in planning enforcement if a case requires joint working across Council departments. Unauthorised encampments will therefore always be referred to this Group before any decisions are made on how to progress these cases.

How will District Councillors be involved?

Ward Councillors will normally be informed before officers take formal action in respects of any suspected breach of planning control in their local area where the case is sensitive or contentious.

On a quarterly basis, District Councillors will also receive a list of suspected breaches of planning control that have been reported to the Council or that have been identified by officers over the last three months so they have the opportunity to discuss these cases or check progress with officers if necessary. A half yearly report will also be produced, giving reference to performance standards associated with the varying case priority levels (see section 6.13).

What service standards will be monitored?

The nature of planning enforcement means that it is not possible to target a timescale in which to close a case. For example, if an enforcement notice is served, officers have no control over how long the Planning Inspectorate will take to deal with any subsequent appeal

against that enforcement notice and cannot guarantee the outcome of that appeal.

It is also not possible for officers to meaningfully control how many complaints the Planning Department receive about suspected breaches of planning control or how many breaches occur within the District at any particular time, although it is hoped this document will help reduce both.

However, as previously highlighted, this document sets out the following service standards that officers consider are specific, measurable, achievable and realistic:

- The site of a high priority case will be visited in the same day the suspected breach of planning control has been clearly identified. Wherever possible, a decision on what further action is required will be taken within 24 hours of that site visit. Investigations will not take place over the weekends or Bank Holidays
- A site visit will be undertaken within two weeks of identifying a suspected breach of planning control that is likely to be a medium priority case. A decision on what further action to take will be made within four weeks of that site visit.
- A site visit will be undertaken within six weeks of identifying a suspected breach of planning control that is likely to be a low priority case. A decision on what further action to take will be made within six weeks of that site visit.

We will monitor our performance against these standards and publish the results on a half-yearly basis. These results will be assessed to see whether this Plan is working or needs to be reviewed. Achieving a culture of compliance would be one key measure of whether the Plan has been successful.

The Local Enforcement Plan will also be reviewed if there are any substantial changes to relevant legislation, national policy or national guidance or within three years after publication depending on whichever is the sooner.

In addition, planning enforcement officers will attend regular training events to ensure that their continuing professional development is appropriate and that planning enforcement is carried out across the District with regard to the most up-to date guidance and in accordance with best practice.

Bolsover District Council

Meeting of the Planning Committee on 8th June 2022

Report of the Assistant Director: Development

QUARTERLY 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 27th April 2022.

2. Details of Proposal or Information

- 2.1 Members will recall that seven sums were identified in April 2022 as being within their 12 month deadline for spending, namely:
 - a. The Brambles, Doe Lea - Art £4,361.11 (spend by date expired)
 - b. Sterry House Farm - Art £92.85 (spend by date expired)
 - c. Thurgaton Way P2 - Health £30,132 by 01.08.22
 - d. Carter Lane West - Art £5,165.20 by 07.12.22
 - e. Carter Lane West - Informal POS £12,766.86 by 07.12.22
 - f. Meridian Close - Informal POS £27,475.69 by 22.12.22
 - g. Meridian Close - Outdoor Sport £24,547.95 by 22.12.22
- 2.2 No further sums were highlighted at the Section 106 Monitoring Group as needing to be spent within 12 months.
- 2.3 In relation to the two sums beyond their spend by date, it has previously been reported to Members that item a. was due to a VAT amount not being applied and that the Council has since received confirmation from the developer that they do not wish to have the money returned. However, an update on the spend of the monies is provided below. It was reported in April that item b. had been substantially spent by its 18th April 2022 deadline, leaving a sum of £92.85 outstanding and at risk of needing to be returned. This sum is sufficiently small to be considered a limited risk and will be held by the Council in the limited chance the developer asks for it to be returned. However, as the sum is small the Council will not instigate correspondence regarding the return of the £92.85 due to the administrative cost of doing so being greater than the sum involved.
- 2.4 The updates for items a. and c. to g. recorded at the Section 106 Monitoring Group are as follows:

| | | |
|--|---|---|
| | <p>Art work underspend at The Brambles, Doe Lea (Financial spreadsheet line 47)</p> <p>Community Arts Development Officer (CADO) to document the final celebration event and close the Orchestras Live Partnership Project by the Jubilee Bank Holiday weekend at start of June.</p> <p><u>Update</u> The Orchestra event happened last month. The Lighting Up event is not on track as the Parish Council want to lead and do not want to do a lighting up event at this time of year. The money is spent but the event will be in September. The Principal Accountant is aware where things are at, with the remaining money of £4,361 to be spent by August 2022 and not June. An interactive website launch is planned between August and September.</p> <p><u>New Actions</u> Community Arts Development Officer to report back to next meeting on progress.</p> | <p>Action owners</p> <p>CADO</p> <p>CADO</p> |
| | <p>Thurgaton Way (Phase 2) - Health £30,132 by 01.08.22 (Financial spreadsheet line 73)</p> <p>Interim Planning Policy Manager (IPPM) to continue to chase progress and keep the political Leadership informed.</p> <p><u>Update</u> IPPM updated that the CCG's provided timeline for the delivery of improvements and the spend of this money was as follows:</p> <ul style="list-style-type: none"> • End of April – Tender quotes from numerous businesses gathered. • Early May – submit PID, Tender Form and relevant documents in for signing. Due diligences checked completed by CCG and NHSE. • Mid/End of May – submitted to yourself for sign off and draw down the funds. • June – Work begins with expectation of being completed by mid-July. <p><u>New Actions</u> IPPM to continue to chase progress in line with this timeline and keep the political Leadership informed.</p> | <p>IPPM</p> <p>IPPM</p> |

| | | |
|--|---|-------------------------------|
| | <p>Carter Lane West - Informal POS £12,766.86 by 07.12.22 (Financial spreadsheet line 68)</p> <p>Special Projects Officer – Leisure (SPOL) to progress preferred location decision with South Normanton Parish Council and to develop a suitable project by 31st March 2022.</p> <p><u>Update</u> SPOL met South Normanton Parish Council last week. Works are needed to progress the skate park and soft play area but the money will be spent by the December deadline. A timetable will be put together in the next couple of weeks.</p> <p><u>New Actions</u> SPOL to email progress to Principal Planning Officer by 13th May 2022 of how list has been narrowed from options to preferred works. With the aim to be able to go out to tender two weeks later 27th May 2022.</p> | <p>SPOL</p> <p>SPOL</p> |
| | <p>Carter Lane West - Art £5,165.20 by 07.12.22 (Financial spreadsheet line 66)</p> <p>Community Arts Development Officer (CADO) to progress and update at the April 2022 meeting.</p> <p><u>Update</u> CADO advised that there was a plan to do works in September / October in local schools.</p> <p><u>New Actions</u> Fortnightly review of progress with Principal Planning Officer starting w/c 13th May 2022.</p> | <p>CADO</p> <p>CADO / PPO</p> |
| | <p>Meridian Close - Informal POS £27,475.69 by 22.12.22 and Outdoor Sport £22,782.95 by 22.12.22 (Financial spreadsheet lines 81 & 82)</p> <p>Special Projects Officer – Leisure (SPOL) to progress and update at the April 2022 meeting.</p> <p><u>Update</u> SPOL advised that his current thinking is to use this money to secure improvements to sports facilities within the Bolsover town area, which included bringing the cricket pitch back into use for this season and using any remaining money to secure improvements to existing football pitches.</p> <p>IPPM advised that he is in discussions with Sports England about the impacts of new planned growth on playing pitches provision elsewhere in the District. However, their input to the</p> | <p>SPOL</p> |

| | | |
|--|---|------------|
| | overall playing pitches strategy for Bolsover town would potentially be beneficial. | |
| | <u>New Actions</u> Fortnightly review of progress with Principal Planning Officer and IPPM starting w/c 13 th May 2022. | SPOL / PPO |

- 2.5 At the meeting of the Planning Committee in April, Members raised strong concerns about the number of sums of money within a year of their deadline. These strong concerns have been communicated to all officers at the Section 106 Monitoring Group. In addition, more frequent reviews of progress have been put in place to try to ensure officers responsible for spending the sums in question make the necessary progress in the delivery of their projects.
- 2.6 In relation to the Carter Lane West, South Normanton, sum of £5,165.20 for public art works that needs to be spent by 7th December 2022, these more frequent reviews have seen the Community Arts Development Officer (CADO) agree the brief with South Normanton Parish Council for a community mural / art work project aimed at young people. The CADO is now trying to engage with the local schools to secure the input of their pupils, which is proving slightly difficult, but the CADO has advised that if this avenue does not lead to sufficient progress then other community groups will be approached in June / July to avoid further delays.
- 2.7 In relation to the Merridan Close, Bolsover, sums of £27,475.69 for Informal POS and £22,782.95 for Outdoor Sport that need to be spent by 22nd December 2022, these more frequent reviews have seen the Special Projects Officer – Leisure (SPOL) put together a potential list of improvement works that would account for £45,000 of the approximately £50,000 total. Work is now focussing on helping the SPOL develop and deliver this potential list of improvement works by the required deadline.
- 2.8 In relation to the Thurgaton Way, Newton sum of £30,132 for health that needs to be spent by 1st August 2022, the timetable set out above is being followed and the legal documents that trigger the transfer of the monies to the NHS Clinical Commissioning Group are in the process of being signed. This should see the monies transferred by the end of May 2022.
- 2.9 Regarding the other cases, work is ongoing to deliver the specified works in the required time and 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: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | 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 |

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|--|
| Links to Council Ambition: Customers, Economy and Environment. |
| <ul style="list-style-type: none"> • Enabling housing growth; • Developing attractive neighbourhoods; • Increasing customers' satisfaction with our services. |

| DOCUMENT INFORMATION | |
|----------------------|-------|
| Appendix No | Title |
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| Background Papers |
| <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 Executive you must provide copies of the background papers).</i> |
| |

Bolsover District Council

Meeting of the Planning Committee on 8th June 2022

Report of the Assistant Director Development

ANNUAL INFRASTRUCTURE FUNDING STATEMENTS 2020/21 & 2021/22

| | |
|------------------------|---|
| Classification | This report is Public |
| Report By | Julie-Anne Middleditch Principal Planning Officer |
| Contact Details | 01246 242286 julie-anne.middleditch@bolsover.gov.uk |

PURPOSE / SUMMARY OF REPORT

- To approve the Council's Annual Infrastructure Funding Statements for 2020/21 and 2021/22.

1. Background

- 1.1 Following the introduction of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council has been required to prepare and publish an Annual Infrastructure Funding Statement each year from the financial year 2019/20 onwards.
- 1.2 This requirement formed part of the Government's 2018 package of reforms to the system of developer contributions in response to the review of the Community Infrastructure Levy. These reforms were intended to complement changes to the assessment of viability in the National Planning Policy Framework and overall aim to make the system of developer contributions more transparent and accountable by:
 - reducing complexity and increasing certainty for local authorities, developers and communities;
 - supporting swifter development;
 - improving the market responsiveness of the Community Infrastructure Levy;
 - increasing transparency over where developer contributions are spent; and
 - introducing a new tariff to support the development of strategic infrastructure.
- 1.3 The Annual Infrastructure Funding Statement is required to include the following three parts:

1. a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (other than Community Infrastructure Levy to which regulation 59E or 59F applies) (“the infrastructure list”);
 2. a report about Community Infrastructure Levy, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“Community Infrastructure Levy report”);
 3. a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“Section 106 report”).
- 1.4 The Council took the decision not to pursue a Community Infrastructure Levy as part of the preparation of the Local Plan for Bolsover District. This decision was due to the Community Infrastructure Levy not being necessary nor the best method of delivering infrastructure in Bolsover District. Underpinning this decision were the facts the District comprises a series of small and dispersed settlements, rather than a large urban area, and that the planned spatial distribution of development through the now adopted Local Plan for Bolsover District meant that the infrastructure required would be directly related to each settlement’s planned residential allocations and so more appropriately funded through planning obligations in Section 106 Agreements.
- 1.5 In light of the decision to not to pursue a Community Infrastructure Levy, the Council’s Annual Infrastructure Funding Statements report a ‘nil return’ for parts 1 and 2. However, part 3, the Section 106 report, sets out the following information each year:
- (a) the total amount of money to be provided under any planning obligations which were entered into during the reported year;
 - (b) the total amount of money under any planning obligations which was received during the reported year;
 - (c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;
 - (d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of –
 - (i) in relation to affordable housing, the total number of units which will be provided;
 - (ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;
 - (e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;
 - (f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);

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

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

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

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

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

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

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

2. Details of Proposal or Information

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

- 2.2 Therefore, in accordance with the Statement of Community Involvement's aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, a summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within required Annual Infrastructure Funding Statement.

Statement for 2020/21

- 2.3 The Annual Infrastructure Funding Statement 2020/21 Summary Report sets out how 2020/21 compares to 2019/20 and 2018/19 and provides case studies to showcase some of the infrastructure that the Council has delivered with the received Section 106 monies. This summary report is appended as Appendix (A) to this report but the key headlines for the 2020/21 financial year are as follows:

| Newly Secured Money | |
|---|------------|
| Total amount of Section 106 monies signed up in new legal agreements during 2019/20 | £49,136.59 |

| Money Held by the Council | |
|--|---------------|
| Total amount of Section 106 monies received from developers during 2019/20 | £96,092.64 |
| Total amount of Section 106 monies held from previous years | £1,534,351.61 |

| Money Spent by the Council | |
|---|-------------|
| Total amount of Section 106 monies spent by the authority (or transferred to another organisation to spend) during 2020/21 including annual maintenance | £121,420.63 |

- 2.4 Of note in this financial year was the significant disruption of the Covid-19 pandemic on the construction industry and the consequential reduction on the number of submitted planning applications. This most likely accounts for the significant drop in S106 money secured through new planning applications. Of the funds already held by the Council, the main spending on infrastructure was in Sports Provision, totalling £42,033 and comprising a number of small items across a number of sites. Under other infrastructure areas, individual projects of note include a contribution from funding secured for Public Open Space towards the Parish Council project at South Normanton comprising commemorative benches (see Summary Report Case Study 3). Another was a contribution from funding secured under Percent for Art towards the Parish Council project at Villa Park Clowne that comprised artistic fencing and a gated entrance (see Summary Report Case Study 1).

Statement for 2021/22

- 2.5 The Annual Infrastructure Funding Statement 2021/22 Summary Report sets out how 2021/22 compares to 2020/21 and 2019/20 and provides case studies to showcase some of the infrastructure that the Council has delivered with the received Section 106 monies. This summary report is appended as Appendix (B) to this report but the key headlines for the 2021/22 financial year are as follows:

| Newly Secured Money | |
|---|-------------|
| Total amount of Section 106 monies signed up in new legal agreements during 2019/20 | £642,247.25 |

| Money Held by the Council | |
|--|---------------|
| Total amount of Section 106 monies received from developers during 2019/20 | £149,284.69 |
| Total amount of Section 106 monies held from previous years | £1,524,391.62 |

| Money Spent by the Council | |
|---|-------------|
| Total amount of Section 106 monies spent by the authority (or transferred to another organisation to spend) during 2020/21 including annual maintenance | £217,880.56 |

- 2.6 Of note in this financial year was the approval of a planning application 21/00640/FUL for land South of 69 Oxcroft Lane Bolsover which, with a S106 Agreement totalling £436,062, contributes significantly toward the amount of money secured in 2021-22. Of the funds already held by the Council, spending on infrastructure was nearly double that of 2020-21. There was a broader range of infrastructure spending that included a significant contribution £58,460 paid to the Parish Council towards Community facilities at Hodthorpe, a contribution of £30,463.68 paid to Derbyshire County Council for a fenced and lit footpath link at Creswell and £9,000 from a number of S106 site agreements towards the Triobike Taxi (see Summary Report Case Study 1). That these relatively large sums were towards single projects and not spread across a range of smaller infrastructure items is significant in the public perception of new development realising community benefits.

3 Reasons for Recommendation

- 3.1 The preparation of an Annual Infrastructure Funding Statement is a technical exercise but one that is intended to make the system of Section 106 Agreements and developer contributions more transparent and accountable.
- 3.2 The prepared Annual Infrastructure Funding Statement Summary Statements for 2020/21 and 2021/22 are attached as appendices to this report and provide the required factual information about the financial sums agreed, received and spent. However, they also seek to provide some context to the financial information contained and to highlight examples of infrastructure delivered during the monitoring years of 1st April 2020 to 31st March 2021 and 1st April 2021 to 31st March 2022.
- 3.3 Due to limited staffing resources, the completion of the Annual Infrastructure Funding Statement 2020/21, due to be published prior to 31st December 2021, was delayed. With increased staffing resources since 1st April 2022, the 2020/21 Statement has been completed (as presented) along with the Annual Infrastructure Funding Statement for 2021/22 which has been completed in advance of the due date of the 31st December 2022.
- 3.4 Therefore, it is proposed that Planning Committee approve the content of both the Annual Infrastructure Funding Statement 2020/21 Summary Report and the Annual Infrastructure Funding Statement 2021/22 Summary Report.

4. Alternative Options and Reasons for Rejection

- 4.1 Preparation and publication of an Annual Infrastructure Funding Statement has been a statutory requirement from 2020 onwards. Therefore, officers have not considered alternative options.

RECOMMENDATION(S)

That Planning Committee:

- 1) note the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements;

- 2) approve the format and content of the Annual Infrastructure Funding Statement 2020/21 Summary Report and Annual Infrastructure Funding Statement 2021/22 Summary Report and endorse the decision to publish them to comply with the regulations.

Approved by Councillor Duncan McGregor, Portfolio Holder for Corporate Governance

| | |
|--|---|
| <u>IMPLICATIONS:</u> | |
| <u>Finance and Risk:</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: This relates to the Council's annual monitoring duties and is budgeted for. | |
| On behalf of the Section 151 Officer | |
| <u>Legal (including Data Protection):</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: The Council has a statutory duty to prepare an Annual Infrastructure Funding Statement under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Publication of the 2020/21 and 2021/22 Statements will bring the Council into compliance with these regulations. There are no specific data protection issues arising from this report. | |
| On behalf of the Solicitor to the Council | |
| <u>Staffing:</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 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

| | |
|---|----|
| 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: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | 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. | |
|---|--|
| <ul style="list-style-type: none"> • Enabling housing growth; • Developing attractive neighbourhoods; • Increasing customers satisfaction with our services. | |

| DOCUMENT INFORMATION | |
|-----------------------------|--|
| Appendix No | Title |
| A | Annual Infrastructure Funding Statement 2020/21 Summary Report |
| B | Annual Infrastructure Funding Statement 2021/22 Summary Report |

| Background Papers |
|--|
| <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 Executive you must provide copies of the background papers).</i> |
| |



Bolsover District Council

Annual Infrastructure Funding Statement 2020/21 Summary Report

June 2022

1 Introduction

- 1.1 This Annual Infrastructure Funding Statement 2020/21 Summary Report sets out information for the period 1st April 2020 to 31st March 2021 relating to the funding of infrastructure by developments through the Community Infrastructure Levy and Planning Obligations / S106 Agreements that are required under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
- 1.2 It is noted that the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a 'spreadsheet' format is considered to make the information somewhat abstract to be properly informative for the majority of people.
- 1.3 Therefore, in accordance with the Council's Statement of Community Involvement and its aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, this summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within the Annual Infrastructure Funding Statement.
- 1.4 The Council will publish this summary report together with the spreadsheet on its website.

2 Background

- 2.1 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 introduced new duties on local planning authorities which include a duty to prepare Annual Infrastructure Funding Statements.
- 2.2 In accordance with the regulations, Annual Infrastructure Funding Statements must comprise the following three parts:
- Part 1. A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (other than Community Infrastructure Levy to which regulation 59E or 59F applies) (“the infrastructure list”);
 - Part 2. A report about Community Infrastructure Levy, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“Community Infrastructure Levy report”);
 - Part 3. A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).
- 2.3 This new duty started formally in the financial year 2019/20 and requires the Council to publish an Annual Infrastructure Funding Statement by 31st December every year thereafter. The completion of this Statement for 2020/21 has been delayed due to resources.

3 Key information

- 3.1 The key information within the Annual Infrastructure Funding Statement 2020/21 is provided below.

Part 1 – The Infrastructure List

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

Part 2 – The Community Infrastructure Levy Report

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

Part 3 – The Section 106 Report

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

Newly Secured Money

| | |
|---|-------------------|
| Total amount of Section 106 monies signed up for infrastructure in new legal agreements during 2020/21 | £49,136.59 |
|---|-------------------|

Money Received and Held by the Council

| | |
|--|-------------------|
| Amount of Section 106 monies received from developers for infrastructure during 2020/21 | £96,092.64 |
|--|-------------------|

| | |
|--|----------------------|
| Total amount of Section 106 monies held from previous years | £1,535,467.61 |
|--|----------------------|

Money Spent by the Council

| | |
|---|--------------------|
| Amount of Section 106 monies spent by the authority on infrastructure (or transferred to another organisation to spend) during 2020/21 | £111,633.64 |
|---|--------------------|

| | |
|---|----------------|
| Amount of Section 106 monies spent by the authority on maintenance | £10,903 |
|---|----------------|

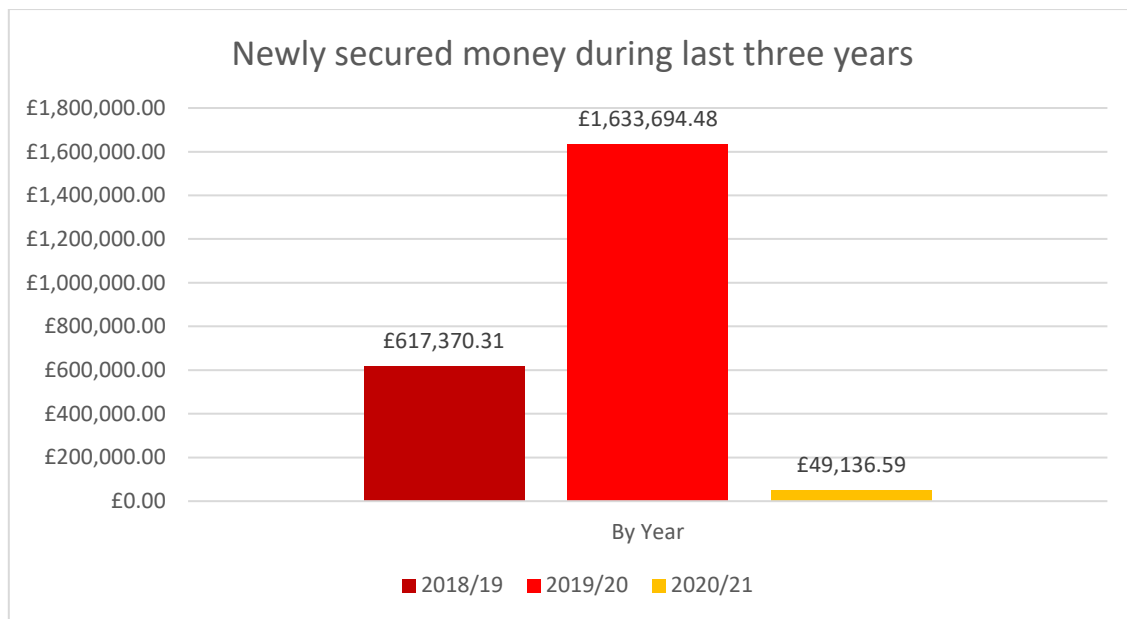
| | |
|--|--------------------|
| Total amount of Section 106 monies spent by the authority | £122,536.64 |
|--|--------------------|

- 3.5 These headline figures outline the scale of the sums being secured by the Council through Section 106 Agreements. Once received the money is ultimately spent by the Council on infrastructure or transferred to other organisations to deliver infrastructure on our behalf. To help explain what these figures actually mean and how they compare with previous years the following sections provide additional information.

Newly Secured Money

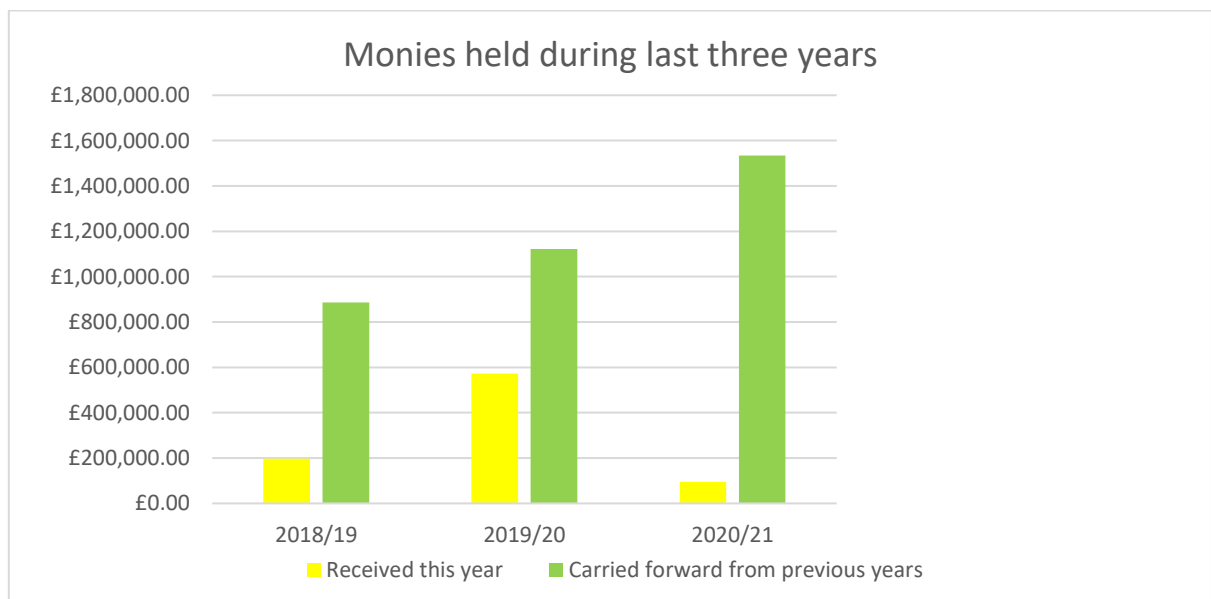
- 3.6 The **£49,136.59** figure stated above is the total sum of money signed up within Section 106 Agreements on new developments that were granted planning permission between 1st April 2020 and 31st March 2021.
- 3.7 One thing to highlight in relation to this figure is that as Section 106 Agreements are often entered into when granting planning permissions in Outline, the exact sum of money promised within the Section 106 Agreement is not always stated. Instead, the obligation is set out as a financial amount per dwelling that will take effect once the uncertainty over the exact number of dwellings has been resolved with a later, more detailed planning permission. As a result, in these cases the indicative number of dwellings discussed in the Outline planning permission has been used to obtain an exact figure that can be used in the Annual Infrastructure Funding Statement.
- 3.8 One further thing to note is that the above figure can include a degree of double counting due to the Annual Infrastructure Funding Statement needing to report on all Section 106 Agreements signed up during the monitoring year. This can lead to situations where a Section 106 Agreement that was entered into in a previous year is superseded by a new Section 106 Agreement or is revised through a Deed of Variation, changing the financial contributions involved. Whilst this can lead to larger sums being secured, it is more often the case that sums promised at Outline stage can need to be reduced due to the developer pursuing the detailed permission having more detailed and up-to-date viability information than the landowner that secured the outline permission.
- 3.9 Despite these limitations, it is useful to show the relative amounts of money secured through Section 106 Agreements over recent years. The graph below shows this figure over the last three years. The significant drop in money secured in 2020/21 is likely to reflect the significant impact that the Covid-19 pandemic had upon the construction industry and the consequential reduced number of major planning applications submitted to the Council during that period.

APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/21



Monies received and held by the Council

- 3.10 The **£96,092.64** (received) and **£1,535,467.61** (monies held) figures stated are taken from the financial accounts of the Council for sums received and held between 1st April 2020 and 31st March 2021 that relate to Section 106 Agreements on active developments.
- 3.11 Whilst monies received each year depends on a wide range of factors, it is useful to show the relative amounts over recent years and the total monies held. The graph below shows these figures over the last three years. The significant impact of the Covid-19 pandemic on the construction industry is likely to be a key reason behind the lower sum of monies received during that period.



- 3.12 The figures above both show both the variance in money received but also how the money being carried forward by the Council is increasing.

APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/21

- 3.13 The table below provides a breakdown of how the money held by the Council at 31st March 2021 is split across different infrastructure types.

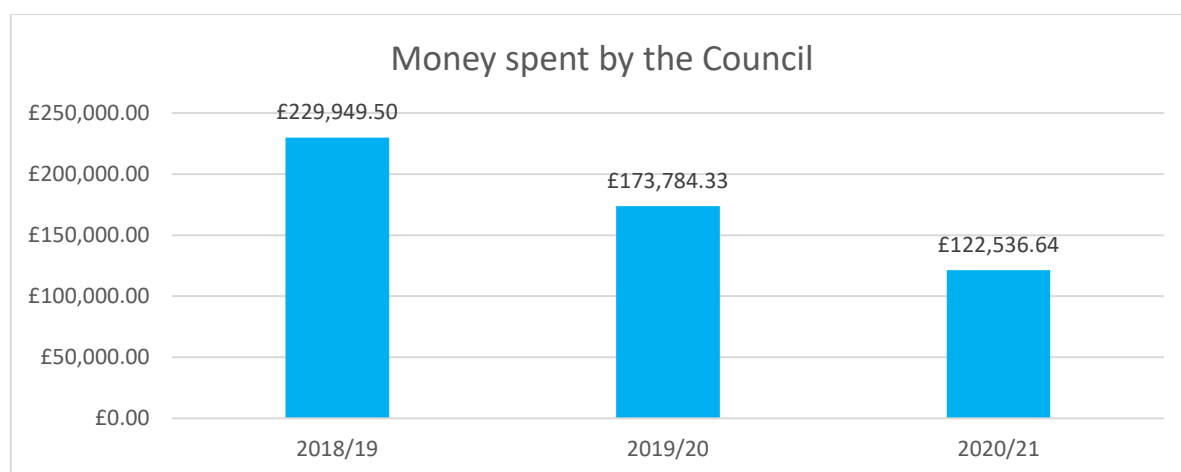
| Infrastructure Type | Money Received 2020/21 | Money Carried Forward from 2019/20 |
|----------------------|---------------------------|---------------------------------------|
| Outdoor Sports | £22,169 | £504,165.84 |
| Green Space | £28,424 | £193,822.69 |
| Education | £0 | £18,195.12 |
| Health | £0 | £193,329.59 |
| Highways | £30,463.68 | £581,587.19 |
| Public Art | £0 | £43,251.18 |
| Biodiversity | £15,035.96 | £0 |
| Affordable Housing | £0 | £1,116.00 |
| Community Facilities | - | - |
| TOTAL | £96,092.64 | £1,535,467.61 |

- 3.14 This breakdown shows that the largest sums received during 2020/21 relate to Highways and Green Space, and that large sums are not yet spent and so being held for Highways, Outdoor Sports, Green Space and Health infrastructure.
- 3.15 One technical matter to note is that Annual Infrastructure Funding Statements are required to set out where funds have been allocated. The term 'allocated' is defined in the Planning Practice Guide as meaning "a decision has been made by the local authority to commit funds to a particular item of infrastructure or project" (*Paragraph: 033 Reference ID: 23b-033-20190901*). This is generally specified in the Section 106 Agreement for one of the above infrastructure types together with the general location of the infrastructure to be provided. On this basis, throughout the Annual Infrastructure Funding Statement the funds are treated as being allocated.

Money Spent by the Council

- 3.16 The **£122,536.64** figure stated above in paragraph 3.4 is taken from the financial accounts of the Council for sums spent relating to Section 106 Agreements between 1st April 2020 and 31st March 2021.
- 3.17 Whilst performance each year depends on a wide range of factors, it is helpful to show the relative performance over recent years and the graph below shows this figure over the last three years.

APPENDIX – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/21



3.18 These figures show the overall sums and how they vary by year. For the current monitoring year the sums spent broken down by infrastructure type are as follows:

| Infrastructure Type | Money Spent |
|----------------------|--------------------|
| Outdoor Sports | £42,033 |
| Green Space | £18,353 |
| Education | £18,195.12 |
| Health | £0 |
| Highways | £12,587.19 |
| Public Art | £20,465.32 |
| Biodiversity | £0 |
| Affordable Housing | £0 |
| Community Facilities | - |
| Maintenance | £10,903 |
| TOTAL | £122,536.64 |

3.19 This breakdown shows that the largest sum spent during 2020/21 relates to Outdoor Sports. There remain significant sums held by the Council for Outdoor Sports, Highways, Open Space infrastructure that have yet to be spent along with that for Health Infrastructure.

3.20 A number of case studies of projects that are completed or underway complete this report to illustrate how Section 106 Agreements are implemented to deliver infrastructure.

Case Study 1

| Project: Art Works at Villa Park, Clowne | |
|---|--|
| Summary | <p>This is part of a wider artistic project across the town. Over the last 3 years the District Council and the Parish Council have discussed a range of works including; planting on roundabouts, smaller arts projects such as mosaics and murals, and a newer concept of a community mural/art piece outside of Wilkinson's. Works so far undertaken also includes the signage on the linear park owned by the District Council, with the involvement of the local history society. Addressing the anti-social behaviour issues in the town has also been a part of the discussions, to enable any work to last.</p> <p>The Art Works at Villa Park comprise artistic fencing and a gate entrance by Lightmain Developments of Rotherham who were commissioned by the Parish Council to undertake the work.</p> <p>This was a split project contribution from two S106's with a combined contribution of £15,000 towards a total project cost of £31,000. The Parish Council contributing the remainder.</p> <p>Other funds that were available for use on public art in the town were also used.</p> |
| Application references | 14/00226/FUL and 15/00455/FUL |
| Site names | Woodside Stables and Sterry House Farm, both off Mansfield Road, Clowne. |
| Developers | Gleeson Homes and Woodall Homes (respectively) |
| Permissions granted / Section 106's signed | 17 th October 2014 and 3 rd February 2016 (respectively) |
| Amount secured in Section 106 | £10,000 allocated in the S106 (Woodside Stables) of which £6,939.67 was spent on this project. £16,000 allocated in the S106 (Sterry House Farm) of which £8,060.33 was spent on this project. |
| Development started | During 2014/15 and 2016/17 (respectively) |
| Money received | January 2016 and April 2017 |
| Works ordered | December 2020 |
| Infrastructure delivered | January 2021 |

Photographs





Case Study 2

| <i>Project: Music and Media Resource, Clowne</i> | |
|---|--|
| Summary | <p>This Project is the creation of an arts-based Music and Media Resource. Its purpose is to enable work to engage young people in arts activity. The aim is to tackle rising anti-social behaviour and develop community consultation opportunities for future work in the town.</p> <p>The resource is focused around participatory activity based interventions such as mobile music making/filming and media/arts/graffiti arts awareness and education. Its focus is engagement with hard to reach groups using the town centre facilities in an evening/after school/holidays etc.</p> <p>This project has come forward from meetings attended by the Arts Officer where the issues around young people destroying facilities and locations being vandalised have been discussed. The project aims to address the frustrations of young people not feeling listened to/engaged in their communities.</p> <p>£5,488.03 was spent on the project. The S106 monies were combined with other resources including Covid-recovery/arts budgets/community rail partnerships. These and other funds will contribute towards a programme of work in the Parish over the coming years.</p> <p>At this stage there isn't a hard and fast design as it needs to be a community-led project rather than a strategic design enforced upon the community. The timeframe is to explore and consult/co-create over the next two years with an aim to building long-term youth provision in the town over the next 5-10 years. Within the Leisure Department there are several existing sports based initiatives that will be able to be tied into and partnered with the Arts based work.</p> <p>The creation of the Music and Media Resource is to be completed in 2022.</p> |
| Application reference | 15/00455/FUL |
| Site name | Sterry House Farm, Clowne |
| Developer | Woodall Homes |
| Permission granted / S106 signed | 3 rd February 2016 |
| Amount secured in S106 | £16,000 |
| Development started | During 2016/17 |
| Money received | April 2017 |
| Works ordered | January 2021 |
| Works delivered | March 2021 |

Case Study 3

| Project: NHS and VE Day Memorial Benches, South Normanton | |
|--|---|
| Summary | <p>Although this could be considered an Art project due to their design, the benches have improved the amenity of areas of Open Space in that you can now spend time there. The NHS bench is a wrought iron bench painted blue with detailed cut out images relating the national health service. It is located just off Market Street at the junction of Shiners Way and Lees Lane on the small area of green space adjacent to The Clock Inn. The VE/VJ bench is a wrought iron bench painted black and red with detailed cut out images of soldiers and poppies. It is located on Church Street, opposite the church and near the junction with Fordbridge Lane.</p> <p>A contribution of £3,095 of S106 funding was spent on this project. Both benches were manufactured and supplied by Roll and Scroll, a company based in Grantham.</p> <p>This was very much a Parish Council led project.</p> |
| Application reference | <i>14/00531/OUT and 19/00201/REM</i> |
| Site name | <i>Rosewood Lodge Farm</i> |
| Developer | Avant Homes |
| Permission granted / Section 106 signed | 23 June 2017 and 12 th July 2019 |
| Amount secured in Section 106 | £131,950 |
| Development started | During 2019/20 |
| Money received | May 2019 |
| Works ordered (Parish Council remunerated) | July 2020 |
| Art work delivered | June 2020 |
| Photographs | |



4 Conclusions

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

Appendix

Annual **Infrastructure** **Funding** **Statement** **2020/21** **spreadsheet**

ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/21

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

| | | |
|-------------------|---|---------------------------------------|
| £49,136.59 | Breakdown by purpose of infrastructure | Non-money offers (also see d)) |
| | Sports Provision £17,374 | Community Woodland |
| | Green Space £14,586 | Allotments |
| | Education £17,176.59 | School car park |
| | £49,136.59 | |

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

| | |
|-------------------|---|
| £96,092.64 | Breakdown by purpose of infrastructure |
| | Sports Provision £22,169.00 |
| | Green Space £28,424.00 |
| | Education £0.00 |
| | Health £0.00 |
| | Highways £30,463.68 |
| | Public Art £0.00 |
| | Biodiversity £15,035.96 |
| | Affordable Housing £0 |
| | Community Facilities £0 |
| | £96,092.64 |

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

| | |
|----------------------|---|
| £1,535,467.61 | Breakdown by purpose of infrastructure |
| | Sports Provision £504,165.84 |
| | Green Space £193,822.69 |
| | Education £18,195 |
| | Health £193,330 |
| | Highways £581,587.19 |
| | Public Art £43,251.18 |
| | Biodiversity £0 |
| | Affordable Housing £1,116 |
| | Community Facilities |
| | £1,535,467.61 |

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

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

None

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

1 Infant

iii Other

Allotments, Community Woodland and school car park provision

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

£15,035.96

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

£122,536.64

| | |
|----------------------|--------------------|
| Sports Provision | 42,033.00 |
| Green Space | 29,256.01 |
| Education | 18,195.12 |
| Health | 0.00 |
| Highways | 12,587.19 |
| Public Art | 20,465.32 |
| Biodiversity | 0.00 |
| Affordable Housing | 0.00 |
| Community Facilities | 0.00 |
| | £122,536.64 |

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

None

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

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

Sports Provision

| | |
|-------------------|--|
| £36,673.00 | Installation of SMP Kansas MUGA and related improvements at Clune Street Recreation Ground, Clowne and contribution to works at Broadmeadows, South Normanton and contribution towards floodlights at Villa Park, Clowne and storage of MUGA removed from Clowne Street Skate Park |
| £2,265.00 | Purchase of container for storage of posts at Common Meadows football ground |
| £3,095.00 | Contribution to cost of purchase of 2 commemorative benches by South Normanton Parish Council |
| £42,033.00 | |

Green Space

| | |
|-------------------|---|
| £195.00 | Contribution towards floodlights at Villa Park, Clowne |
| £6,285.00 | Ongoing maintenance, Hazelmere Park, Creswell |
| £4,465.00 | Ongoing maintenance, Rangewood Road, South Normanton |
| £5,824.00 | Ongoing maintenance, The Brambles, Doe Lea |
| £1,584.00 | Site clearance work on land at Alfreton Road, Westhouses and laying of tarmac at Rainbow Park, Shirebrook |
| £18,353.00 | |

Public Art

| | |
|-------------------|--|
| £6,939.00 | Artistic fencing and gate entrance, Clowne |
| £13,526.32 | Contribution towards above project and contribution towards the creation of an arts based music and media resource, Clowne |
| £20,465.32 | |

Education

| | |
|-------------------|---|
| £18,195.12 | Paid to Derbyshire County Council as a contribution towards increased capacity at Clowne Infant and Nursery School and Clowne Junior School |
|-------------------|---|

Highways

| | |
|-------------------|---|
| £12,587.19 | Paid to Derbyshire County Council for provision of a footpath link. |
|-------------------|---|

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

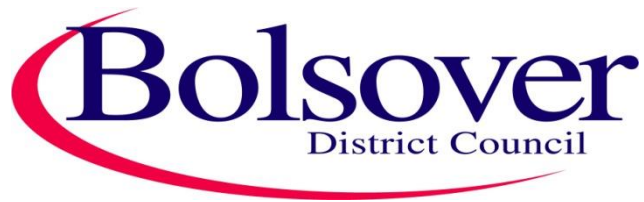
None

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

None

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

| | |
|----------------------|---|
| £39,909.77 | Retained for longer term maintenance / commuted sums |
| Sports Provision | £0.00 |
| Green Space | £39,909.77 |
| Education | £0.00 |
| Health | £0.00 |
| Highways | £0.00 |
| Public Art | £0.00 |
| Biodiversity | £0.00 |
| Affordable Housing | £0.00 |
| Community Facilities | £0.00 |
| | £39,909.77 |



Bolsover District Council

Annual Infrastructure Funding Statement 2021/22 Summary Report

June 2022

1 Introduction

- 1.1 This Annual Infrastructure Funding Statement 2021/22 Summary Report sets out information for the period 1st April 2021 to 31st March 2022 relating to the funding of infrastructure by developments through the Community Infrastructure Levy and Planning Obligations / S106 Agreements that are required under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.
- 1.2 It is noted that the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 require local authorities to publish detailed information in a particular format. However, a 'spreadsheet' format is considered to make the information somewhat abstract to be properly informative for the majority of people.
- 1.3 Therefore, in accordance with the Council's Statement of Community Involvement and its aim for the Council's planning service and publications to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials, this summary report has also been prepared to provide a more 'plain English' way of understanding the key information contained within the Annual Infrastructure Funding Statement.
- 1.4 The Council will publish this summary report together with the spreadsheet on its website.

2 Background

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

3 Key information

- 3.1 The key information within the Annual Infrastructure Funding Statement 2021/22 is provided below.

Part 1 – The Infrastructure List

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

Part 2 – The Community Infrastructure Levy Report

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

Part 3 – The Section 106 Report

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

| Newly Secured Money | |
|---|-------------|
| Total amount of Section 106 monies signed up in new legal agreements during 2021/22 | £642,247.25 |

| Money Received and Held by the Council | |
|--|---------------|
| Total amount of Section 106 monies received from developers during 2020/21 | £149,284.69 |
| Total amount of Section 106 monies held from previous years | £1,524,391.62 |

| Money Spent by the Council | |
|--|-------------|
| Amount of Section 106 monies spent by the authority on infrastructure (or transferred to another organisation to spend) during 2020/21 | £208,287.56 |
| Amount of Section 106 monies spent by the authority on maintenance | £9,593 |
| Total amount of Section 106 monies spent by the authority | £217,880.56 |

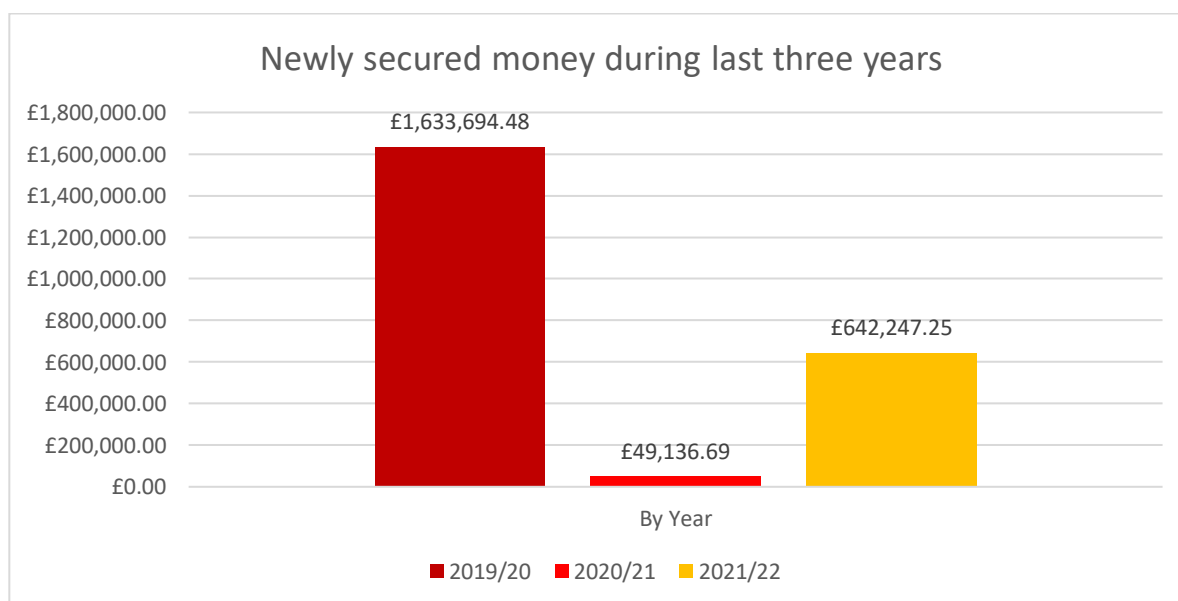
- 3.5 These headline figures outline the scale of the sums being secured by the Council through Section 106 Agreements. Once received the money is ultimately spent by

APPENDIX B – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22

the Council on infrastructure or transferred to other organisations to deliver infrastructure on our behalf. To help explain what these figures actually mean and how they compare with previous years the following sections provide additional information.

Newly Secured Money

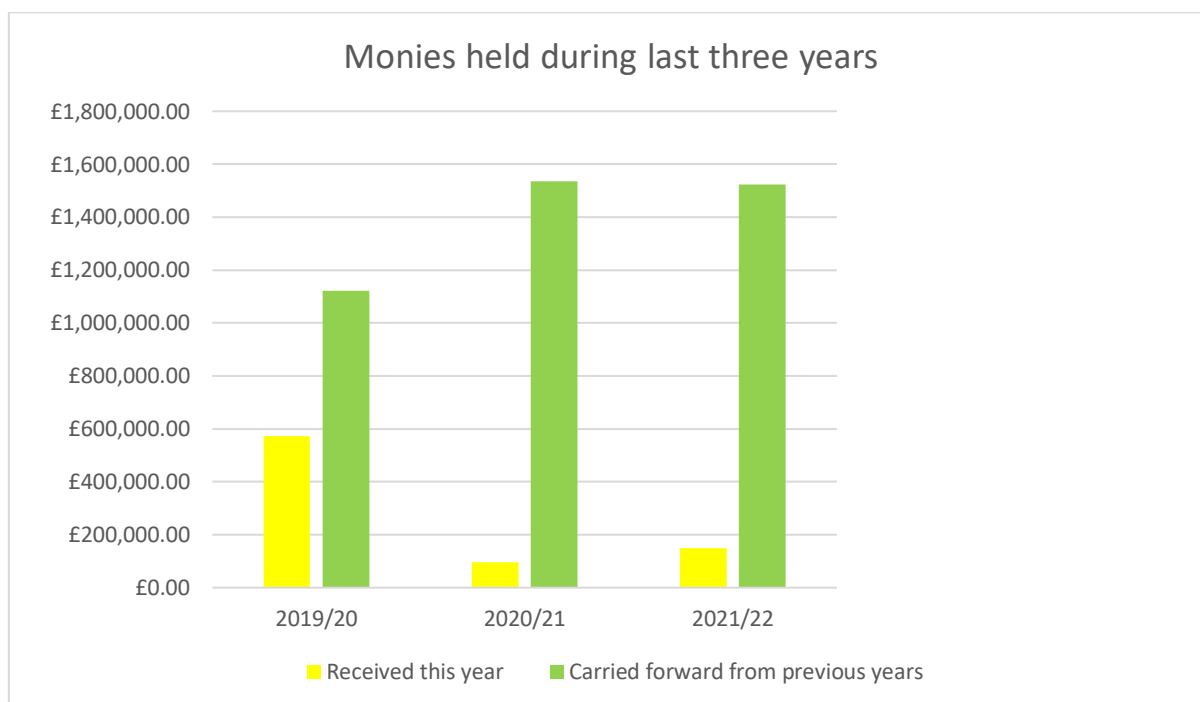
- 3.6 The **£642,247.25** figure stated above is the total sum of money signed up within Section 106 Agreements on new developments that were granted planning permission between 1st April 2021 and 31st March 2022.
- 3.7 One thing to highlight in relation to this figure is that as Section 106 Agreements are often entered into when granting planning permissions in Outline, the exact sum of money promised within the Section 106 Agreement is not always stated. Instead, the obligation is set out as a financial amount per dwelling that will take effect once the uncertainty over the exact number of dwellings has been resolved with a later, more detailed planning permission. As a result, in these cases the indicative number of dwellings discussed in the Outline planning permission has been used to obtain an exact figure that can be used in the Annual Infrastructure Funding Statement.
- 3.8 One further thing to note is that the above figure can include a degree of double counting due to the Annual Infrastructure Funding Statement needing to report on all Section 106 Agreements signed up during the monitoring year. This can lead to situations where a Section 106 Agreement that was entered into in a previous year is superseded by a new Section 106 Agreement or is revised through a Deed of Variation, changing the financial contributions involved. Whilst this can lead to larger sums being secured, it is more often the case that sums promised at Outline stage can need to be reduced due to the developer pursuing the detailed permission having more detailed and up-to-date viability information than the landowner that secured the outline permission.
- 3.9 Despite these limitations, it is useful to show the relative amounts of money secured through Section 106 Agreements over recent years. The graph below show this figure over the last 3 years.



APPENDIX B – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22

Money received and held by the Council

- 3.10 The **£149,284.69** (received) and **£1,524,391.62** (monies held) figures stated above are taken from the financial accounts of the Council for sums received and held between 1st April 2021 and 31st March 2022 that relate to Section 106 Agreements on active developments.
- 3.11 Whilst money received each year depends on a wide range of factors, it is helpful to show the relative amounts over recent years and the total monies held. The graph below shows these figures over the last three years.



- 3.12 The figures above show both the variance in money received but also how the money being held by the Council is not decreasing significantly.
- 3.13 The table below provides a breakdown of how the money held by the Council at 31st March 2022 is split across different infrastructure types:

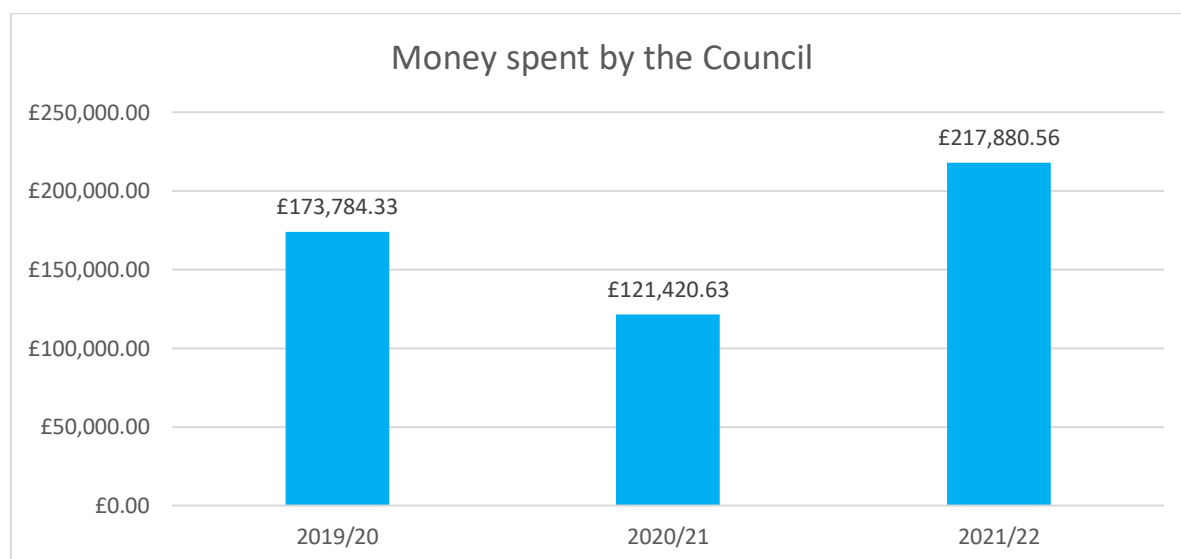
| Infrastructure Type | Money Received 2021/22 | Money Carried Forward 2020/21 |
|----------------------|------------------------|-------------------------------|
| Outdoor Sports | £37,882.67 | £484,301.84 |
| Green Space | £30,400.21 | £208,358.69 |
| Education | £0 | £0 |
| Health | £11,784.56 | £193,329.59 |
| Highways | £0 | £599,463.68 |
| Public Art | £10,757.25 | £22,785.86 |
| Biodiversity | £0 | £15,035.96 |
| Affordable Housing | £0 | £1,116.00 |
| Community Facilities | £58,460 | £0 |
| TOTAL | £149,285.69 | £1,524,391.62 |

APPENDIX B – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22

- 3.14 This breakdown shows that the largest sums received during 2021/22 relate to Community Facilities and Outdoor Sports, and that large sums are not yet spent and so being held for Highways, Outdoor Sports, Green Space and Health infrastructure.
- 3.15 One technical matter to note is that Annual Infrastructure Funding Statements are required to set out where funds have been allocated. The term 'allocated' is defined in the Planning Practice Guide as meaning "a decision has been made by the local authority to commit funds to a particular item of infrastructure or project" (*Paragraph: 033 Reference ID: 23b-033-20190901*). This is generally specified in the Section 106 Agreement for one of the above infrastructure types together with the general location of the infrastructure to be provided. On this basis, throughout the Annual Infrastructure Funding Statement the funds are treated as being allocated.

Money Spent by the Council

- 3.16 The **£217,880.56** figure stated above in paragraph 3.4 is taken from the financial accounts of the Council for sums spent relating to Section 106 Agreements between 1st April 2021 and 31st March 2022.
- 3.17 Whilst performance each year depends on a wide range of factors, it is helpful to show the relative performance over recent years and the graph below shows this figure over the last three years.



- 3.18 These figures show the overall sums and how they vary by year. For the current monitoring year the sums spent broken down by infrastructure type are as follows:

| Infrastructure Type | Money Spent |
|---------------------|-------------|
| Outdoor Sport | £90,046.40 |
| Green Space | £26,403.57 |
| Education | £0 |
| Health | £0 |
| Highways | £30,463.68 |
| Public Art | £2,557.31 |
| Biodiversity | £356.50 |

APPENDIX B – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22

| | |
|----------------------|--------------------|
| Affordable Housing | £0 |
| Community Facilities | £58,460 |
| Maintenance | £9,593 |
| TOTAL | £217,880.56 |
| | |

- 3.19 This breakdown shows that the largest sums spent during 2021/22 relate to Outdoor Sport, Highways and Green Space though there remains significant sums held by the Council for Highways, Outdoor Sport, Green Space that has yet to be spent along with monies for Health Infrastructure.
- 3.20 A number of case studies of projects that are completed or underway complete this report to illustrate how Section 106 Agreements are implemented to deliver infrastructure.

Case Study 1

| Project: <i>Triobike Taxi, District-wide</i> | |
|---|---|
| Summary | <p>This Project was the purchase of a Triobike taxi to enable care home residents to enjoy the countryside. The Triobike Taxi comprises a pushbike with a small engine with a wooden seating box attached to the front which can transport up to two people. The box has a retractable hood with windows and waterproof blanket for bad weather. The engine makes it able to carry two adult passengers up a hill. Features include a removal middle plate that allows those with walking difficulties to sit down easily without having to lift their feet.</p> <p>The founder of Triobike in Denmark wanted to help the elders get back on their bicycles, but he had to find a solution to their limited mobility. The answer was a cycle trishaw which he developed and with this he started offering free bike rides to the local nursing home residents. Cycling Without Age is an associated movement started in 2012. Emerging from Cycling Without Age is a global movement building intergenerational relationships with cycle trishaw rides. Bolsover District Council are listed on the website as one of the Cycling Without Age 'chapters'.</p> <p>The Triobike Taxi cost £9,000. It was funded from a number of s106 schemes as it is peripatetic and will be used across the district. The contributions were generally from areas where there is a care home whose residents were likely to benefit and where there is access to a local trail.</p> <p>The TrioBike Taxi is housed at Pleasley Vale, but can be transported using a converted trailer.</p> |
| Application references | <ol style="list-style-type: none"> 1. 14/00309/FULMAJ and 14/00551/FUL 2. 19/00475/FUL 3. 14/00603/FUL 4. 15/00438/FUL and 17/00209/FUL |
| Site names | <ol style="list-style-type: none"> 1. Carter Lane West, South Normanton 2. Land east of Skinner Street, Creswell 3. Rear of 169-207 Creswell Road, Clowne 4. Spa Croft, Doe Hill Lane, Tibshelf |
| Developers | <ol style="list-style-type: none"> 1. Harron Homes Ltd 2. Avant Homes 3. NIDD Park Developments Limited 4. Rippon Homes Ltd and Rippon Homes Heritable Ltd |

APPENDIX B – ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22


| | |
|---|--|
| Permissions granted / Section 106's signed | <ol style="list-style-type: none"> 1. 12th March 2015 2. 6th March 2020. 5th March 2020 (S106) 3. 8th December 2015. 16th December 2015 (S106) 4. 12th June 2014 and 2nd September 2016. 19th December 2017 (S106) |
| Amount secured in Section 106 | <ol style="list-style-type: none"> 1. £68,670 2. £86,565 3. £28,424 4. £72,236 |
| Development started | <ol style="list-style-type: none"> 1. During 2015/16 2. During 2020/21 3. During 2016/17 4. During 2017/18 |
| Money received | <ol style="list-style-type: none"> 1. During 2017/18 2. During 2020/21 3. 3 March 2021 4. During 2018/19 |
| Work ordered | 16 th April 2021 |
| Infrastructure delivered | 9 th August 2021 |

Photographs





Case Study 2

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

4 Conclusions

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

Appendix

Annual **Infrastructure** **Funding** **Statement** **2021/22** **spreadsheet**

ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2021/22

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

| | | |
|--------------------|---|---------------------------------------|
| £642,247.25 | Breakdown by purpose of infrastructure | Non-money offers (also see d)) |
| | Sports Provision 110,661.00 | |
| | Green Space 74,244.00 | |
| | Education 426,032.25 | |
| | Health 23,040.00 | |
| | Highways 7,500.00 | |
| | Public Art 0.00 | |
| | Biodiversity 0.00 | Mitigation and management |
| | Affordable Housing 0.00 | 21 Units |
| | Community Facilities 0.00 | |
| | Monitoring Compliance 770.00 | |
| | 642,247.25 | |

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

| | |
|--------------------|---|
| £149,284.69 | Breakdown by purpose of infrastructure |
| | Sports Provision £37,882.67 |
| | Green Space £30,399.79 |
| | Education £0.00 |
| | Health £11,784.56 |
| | Highways £0.00 |
| | Public Art £10,757.67 |
| | Biodiversity £0 |
| | Affordable Housing £0 |
| | Community Facilities £58,460 |
| | £149,284.69 |

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

| | |
|----------------------|---|
| £1,524,391.62 | Breakdown by purpose of infrastructure |
| | Sports Provision £484,301.84 |
| | Green Space £208,358.69 |
| | Education £0 |
| | Health £193,330 |
| | Highways £599,463.68 |
| | Public Art £22,785.86 |
| | Biodiversity £15,036 |
| | Affordable Housing £1,116 |
| | Community Facilities £0 |
| | £1,524,391.62 |

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

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

21 units

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

4 Infant Places, 5 Junior Place and 10 Secondary Places

Biodiversity

Mitigation and management

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

None

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

| | |
|--------------------|---|
| £208,287.56 | Breakdown by purpose of infrastructure |
| | Sports Provision £90,046.40 |
| | Green Space £26,403.67 |
| | Education £0 |
| | Health £0 |
| | Highways £30,464 |
| | Public Art £2,557.31 |
| | Biodiversity £357 |
| | Affordable Housing £0.00 |
| | Community Facilities £58,460 |
| | £208,287.56 |

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

| | | |
|---------------------------------|---------------|-------------------|
| Thornhill Drive South Normanton | Outdoor Sport | £37,883.00 |
| | Open Space | £30,400.00 |
| | | £68,283.00 |

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

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

Sports Provision

£420.00

£445.70

£1,456.00

Vegetation clearance for access ramp to Doe Lea Recreation Ground

Contribution to cost of TrioBike Taxi*

Contribution to cost of TrioBike Taxi

| | |
|---|---|
| £87,724.70 | Drainage and pitch works at Broadmeadows Open Space and contribution to composting toilet at Alfreton Road Allotments and contribution to cost of Triobike Taxi and roof repairs to the pavillion at Common Meadows |
| £90,046.40 | |
| <u>Green Space</u> | |
| £3,203.42 | Maintenance charge, Hazelmere Park, Creswell and contribution to cost of TrioBike Taxi* |
| £2,031.00 | Maintenance charge, Rangewood Road, South Normanton |
| £3,804.09 | Maintenance of Glapwell Mountain Bike Trail, Bramley Vale and maintenance at Doe Lea |
| £643.00 | Contribution to works to former junior school football pitches, Clowne |
| £431.16 | Contribution towards new play equipment at Westhouses Recreation Ground, Newton |
| £2,217.00 | Contribution to works to former junior school football pitches, Clowne and contribution towards Triobike Taxi and contribution toward Triobike Taxi |
| £12,107.00 | Relocation of signs at Clowne Linear Park and contribution to cost of Clowne Gateway enhancements |
| £1,206.00 | Contribution to cost of TrioBike Taxi |
| £761.00 | Contribution to works to former junior school football pitches |
| £26,403.67 | * Electric trike designed to carry elderly / infirm people (e.g. care home residents) on trips out on the local trails network as an alternative form of physical activity |
| <u>Public Art</u> | |
| £2,557.31 | Completion of an arts based music and media resource, started in 2020-21, Clowne |
| <u>Affordable Housing</u> | |
| £1,116.00 | Refurbishment of the Former Miners Welfare Institute at Creswell Model Village by Action Housing to create 11 self-contained flats |
| <u>Highways</u> | |
| £30,463.68 | Paid to Derbyshire County Council for provision of a footpath link from the development at Skinner Street to Gypsy Lane Creswell |
| <u>Biodiversity</u> | |
| £356.50 | Contribution towards wetland enhancement work at Wolland Meadow |
| <u>Community Facilities</u> | |
| £58,460.00 | Transferred to the Parish Council to be used on Hodthorpe Community Social Club |
| ii. the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part); | |
| None | |
| iii. the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations; | |
| None | |

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

| | |
|-------------------|---|
| £30,316.77 | Retained for longer term maintenance / commuted sums |
| | Sports Provision £0 |
| | Green Space £30,316.77 |
| | Education £0 |
| | Health £0 |
| | Highways £0 |
| | Public Art £0 |
| | Biodiversity £0 |
| | Affordable Housing £0 |
| | Community Facilities £0 |
| | £30,316.77 |