

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Planning
Committee

Contact: Hannah Douthwaite
Telephone: 01246 242473
Email: hannah.douthwaite@bolsover.gov.uk

Tuesday, 20th September 2022

Dear Councillor

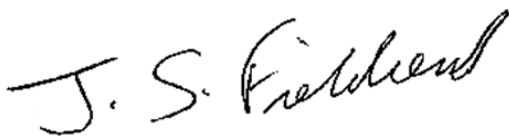
PLANNING COMMITTEE

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, Clowne, on Wednesday, 28th September, 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 itemised on pages 3 and 4.

Yours faithfully



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE
AGENDA**

***Wednesday, 28th September 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 | 5 - 15 |
| | To consider the minutes of the last meeting held on 3 rd August 2022. | |
| | <u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u> | |
| 5. | 21/00506/FUL - Change of use to drive thru coffee shop - The Plug And Feathers, The Hill, Glapwell, Chesterfield | 16 - 29 |
| 6. | 22/00323/FUL - Proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping - Land adjacent Shirebrook Cemetery, Common Lane, Shirebrook | 30 - 62 |
| | <u>REPORT OF THE PLANNING MANAGER</u> | |
| 7. | Enforcement Report Update | 63 - 70 |

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

- | | | |
|-----------|---|-----------------|
| 8. | Section 106 Agreement Monitoring Procedure | 71 - 91 |
| 9. | Quarterly Update on Section 106 Agreement Monitoring | 92 - 101 |

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 3rd August 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Chris Kane in the Chair

Councillors Derek Adams, Allan Bailey, Jim Clifton, Natalie Hoy and Duncan McGregor.

Officers:- Chris Fridlington (Assistant Director - Development), Steve Phillipson (Principal Planning Officer), Peter Sawdon (Principal Planning Officer), Lisa Ingram (Legal Team Manager – Contentious), Louise Arnold (Solicitor - Contentious) and Hannah Douthwaite (Governance Officer).

PL10– 22/23. APOLOGIES

Apologies for absence were submitted on behalf of Councillors Nick Clarke and Tom Munro.

PL11 – 22/23. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL12 – 22/23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL13 – 22/23. MINUTES – 8TH JUNE 2022

Moved by Councillor Derek Adams and seconded by Councillor Duncan McGregor
RESOLVED that the Minutes of a Planning Committee meeting held on 8th June 2022 be approved as a correct record.

PL14 – 22/23. 22/0168/FUL – CHANGE OF USE FROM A DISUSED BARN INTO A 3 BEDROOM, RESIDENTIAL DWELLING FOR USE AS A HOLIDAY LET – LAND NORTH WEST OF 1 BARN COTTAGES, FARM LANE, HARDSTOFT

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

The application was seeking permission to change the use of a redundant barn into a three bedroom dwelling to use as a holiday let. The application had been called in to Planning Committee by Councillor Tom Kirkham to allow for greater scrutiny for the reasons detailed in the report.

Further detail could be found in the Supplementary Report, which advised of a further four objections received since the publication of the agenda.

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It was noted that the Environmental Health Officer had no objections to the proposal, however, if the application was approved it would be subject to the inclusion of a phased contamination condition.

Mr David Haddon attended the meeting and spoke against the application.

Mr Paul Harris attended the meeting and spoke against the application.

Mr Chris Williams attended the meeting and spoke against the application.

Mr Steve Rye (applicant) attended the meeting and spoke for the application.

Ms. Jenny Revill had been unable to attend the meeting but had submitted a written response against the application which was read to the meeting by the Principal Planning Officer.

In response to a Member's query in relation to the structural report, the Assistant Director of Development advised the meeting that appropriate steps would be taken to secure the building during the development process if it were found not to be structurally sound.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

RESOLVED that the application be granted, subject to:

- Either receipt of an amended site location plan to exclude a small area of land from the application site to the rear of the barn, or a condition to restrict the curtilage of the dwelling to exclude that small piece of land (an amended plan has since been received);
- a revised condition 2 to list the approved plans; and
- a revised condition 19 (contamination) in line with recommendations of the Environmental Health Officer as detailed in the update report.

Conditions as follows:

Conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted must be carried out in accordance with the following plans and documents:

- Site Block Ownership Plan & Site Location Plan as Proposed - L/01 Rev F; received 8th August 2022
- Proposed block plan - L/02 Rev B; received 20th June 2022
- Proposed ground floor plan - P/01 Rev B; received 20th June 2022
- Mezzanine floor and roof plan - P/02 Rev B; received 20th June 2022
- South and East Elevations - P/03 Rev B; received 20th June 2022
- North and West Elevations - P/04 Rev B; received 20th June 2022
- Section A-A as Proposed - P/05 Rev B; received 20th June 2022
- M-Ecology - Bat Activity Survey Report (30th May 2022); received 20th June 2022.

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- Coal Mining Risk Assessment report (G22227) prepared by Geo-Investigate Ltd; received 20th June 2022.
3. Prior to commencement of development, the Structural Report, prepared by Nashmean Limited and received on the 23rd March 2022 shall be updated to correspond with the approved plans, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
 4. No development shall commence on the building conversion until details of the roofing materials and details of the verge have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained as such for the life of the development.
 5. The rainwater goods shall be cast metal on rise and fall brackets.
 6. Prior to the installation of any doors or windows, the following information must be submitted to and approved in writing by the Local Planning Authority:
 - Details of all new windows, including roof lights, in the form of 1:20 scaled plans.
 - Details of all new external doors, in the form of 1:20 scaled plans.
 - Details and treatment of the timber shutters in the form of 1:20 plans.
 - Details of the appearance and materials for the proposed cill and lintel treatments.

The development shall then be carried out in accordance with the agreed details and retained as such for the life of the development.

7. Prior to the construction of the dry stone wall, a sample of the stone, elevations, and the method of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
8. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.
9. Prior to any works being carried out to trees within the application site, a specification of works shall be submitted to and approved in writing. Where development takes place within any identified root protection areas of trees to be retained, the ground excavations shall be carried out using hand dig technology only. All tree works shall be carried out in accordance with the appropriate recommendations contained in British Standard 3998: 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the trees to be retained.
10. Prior to occupation of the dwelling hereby permitted, the temporary access track shall be removed and the field shall be restored to its previous condition through suitable ground preparation and the sowing of an appropriate seed mix. The section of hedgerow removed for access shall be reinstated using appropriate native species. The establishment of the hedgerow plants shall be monitored by the applicant for the next five years and any failed plants shall be replaced like for like. The stone wall along the western boundary shall be restored back to its current condition.

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11. Prior to occupation of the dwelling, an integrated or surface-mounted bat box shall be incorporated at the apex of the western gable. A photograph of the box in situ shall be submitted to and approved by the Local Planning Authority. The box shall be maintained in the agreed form for the life of the development.

12. The removal of the hedgerow to create the temporary site access shall avoid the nesting season, which falls between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

13. Prior to the installation of new lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard nocturnal wildlife, including bats. This should provide details of the chosen luminaires, their locations and any variables such as timers, dimmers and passive infrared sensors. Guidelines detailing lighting strategy can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

14. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site for the parking of visitors/resident's vehicles (measuring a minimum of 2.4m x 5.5m), generally in accordance with the application drawings, constructed, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. No part of the development shall be taken into use until details of arrangements for the collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

16. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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

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18. Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 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 dwelling/house hereby permitted and its curtilage shall take place, other than those approved under the terms of this permission, unless authorised by an express grant of planning permission.

19. Before the commencement of the development hereby approved:

- a) A Phase I contaminated land assessment (desk-study) must be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment must include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the deskstudy strategy

The site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation must be submitted to the local planning authority for written approval.

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.

PLANNING COMMITTEE

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)

PL15 – 22/23. 21/00404/FUL – THE ERECTION OF TWO DWELLINGS WITH ASSOCIATED AMENITY AND CAR PARKING AREAS – LAND SOUTH OF 5 SYCAMORE LANE, BARLBOROUGH

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

The application had been referred to the Planning Committee by Councillors Maxine Dixon and Tom Munro due to concerns raised by local residents regarding the impact of the development.

Further detail could be found in the Supplementary Report which advised of a further two letters of objection received after the publication of the agenda and that Yorkshire Water had objected to the amended layout due to the proposal of a tree to be planted on the south of the site and its close proximity to the public combined sewers. Yorkshire Water required that no new trees be planted within 5 meters of the centre line of the sewer. It was confirmed that subject to approval a condition could be added to satisfy Yorkshire Water's concerns.

Mrs Brenda Wilson attended the meeting and spoke against the application.

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

Mr Neil Jones attended the meeting and spoke against the application.

Mr Alan Timperley attended the meeting and spoke against the application.

Mr Adam Perry attended the meeting and spoke against the application.

Councillor Hillary Gilmour attended the meeting on behalf of Barlborough Parish Council and spoke against the application.

Miss Emily Weston (agent) attended the meeting and spoke for the application.

PLANNING COMMITTEE

Members raised concerns that no access had been granted for the development. The Principal Planning Officer advised the meeting that subject to Committees approval a condition could be added to state that access documents would need to be provided before any work commenced on the site.

A Member requested clarification on what other allotment sites were available in Barlborough. It was confirmed that there was no other greenspace allocated for use of allotment as previous sites had already been built on.

Moved by Councillor Derek Adams and seconded by Councillor Jim Clifton
RESOLVED that the application be **REFUSED**.

Reasons for Refusal

1. The infilling of this plot with 2 detached properties, associated parking and hard landscaping will have a material impact on the character of this part of the conservation area and the wider setting of the adjacent grade II listed memorials. The views to and from this historic thoroughfare and area of open space contribute to the overall sense of place found in this part of the conservation area and these views will be affected by the development. The proposal is therefore contrary to policies SC16 and SC17 of the Local Plan for Bolsover District.

With reference to national planning policy, the harm caused by the proposals is considered to be less than substantial harm but this harm is not outweighed by the proposed public benefits of the proposal including making these plots available to individuals or groups registered on the Council's custom and self-build register. Therefore, there are no other material planning considerations that outweigh the identified harm to designated heritage assets and the identified conflict with the development plan.

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 policies of the National Planning Policy Framework. The issues were balanced and the application was called in by Councillors for a decision by Planning Committee as a result of the level of public concern. The application was recommended for approval but Planning Committee determined that the harm caused by the proposals to heritage assets is less than substantial harm but that level of harm is not outweighed by the proposed public benefits of the proposal including making these plots available to individuals or groups registered on the Council's custom and self-build register. Therefore Planning Committee resolved to refuse planning permission in accordance with the development plan and national planning policy.

(Planning Manager)

PLANNING COMMITTEE

**PL16 – 22/23. 22/00125/FUL – SINGLE STOREY EXTENSION TO THE REAR –
88 BOUGHTON LANE, CLOWNE, CHESTERFIELD, S43 4QF**

Committee considered a detailed report presented by the Principal Planning Officer in relation to the above application. The application had been referred to the Planning Committee due to the applicant being an employee of Bolsover District Council.

No objections had been received and Members had no concerns over the proposed development.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the application be granted with the conditions as follows.

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the approved plans submitted with the application (received 15th June 2022).
3. The external wall and roof materials used in the development shall be of the same type, texture and colour as those used in the existing building with the exception of the proposed roof material which will be felt.

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.

(Planning Manager)

PLANNING COMMITTEE

**PL17 – 22/23. 22/00197/OUT – PROPOSED SINGLE STOREY DWELLING
WITH SOME MATTERS RESERVED (ACCESS, LAYOUT &
SCALE) – 172 CHESTERFIELD ROAD, SHUTTLEWOOD,
CHESTERFIELD, S44 6QL**

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

The application had been referred to Planning Committee due to the proposed development not strictly complying with the provisions of policy SS9 of the Local Plan for the Bolsover District and was therefore a departure of the Local Plan.

Further detail could be found in the Supplementary Report which advised of one further objection received after the publication of the agenda?. It was also noted that the application title should read 'Proposed single storey dwelling with some matters reserved (access, layout & scale submitted for approval)'.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that the application be granted with the conditions as follows.

1. Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") must be obtained from the Local Planning Authority in writing before any development is commenced on site.
2. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates must be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The dwelling hereby approved must be single storey only and the scale and layout of the development must be in accordance with plan number 2149-FS01 Rev B and must be maintained as such thereafter.
4. Notwithstanding the provisions of Classes A, AA, B & C of Part 1 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.
5. Before construction commences on the dwelling hereby approved, the access to the site must be provided in accordance with the approved plans and must be maintained as such thereafter.
6. Before the dwelling hereby approved is first occupied the two parking spaces shown on the approved plans must be provided on site in accordance with the approved plans and must be maintained as such thereafter.

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7. The details submitted with the reserved matters application must include full details of each of the boundary treatments for the site. The boundary treatments approved in the reserved matters application must be provided on-site in accordance with the approved details before the dwelling is first occupied and must be maintained as such thereafter.

8. The details submitted with the application for reserved matters must include a scheme of biodiversity enhancement measures to be incorporated within the development to maximise the opportunity for biodiversity enhancement on site must be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures must be incorporated on site in accordance with the approved scheme and must be maintained as such thereafter.

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.

(Planning Manager)

PLANNING COMMITTEE

PL18 – 22/23. PLANNING APPEALS REPORT JANUARY 2022 – JUNE 2022

Committee considered a report presented by Principal Planning Officer in relation to appeal decisions for the period January 2022 to June 2022.

During the 6 months since the last monitoring period, the Council had no appeals on Major planning applications. The Council had only had three appeals on non-major applications, one of which was dismissed and the other two allowed. The Council had therefore won 33% of the planning appeals determined within the 6 month period, however, this equated to only 1.06% of the total number of non-major applications and the Council was still exceeding its appeal decision target.

The lack of appeals against decisions indicated that current decision making remained sound.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that the report be noted.

The meeting concluded at 12.25 hours

PARISH Glapwell Parish

APPLICATION Change of use to drive thru coffee shop, part demolition of single storey extensions, addition of drive thru window and drive through lane.
LOCATION The Plug And Feathers, The Hill, Glapwell, Chesterfield
APPLICANT Andrew Burney c/o 5th Floor, Unex Tower Stratford London E15 1DA United Kingdom
APPLICATION NO. 21/00506/FUL **FILE NO.** PP-10156128
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 24th August 2021

SUMMARY

This application has been referred to the Planning Committee by the Planning Manager given the concerns of local residents about the impact of the development on road safety in the area.

In summary, the application is recommended for approval. This is considered to represent a sustainable facility which accords with most policy requirements, subject to the inclusion of suitable conditions.

Site Location Plan



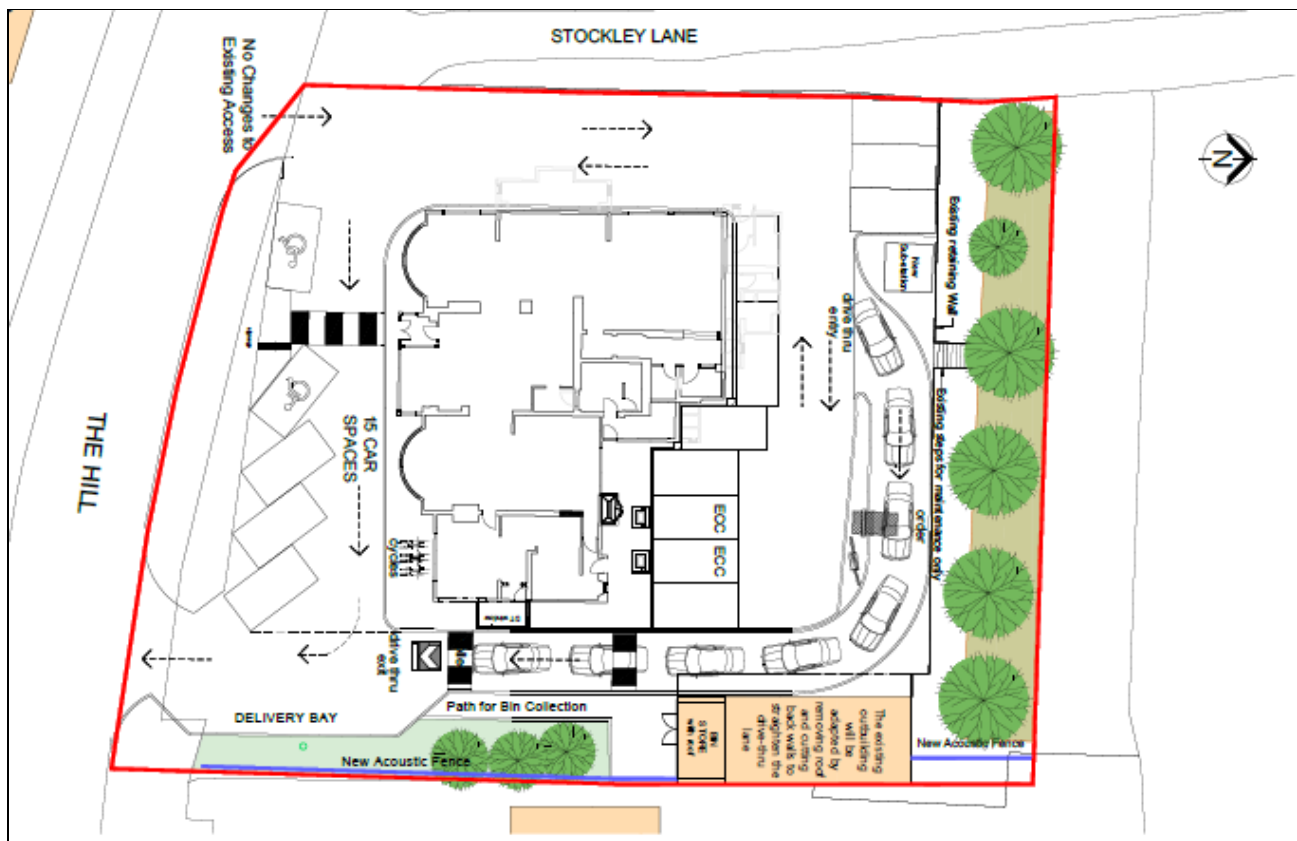
SITE & SURROUNDINGS

The site is currently vacant. The site contains a substantial two storey stone built building with a slate roof which was last used as a public house. To the side/rear of the building is a detached, pitched roof outbuilding. The remainder of the site is a tarmac car park. There are detached dwellings to each side, front and rear of the site.

PROPOSAL

The application is for the change of use of a vacant public house to a coffee shop with drive-through facility. The proposal includes alterations to an existing outbuilding, provision of a drive-through lane, alterations to the parking arrangements, installation of an ordering point and collection window, installation of a new sub-station and demolition of single storey extensions to the side and rear.

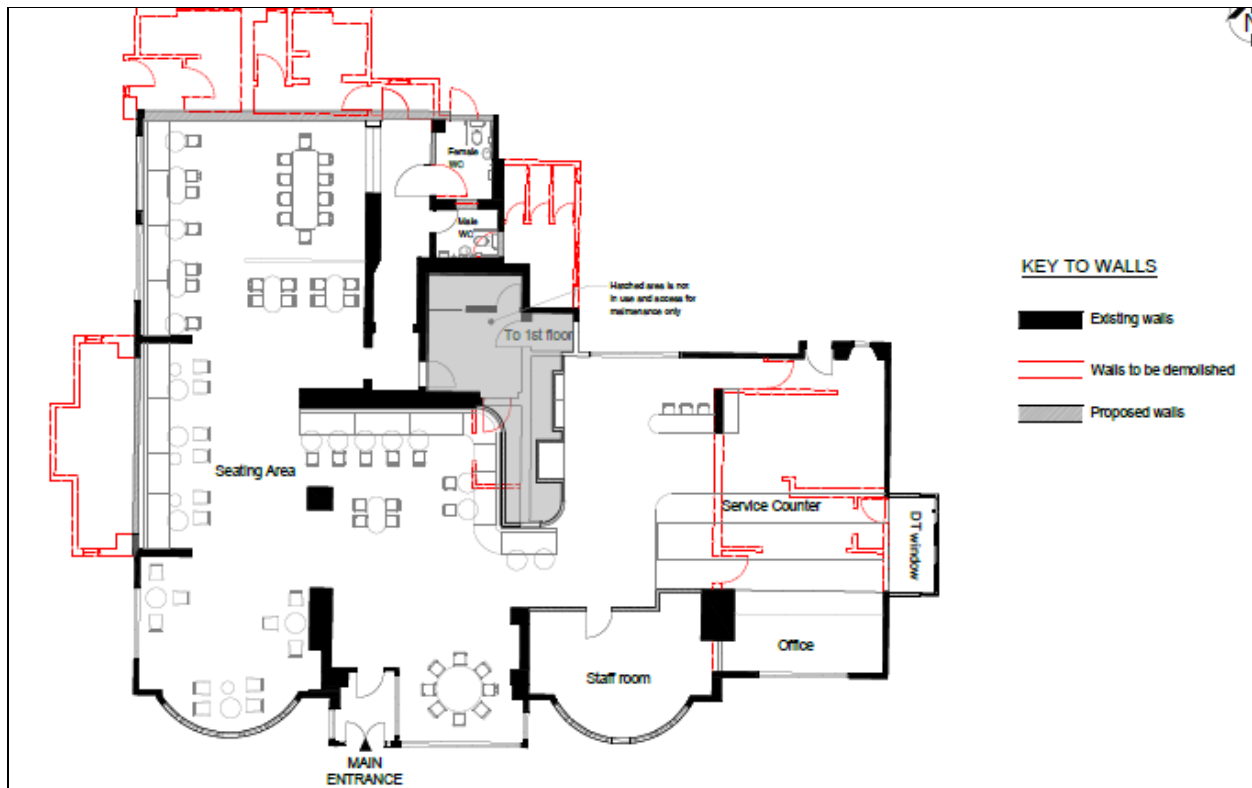
New signage is also proposed but that is the subject of a separate application for advertisement consent.



Proposed Site Layout



Proposed Elevations



Proposed Ground Floor Plan

AMENDMENTS

Amendments have been made to the alterations to be made to the outbuilding following the

findings of bat surveys.

Alterations have been made to the site layout following advice from DCC Highways.

Acoustic fence has also been added to proposal.

HISTORY

| | | |
|-----------------|--------------------------|---|
| BLA/1973/0042 | Granted Conditionally | Alterations at The Glapwell Hotel (BLA 373/42) |
| BOLADV/1989/004 | Granted Conditionally | Two static externally illuminated fascia signs and one externally illuminated pole sign at The Glapwell Hotel (BOL 289/A4) |
| BOLADV/1994/007 | Granted Conditionally | Re-signage at The Glapwell Inn (BOL 9406/AD07) |
| 98/00179/ADV | Granted Conditionally | Erection of illuminated signs |
| 02/00242/FUL | Granted Conditionally | Change of use of first floor to hotel and two storey extension to side, conversion of outbuilding to managers flat and hotel bedrooms and extension to car park |
| 05/00651/ADV | Granted Conditionally | Erection of 2 externally illuminated signs, 1 non illuminated sign and an internally illuminated double sided totem sign |
| 09/00052/RETRO | Granted Conditionally | Retention of timber decking with balustrading |
| 11/00240/FUL | Granted Conditionally | Change of use of part of first floor to form four guest rooms |
| 12/00265/FUL | Granted Conditionally | Alterations to front & side elevation (ground floor) & internal alterations for refit |
| 12/00336/ADV | Granted Conditionally | Various signage including 1 Post and 1 Logo sign (internally illuminated), 1 fascia sign (internally & externally illuminated), 2 amenities and 1 post signs (non-illuminated) and 4 lanterns (as amended by email received on the 13th August 2012 from the agent) |
| 21/00762/FUL | Granted Conditionally | Change of Use from Drinking Establishment (A4) to Convenience Store (E) - additional of pedestrian access ramp to front entrance. Change of window to door on rear elevation |

CONSULTATIONS

Ault Hucknall Parish Council

Extremely concerned about the traffic flow which will result from the development which is sited inside a bend in the highway on what is a very fast road. Appears to be limited parking spaces and the drive-through could easily result in traffic queuing onto the highway creating a dangerous situation from both access and egress points.

Derbyshire County Council (Highways)

Requested amended details/layouts which have been submitted. No objections raised to the amended plans subject to conditions requiring access, visibility splays and parking to be provided in accordance with the approved plans, no gates or other barriers to the access / driveway, submission of a construction management plan.

Derbyshire County Council (Rights of Way)

No objections. It appears the route of Glapwell Public Bridleway no. 1 will be unaffected by the proposed works. Applicant should be advised that there must be no impact on the Bridleway, it must remain open, unobstructed and its surface unaffected.

Derbyshire Wildlife Trust

Bat surveys found a maternity roost of myotis bats, an occasional day roost of a small number of brown long-eared bats and two occasional day roosts of single common pipistrelle bats within the roof void. No roosting bats were recorded using the outbuilding.

The roosts within the roof void can be retained within proposals. No direct works to the roof void, covering or eaves are proposed and the report concludes that a mitigation licence will not be required from Natural England. The mitigation measures proposed appear reasonable. Advise obtaining confirmation from the applicant, prior to determination, that these are achievable and request that the results of the eDNA analysis are provided to confirm the myotis species. It is likely that the maternity roost is of county importance. The measures should be incorporated within a Non-licensed Method Statement, which must be secured via a condition prior to the start of all works on site. A Sensitive Lighting Plan will also be essential and must be required by condition. If for any reason, the likelihood of roost disturbance increases, a mitigation licence will be required along with a review of the mitigation. Recommend that monitoring requirements are also secured via a condition to ensure remedial actions are taken if a) the method statement is not complied with and b) adverse impacts to the roost are identified.

An active swallow nest was recorded in the outbuilding during the surveys. It is preferable to alter the existing nesting location a little as possible to maximise chances of swallows returning to nest on site. Full details of the Swallow Compensation should be secured via a condition as well as a bird mitigation condition.

Environmental Health Officer

Raised some concerns and asked for additional information. Additional information provided together with details of an acoustic fence to be provided. Following submission of additional information there are no concerns relating to odour or noise subject to the provision of the proposed acoustic fence being required by condition.

Glapwell Parish Council

Expressed serious concerns regarding road safety issues relating to this development. The A617 generates huge traffic flows and this will get worse with recent planning granted for over 120 homes. The site does not have safe entry and exit for vehicles from such a busy road. It is close to where the speed limit changes from 40mph to 30mph and is subject to a sweeping curve of the carriageway further up the Hill. Cars are averaging in excess of the 30mph speed limit and cars slowing down in the carriageway, or stationary in a queue on the carriageway, will result in accidents.

There is no information about how HGV drivers will access the site as it appears too small to accommodate HGV's. This means HGV's parking roadside to use the facilities as there are no road markings to prevent this and could again lead to accidents.

The site is situated next to the entry and exit to the Stockley Trail and Mountain Bike course. Pedestrians and cyclists use this access. Unlike when this was a public house, a drive through will generate more vehicles crossing the pavement and there is no provision for cyclist safety.

There will be an increase in litter when the village already suffers with problems regarding takeaway litter being brought into the village for consumption and then disposed of inappropriately. How will this be mitigated?

What is the company ethos on cutting down on single use cups as environmentally aware businesses should only be located within the area.

The opening times are very different to those previously experienced by nearby residents with potential for noise generation. Some of the noise issues are addressed in documentation provided with the application but the actual impact in the early hours seems significant. Operational hours state starting at 5am. At this time ambient road noise will be lower meaning that operational noise will be more intrusive to nearby dwellings.

The building is one that has served the community for many years and the historic structure of the building should be preserved

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

PUBLICITY

Site notice and 25 neighbours notified. Letters received from 18 residents which raise the following objections:

1. People do not obey the speed limit the road needs a speed camera as there have been fatalities on this road. There used to be an anti-slip surface adjacent to the site but this has been surfaced over, rumble strips may be a cheap option to reduce speeds.
2. Road markings will need to be provided to prevent parking on the road if a vehicle is too big to go through the drive through or at busy times which used to happen when the pub was open causing delays and danger to other road users and residents.

3. This is not in keeping with the residential area or this beautiful building.
4. Will result in even more traffic and congestion on an already busy road and result in queues blocking the road causing delays and possibly accidents. There have already been serious accidents including fatalities on this road. The current proposal will make this road even more dangerous.
5. May result in litter.
6. The entrance to The Stockley Trail is well used by walkers cyclists and horse riders and is likely to be blocked by overspill vehicles trying to access the site causing danger to these users.
7. The opening hours (5am -11pm) are very unsociable in a residential area causing noise for adjacent residents. The latest the pub ever stayed open was 10pm and it was never open early in a morning.
8. There is no need for a coffee shop chain here when one is already available in Heath, one at Junction 29A and at Tibshelf services, one at Glapwell Nurseries plus two others within half a mile run by local families.
9. The noise and pollution caused by car engines running will be unpleasant for immediate neighbours.
10. The building is listed.
11. If this goes ahead will the bypass plans be shelved?
12. Will make accessing adjacent driveways even more difficult and cause further problems for pedestrians trying to cross the road.
13. Will de-value adjacent properties.
14. A small, local business such as a restaurant, convenience shop or coffee shop/bistro would be preferable.
15. The building should remain a community asset and be re-opened as a pub/restaurant.

The following supporting comments were made by two residents:

1. The company has the financial backing to support the maintenance of the building.
2. A coffee shop will result in less problems of noise and disorderly behaviour than the pub use.
3. Good to see electric vehicle charging points in an area where there are none. The bays should be large enough for disabled/family users and should be installed and opened when the building becomes open to the public.

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)
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC9 (Biodiversity and Geodiversity)
- SC10 (Trees, Woodland and Hedgerow)
- SC11 (Environmental Quality (Amenity))
- ITCR4 (Local Shops and Community Facilities)

- ITCR11 (Parking Provision)

National Planning Policy Framework ("the Framework")

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

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 104-108: Promoting sustainable transport
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183-188: Ground conditions and pollution

ASSESSMENT

Key issues

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

- the principle of the development and the loss of a community facility
- the impact on the character and appearance of the area
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network
- biodiversity and trees
- issues raised by local residents

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

Principle

The site is within the development envelope of Glapwell village in a predominantly residential area. The previous use of the building was a public house and as such is a community use protected by Policy ITCR4 of the Local Plan for Bolsover District. Planning permission has previously been granted for a change of use to a convenience store but this was also considered to be a community facility and this permission has not been implemented.

Policy ITCR4 protects local shops and community facilities such as public houses and states planning permission will only be granted for a change of use of such buildings if one of a number of criteria can be met. One of these criteria is that:

"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."

In this instance there is a community centre in Glapwell village, the Resource Centre in Doe Lea, the Young Vanish Pub, the Twin Oaks Motel, the Elm Tree at Heath, the Doe Lea Miners Welfare and two convenience stores within the local area. The loss of the public house / previously approved convenience store is therefore not considered to result in a shortfall of

community facilities in the area. As such the proposal is considered to comply with the requirements of Policy ITCR4 and the principle of the proposed change of use is therefore acceptable.

The building has been vacant for some time and the re-use of the building is considered to be an efficient use of previously developed land. The site is within walking distance for local residents and is on a main commuter route such that it will be a convenient drop in for people and on this basis the site is considered to represent a sustainable use of the building which would meet the requirements of Policy SS1 and as such is considered to be acceptable in principle subject to compliance with the other relevant policies in the Local Plan.

The impact on the character and appearance of the area

The proposal utilises the existing building with the demolition of two small single storey elements, installation of a side window and some alterations to an outbuilding with no other alteration to the external appearance of the frontage of the building. There are also some alterations proposed to the car park layout and provision of a drive-thru lane but the proposal will otherwise not result in material alterations to the appearance of the original building. The area is predominantly residential but there is a parade of shops and an industrial estate in the locality and the proposal replaces an existing commercial use such that the proposal is not considered to appear unduly prominent or out of character in the area. In addition, the re-use of the vacant building which is falling into disrepair is considered to bring vitality of the area and to enhance the character and appearance of the building by bringing a new facility to the area.

The proposal includes new signage but this does not form part of this application and is the subject of a separate application for advertisement consent.

Residential Amenity

The site is immediately adjacent to residential dwellings and as such the proposed use of the building is likely to result in some level of noise and disturbance for residents of adjacent dwellings. However, the building could be re-used as a public house at any time without the need for planning permission and the use of the site as a coffee shop is not considered to result in a material increase in noise and disturbance for local residents over and above a public house use. However, the hours of opening proposed are longer (5am-11pm) than a public house use. A noise assessment and additional information has been submitted including details of an acoustic fence to be erected on the site boundary. The Environmental Health Officer has no objections to the proposal following the provision of the additional information subject to a condition requiring the provision and retention of the acoustic fence. Subject to such a condition the proposal is not considered to be materially detrimental to residential amenity, over and above the use of the building as a public house and the proposal is considered to meet the requirements of Policy SC11 of the Local Plan for Bolsover District.

Access/Highways

A transport statement has been submitted with the application which has been carried out by a transport planning specialist consultant. The statement includes a traffic count and an assessment of the number of vehicular trips generated by the proposal and then assesses the likely impact of the proposal. The conclusion of that assessment is that the proposal is acceptable in terms of its highways impacts.

The report also estimates the increase in the number of trips to and from the site using information from the TRICS database and this suggested that the greatest increase would occur in the morning with lesser increases at other times. The assessment concludes that the proposal would not result in a significant material impact or increase in traffic arising from the use proposed (in comparison with the current extant use) and that the potential changes to the trips would not impact on the operation of the local or wider highway network.

The site currently has two accesses, one at each end of the site frontage and these are to be retained and utilised in this proposal. The proposal reduces the number of parking spaces on site from 26 to 15. Some of the existing parking spaces removed are on the site frontage but these spaces are partially located on highway land and as such were unauthorised as part of the use of the site by the pub. The floor area of the building which is proposed to be used for retail purposes extends to approx. 155sqm which gives a requirement for 38 parking spaces in accordance with the council's parking standards set out in the Local Plan. The proposal therefore doesn't meet the council's parking standards however, if the building remained in a public house use the council's current parking standards would require 76 parking spaces and as such the site would therefore be even further short of meeting the councils parking requirements. Therefore, on balance, whilst the proposal does not meet the councils parking standards, nor does the previous use which could re-open at any time without the need for planning permission. The proposal is therefore not considered to result in a greater parking requirement than the existing use and in addition there are no objections to the proposal from the Highway Authority. Subject to condition requiring the provision of the access, parking and turning areas on site to be provided in accordance with the approved plan, the proposal is therefore not considered to be detrimental to highway safety and is considered to meet the requirements of Policies SC3 and ITCR11 of the Local Plan for Bolsover District.

The Highway Authority have also asked for a condition to require details of on-site storage of plant and materials (during the construction phase) to be provided. Given the modest scale of the development and the works proposed and the large area of parking available, such a condition is considered unnecessary particularly as should storage take place outside the site on the footpath or highway this would be controlled under the Highways Act.

The Highway Authority have also asked for no gates or barriers to the accesses to the site. This is considered unnecessary and unreasonable as the application does not include the provision of new boundary treatment on the site frontage. Any boundary treatments/gates on the frontage under 1m in height would not require planning permission. Gates/boundary treatments over 1m in height would need to be the subject of a separate planning application. Should gates be installed they would be very unlikely to be closed during the business opening hours as this would deter customers. If fences/gates were required for security purposes it would be unreasonable to prevent this unnecessarily.

Biodiversity and trees

Preliminary bat survey work and nocturnal surveys undertaken identified the use of the main building by three species of bats and found a maternity roost and 2 occasional roosts within the roof void. No roosting bats were recorded using the outbuilding.

The roosts within the roof void can be retained within proposals. No direct works to the roof void, covering or eaves are proposed and the report concludes that a mitigation licence will

not be required from Natural England. The mitigation measures proposed appear reasonable and the applicant has confirmed that the conditions are achievable and has also confirmed the species of bats within the roof as requested by Derbyshire Wildlife Trust. The measures can be incorporated within a Non-licensed Method Statement, which can be required by condition prior to the start of all works on site. A Sensitive Lighting Plan will also be required and can also be required by condition. Derbyshire Wildlife Trust also recommend that monitoring requirements are also secured via a condition to ensure remedial actions are taken if a) the method statement is not complied with and b) adverse impacts to the roost are identified.

An active swallow nest was also recorded in the outbuilding during the surveys. Full details of the Swallow Compensation can also be required by a condition as well as a bird mitigation condition.

The proposal involves the removal of 6 trees. The trees are not covered by a preservation order and a tree report has been submitted with the application which confirms that 5 of these are of low quality with limited retention value. The report goes on to say that the removal of these trees can be compensated for with new planting which will be more sustainable for future retention, offer seasonal amenity and a diverse habitat for wildlife. The replacement of these trees and the protection of retained trees during construction can be controlled by condition.

The applicant has confirmed agreement to these conditions and subject to such conditions the proposal is not considered to have an adverse impact on the protected species on site and is considered to have a neutral impact for biodiversity. Subject to such a condition the proposal is therefore considered to meet the requirements of Policies SC9 and SC10 of the Local Plan for Bolsover District.

OTHER PLANNING CONSIDERATIONS

Issues raised by local residents

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

The issue of the need for an additional coffee shop and its impact on existing businesses has not been considered, as the issue of competition is not a material planning consideration which could be taken into account as part of the planning application process.

The suggested alternative uses for the site have also not been considered, as these uses do not form part of the proposal and the application as submitted for the proposed use has to be considered on its individual merits, it is not for the council to suggest alternative uses if the use proposed is acceptable in planning terms.

The highway safety issues relating to the proposal have been covered in the above assessment.

The loss of value to property has not been considered as this is not a material planning issue which could be taken into account as part of the planning process.

The building is not listed and therefore this has not been a consideration. The impact of the

proposal on any future bypass proposal has also not been considered as it does not form part of the current application.

CONCLUSION

The proposal provides a re-use of a previously developed site and a building which is falling into disrepair. The proposal is in a sustainable location and is considered to preserve the character and appearance of the area. The proposal is not considered harmful to the amenity of local residents or to highway safety over and above the existing situation if the site was brought back into use as a public house.

Subject to the conditions set out in the above assessment the proposal meets the requirements of the relevant Policies in the Local Plan for Bolsover District and the National Planning Policy Framework.

RECOMMENDATION

The current application be APPROVED subject the following conditions :

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the plan numbers:
 - 4167_PL05H
 - 4167_PL06
 - 4167_PL07
 - 4167_PL09B
 - 001_10REV A
 - 001_19 REV B
 - 001_27 REV A
3. Before development starts on site, tree protection measures must be provided on site in accordance with the method statement for tree protection measures, diagram 1 and appendix 5 of the Arboricultural report dated 27th July 2021 and must be maintained throughout the construction period on site unless otherwise agreed in writing by the Local Planning Authority.
4. Before the development hereby approved is first brought into use, full details including size, species, location and planting timetable for the replacement trees to replace the 6 trees removed as part of this application must be submitted to and approved in writing by the Local Planning Authority. The trees must be planted in accordance with the approved details.
5. Before the development hereby approved is first brought into use, The Jakoustic acoustic fence, details of which were submitted to the Local Planning Authority via email on 23rd September 2021 must be installed on site in the position shown on plan number 4167_PL05H and must be maintained as such thereafter.

6. Before the development hereby approved is first brought into use, the access, parking, drive through lane and delivery bay must be provided on site, marked out in accordance with the approved plan number 4167_PL05H and must be maintained as thereafter.
7. Prior to the commencement of any works on site (including any works affecting the main building or outbuilding, removal of trees, installation of permanent or temporary lighting and installation of scaffolding) a Non-licensed Method Statement providing full details of mitigation measures to safeguard bats at the site must be submitted to and approved in writing by the Local Planning Authority. These measures must expand upon those detailed in Section 4.1 of the Bat Activity Survey report (Morph Ecological Consultants, July 2022) and include a bat monitoring protocol. The protocol must include the requirement for remedial measures if a) the Non-licensed Method Statement is not complied with and / or b) adverse impacts to the roosts are identified. The results of all monitoring must be submitted to the Local Planning Authority for approval. The approved measures must be fully communicated to site staff and implemented in full in accordance with the approved details and maintained as such thereafter.
8. Prior to the installation of any lighting fixtures, a detailed Lighting Strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard known bat roosts at the site. This document must be cohesive with the Non-licensed Method Statement submitted under condition 7. The hours of operation of the lighting must be stated and the strategy must provide details of the chosen luminaires, their locations and any mitigating features such as building canopies, lighting baffles/shields, dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to roost access points and surrounding habitats. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures must be implemented on site in full and in accordance with the approved details and maintained as such thereafter.
9. Before any works to the outbuilding or bin store commence on site, full details including type, size, position and timetable for installation of the swallow nesting boxes to be installed on site must be submitted to and approved in writing by the Local Planning Authority. The boxes must be provided on site in accordance with the approved scheme and must be maintained as such thereafter.
10. No stripping, demolition works or vegetation clearance must take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone must be implemented and monitored until the chicks have fledged. No works must be undertaken within exclusion zones whilst nesting birds are present.

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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe, or
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

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.

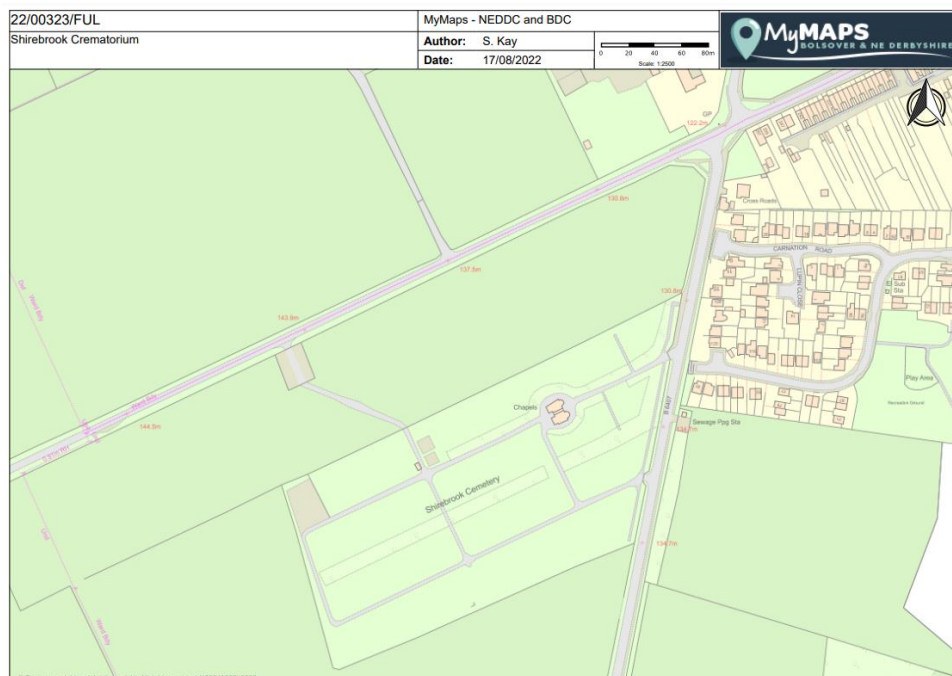
PARISH Shirebrook Parish

APPLICATION Proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping
LOCATION Land adjacent Shirebrook Cemetery, Common Lane, Shirebrook
APPLICANT Mrs Natalie Etches (Bolsover DC), The Arc, High Street, Clowne, Chesterfield, S43 4JY
APPLICATION NO. 22/00323/FUL
CASE OFFICER Mrs Sarah Kay
DATE RECEIVED 24th June 2022

SUMMARY

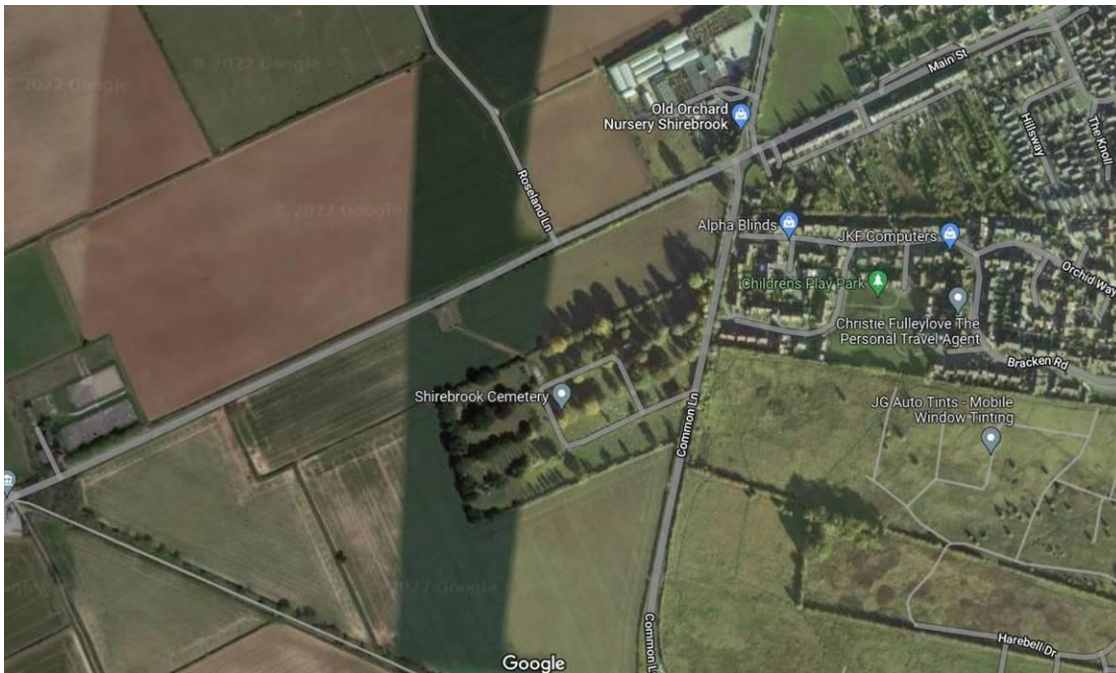
Planning permission is sought in full for a proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping. The application site is located in open countryside, but adjacent to the development envelope of Shirebrook. The proposal is acceptable in policy terms having a limited impact on the character of the countryside, residential amenity and the surrounding highway network. The proposal is an acceptable and sustainable form of development in line with paragraph 7 – 11 of the National Planning Policy Framework (NPPF). The report demonstrates that there are no material planning considerations that would outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to residential areas, the highway network, ecological or arboricultural networks, or the wider character of the area. The application is recommended for approval and so is being referred to Planning Committee as it is a development proposal for Bolsover District Council.

Site Location Plan



SITE & SURROUNDINGS

The application site lies to the west of Shirebrook and measures approx. 3.27ha in area. It is located south of the B6407 and north of Shirebrook Town Council's Cemetery (Common Lane).



The site currently comprises of agricultural land (arable) and the small ancillary cemetery car park, which has an access off the B6407.

Levels across the site slope from west to east, and the site is bound by established hedgerow and mature trees to all aspects except where the arable field currently extends beyond the extent of the application site boundary and is therefore open to the west.



View east towards Common Lane



View north west towards car park / B6407

There are no formal Public Rights of Way (PROWs) within the site or its vicinity, although a trodden pedestrian route exists between the car park and the adjacent cemetery (seen in the photographs taken above). The application site is not within Green Belt. The site is within a

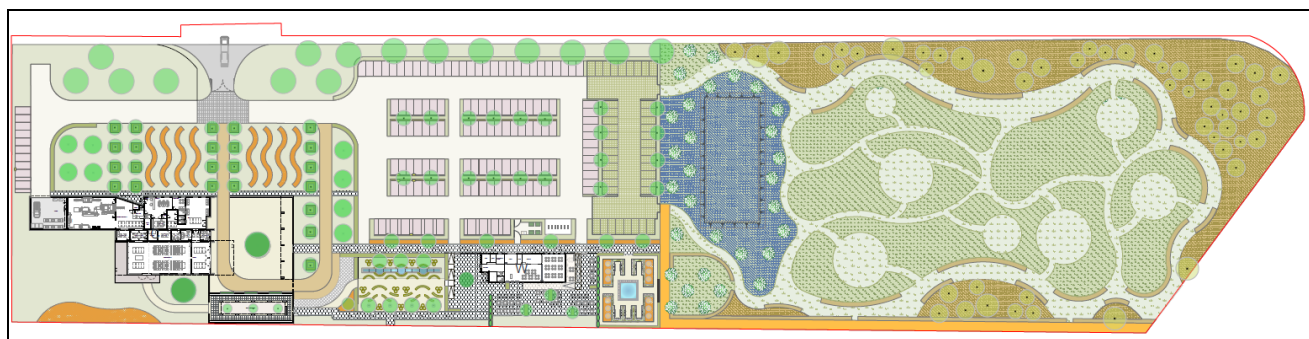
Coal Authority 'Low Risk Coalfield Area'. The site lies within Flood Zone 1 (land least likely to flood). The site is not within or close to a Conservation Area and there are no Listed Buildings within the site or affected by the proposed development.

BACKGROUND

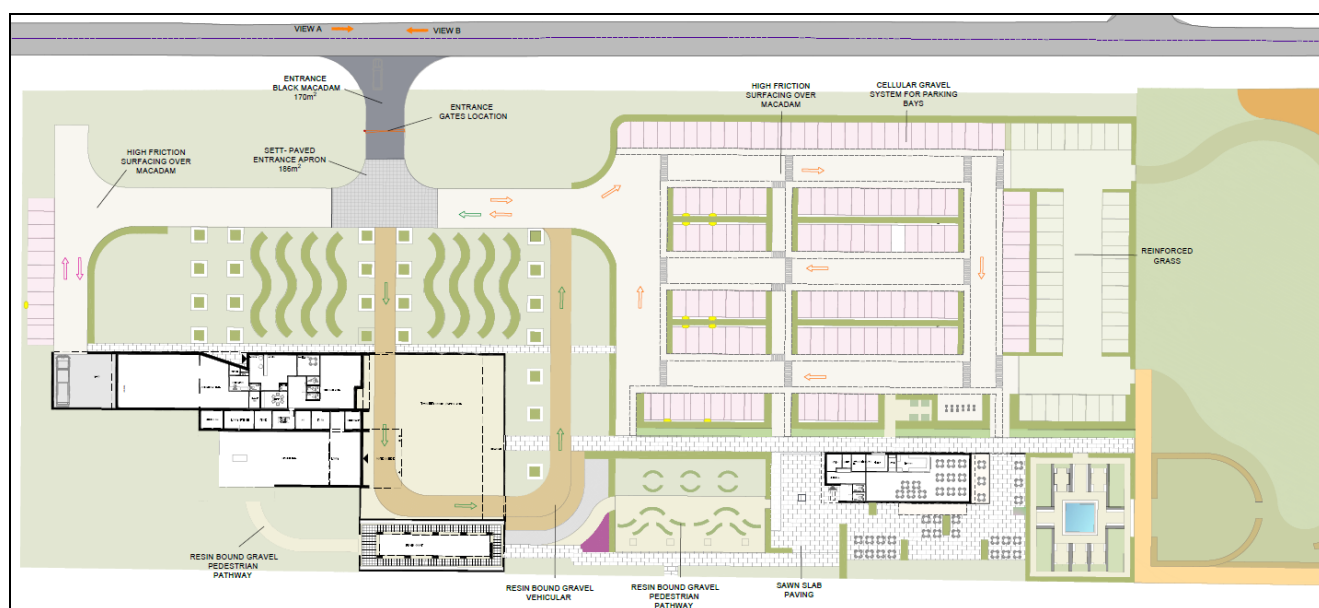
The application submission follows a public consultation exercise undertaken by the applicant, as detailed in the accompanying Statement of Community Involvement. This was also tracked alongside pre-application discussions held with the Local Planning Authority which resulted in informal pre-application advice being offered prior to the application submission.

PROPOSAL

This is a full application for the development of a new crematorium, which includes alongside the primary crematorium building, the erection of a detached wake facility, memorial garden, car park and wider elements of site landscaping.



Proposed Site Layout



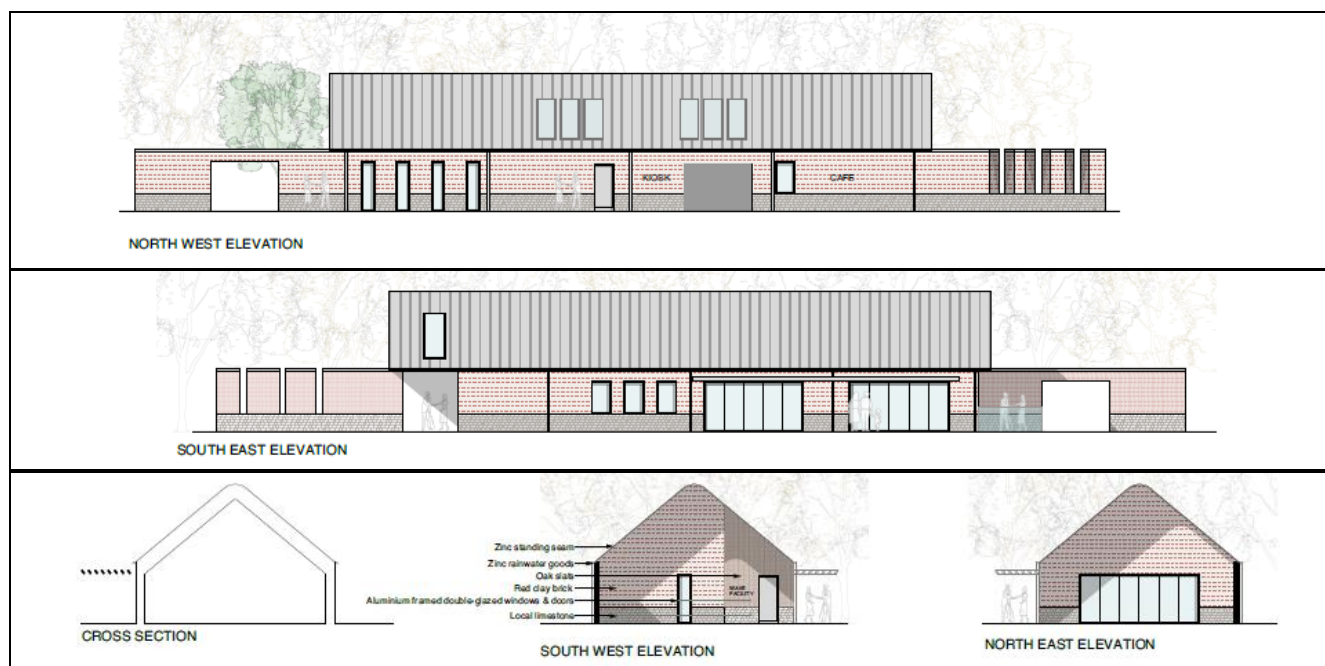
Proposed Block Plan

The development proposals are laid out across ground floor level, with the general scale of

development single storey in nature. The two buildings (the crematorium building and the wake facility) are of a contemporary architectural style, incorporating low eaves and steeper pitched roofs which give the development a more imposing appearance in the landscape. The buildings are to be finished predominantly of red brick with a zinc panel roof, but features of glazing, limestone and oak panelling are also incorporated.



Proposed Crematorium Building



Proposed Wake Facility

The development will be served via a new formed site access to the B6407 (situated in approx. the same location as the current cemetery car park access) and pedestrian / cycle access will be linked back to Common Lane via the cemetery and newly laid footpath link.

The proposals include the following components:

- Chapel (seating up to 120 people with space for 40 people standing in the lobby area);
- Crematory Hall (inc. 1 electric cremator with space for 2);
- Viewing Room;
- Funeral Director, Celebrant, AV and Family Room;
- Wake Facility;
- Welcome Area (with designated family room);
- WC facilities;
- Staff Office and Staff Room;
- Service Yard;
- Tranquillity Garden and Porte Cochere;
- Flower Court;
- Car Park (with a total of 168 spaces (117 regular, 10 disabled and 41 overflow);
- Memorial Garden;
- Parkland (inc ash scattering);
- Access Road; and
- Detailed Landscaping

The application indicates that the site will be open / operational as follows:

Opening = Monday- Friday (9:30-16:00) / Saturday (9:30-14:00)

Operational = Monday – Friday (7:00-19:00) / Saturday (7:00-17:00)

The application is accompanied by the following plans / supporting documents:

Plans

- Location Plan – Drawing No. D200020-CDS-EX-ZZ-DR-Y-002-000 Rev 01
- Existing Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0001
- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Utilities Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-003
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)
- Boundary Treatment Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-006
- Street Furniture Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-007
- Drainage Layout – Drawing No. 203810-SWH-ZZ-XX-DR-D-0500 (Rev P02)
- Crematorium GA Floor Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0030
- Crematorium GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0032
- Crematorium GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0040
- Wake GA Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0050

- Wake GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0051
- Wake GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0060
- Soft Landscaping
 - Trees and Native Hedgerows Plan 1 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-020
 - Front and Rear of Building Plan 2 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-021
 - Car Park and Adj Borders Plan 3 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-022
 - Tranquillity Garden, Wake Facility and Memorial Garden Plan 4 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-023
 - Bulb Planting 1 of 2 Plan 5 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-024
 - Bulb Planting 2 of 2 Plan 6 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-025
- Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028
- Hard Landscaping Materials Schedule dated May 2022
- Topographical Survey – 22558Y Drawing No. 01
- Vehicle Tracking Plans (Car, Harse, 3 Axle Refuse Vehicle)

Supporting Documents

- Air Quality Assessment prepared by DM Ltd dated 03 May 2022
- Alternative Site Assessment Report prepared by The CDS Group dated April 2022
- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022
- Archaeological Written Scheme of Investigation V2 prepared by Oxford Archaeology dated May 2022
- Archaeological Geophysical Survey Report by Magnitude Surveys dated May 2022
- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- Ecological Appraisal V2 prepared by RPS Group dated 26 May 2022
- Biodiversity Net Gain Assessment V1 prepared by RPS Group dated 01 June 2022
- Energy and Sustainability Statement prepared by ESP dated 27 May 2022
- External Lighting Strategy prepared by ESP dated 10 June 2022
- Flood Risk Assessment prepared by Scott White and Hookins LLP dated May 2022 (Rev 01)
- Landscape and Visual Impact Assessment prepared by The CDS Group dated May 2022 (Rev 01 – June 2022)
- Noise Impact Assessment prepared by Cass Allen dated 26 May 2022
- Odour Assessment prepared by Air Quality Consultants Ltd dated May 2022
- Phase II Geoenvironmental and Geotechnical Report prepared by The CDS Group dated 15 February 2022
- Planning and Need Assessment Report prepared by The CDS Group dated May 2022
- Preliminary Assessment of Land Contamination prepared by The CDS Group dated 20 December 2021
- Preliminary Unexploded Ordnance Risk Assessment prepared by MACC International Ltd dated 17 December 2021
- Statement of Community Involvement prepared by The CDS Group dated May 2022
- Supporting Planning Policy Statement prepared by The CDS Group dated May 2022
- Transport Statement prepared by Alpha Consultants dated May 2022

- Tree Survey Report prepared by RGS Arboricultural Consultants dated May 2022

AMENDMENTS

Additional information in connection to archaeology received 25/07/2022 in response to consultee comment from DCC Archaeology:

- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022

Package of amended plans received 02/08/2022 in response to consultee comment from Local Highways Authority (DCC):

- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)

Email from Agent 12/08/2022 confirming proposed opening hours vs operating hours.

Email from Agent 24/08/2022 confirming seed mix for proposed landscaping.

EIA SCREENING OPINION

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

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

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

HISTORY

| | | |
|--------------|--------------------------|--|
| 97/00077/FUL | Granted Conditionally | Creation of vehicular access road between approved car park and the cemetery |
|--------------|--------------------------|--|

CONSULTATIONS

BDC Engineers – 15/07/2022

No objections raised in principle to the development proposals, subject to the SuDS design being acceptable to the LLFA and agreement to a lifetime management and maintenance plan. No public sewers are recorded to cross the site, however, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but

may cross the site of the proposed works. All drainage will need to comply with Part H of the Building Regulations 2010, and it is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

BDC Environmental Health – 08/07/2022

No objections in principle to the proposed development (having reviewed the air quality and contaminated land assessments accompanying the application). The noise report submitted makes recommendations in table 2 regarding maximum plant noise levels, and I suggest a condition is included in any permission requiring the applicant to demonstrate, to the satisfaction of the LPA, that the quoted levels can be achieved and maintained. The facility will also require an Environmental Permit to operate, and the applicant is advised to contact the EH Permitting team at the earliest opportunity.

BDC Planning Policy – 12/09/2022

From an assessment of this proposal, it is considered that the proposal does not fully comply with policy SS9: Development in the Countryside but that it accords with the Local Plan's Spatial Strategy, provided that the proposals would respect the form, scale and character of the landscape and have no significant negative implications for the area.

Coal Authority

Standing Advice applies.

DCC Archaeology – 07/07/2022 and 27/07/2022

Initial response received advised that whilst the results of a geophysical survey and a Written Scheme of Investigation (WSI) for field evaluation had been provided with the application submission, further fieldwork evaluation was required prior to the application being determined.

An Evaluation Report was subsequently provided which concluded that whilst the geophysical survey showed features which were consistent with a field system of early date, when evaluated by trial trenches, the majority of features were not identified, suggesting that the geophysics may have picked up fissuring within the limestone bedrock. A single very shallow gully was excavated, this producing neither finds nor evidence of palaeo-environmental potential. It was confirmed that although the undated gully probably does relate to early activity, its level of truncation and the absence of further features or potential for scientific dating severely limits the potential of the site to contribute to regional research topics. DCC Archaeology therefore concluded on balance that there should not be any further archaeological work under the site under the policies at NPPF Chapter 16.

DCC Flood Risk (LLFA) – 11/07/2022

No objections in principle to the proposed development, subject to conditions (5) being imposed on any final decision issued to require final approval of the drainage details and management plan proposals (in accordance with the DEFRA hierarchy and technical guidance; and the application FRA, Drainage Plan and Strategy submitted), satisfactory details being agreed to deal with construction phase surface water run-off, specifications of geocellular tanks and final verification of works prior to occupation.

DCC Highways – 19/07/2022 and 04/08/2022

Initial comments received sought further amendment / clarification on the proposed location of the site and lack of pedestrian infrastructure on this part of the B6407, and suggested provision be made for these users through the existing cemetery.

Revised plans were submitted to secure this provision which enables the County Council to support the application and recommend conditions (5) seeking the improvement to the access onto the B6407 before any other operations commence, parking being provided before use operating, there being no gates on the access point, construction compounds being provided throughout the construction phase, and wheel washing facilities on site.

DCC Planning – 19/07/2022

No objections raised to the proposed development, noting that there is an overriding public need for the facility to outweigh any potential planning policy conflict with the Bolsover District Local Plan. Support for the application was also reported to have been received from County Cllr Dale and Dixon, who both note that families in Shirebrook currently have to travel great distances to Chesterfield or Mansfield to access such services.

Derbyshire Constabulary (Crime Prevention) – 18/07/2022

No objections in principle to the proposed development. In terms of crime prevention measures it was advised that the main risks to this type of development arise due to their secluded location, vehicles being left unattended and sites being unoccupied overnight. Vehicle crime is not however an issue on any current site, but there have been incidents of overnight burglary, with two of our facilities having been broken into over the last 2 years (so the advisor has asked the operator to be aware of this to ensure they make their own security arrangements). The advisor isn't overly keen on the car park / pedestrian approach lighting design because it is bollard scheme which offers little in the way of security lighting, but an objection couldn't be sustained due to the generally low crime levels at other comparable sites.

Derbyshire Fire & Rescue – 29/06/2022

No objections.

Derbyshire Wildlife Trust – 22/08/2022 and 24/08/2022

No objections were raised in principle to the proposals, having reviewed both the Ecological Appraisal and the BNG Assessment. Comments confirmed there are no statutory / non statutory designations affecting the site or land adjacent, and no records of any protected species. The EA also confirmed no species had been encountered. Adjacent farmland had the potential to support ground nesting birds, but the application site characteristics meant it was less attractive. Hedgerows might be used by nesting birds, so protection will be needed during the nesting season. The BNG assessment uses the 3.1 metric and demonstrates a net gain, which is acceptable and should be managed for at least 30 years. One element of the landscape proposals should be clarified – the use of native British seed mixes for the proposed species rich grassland habitats being created?

Subsequently the applicant confirmed the species mix comprised of native British plant seeds and therefore no further concerns arose.

Environment Agency – 20/07/2022

No objections in principle to the proposed development. The EA confirm that development is unlikely to encounter groundwater as the Cadeby Formation is at least 10m below ground

level. They note that SW drainage is proposed to soakaway and advise that it must be ensured that only clean roof water is disposed in this way and any soakaway is constructed into clean uncontaminated natural ground. Drainage from parking areas should pass through an appropriate level of pollution prevention measures prior to discharge. Foul water is noted as proposed to package treatment plant and subsequent drainage field with final discharge to ground. The EA advice it is likely that an Environmental Permit will be required for this discharge.

Severn Trent Water

No comments received.

Shirebrook Town Council – 24/08/2022

No objections.

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

PUBLICITY

The application has been publicised by site notices posted on 05/07/2022, by advertisement placed in the local press on 06/07/2022 and by neighbour notification letters sent to 14 adjacent properties on 05/07/2022.

There have been no letters of representation received as a result of the applications publicity.

POLICY

Local Plan for Bolsover District 2020 ("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
- SS3 Spatial Strategy and Distribution of Development
- SS9 Development in the Countryside
- WC3 Supporting the Rural Economy
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC8 Landscape Character
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodland and Hedgerows
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land
- SC18 Scheduled Monuments and Archaeology
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision
- II2 Employment and Skills

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 92, 93, 95 and 97: Promoting healthy and safe communities
- Paragraphs 104 - 108: Promoting sustainable transport
- Paragraphs 110 - 113: Considering proposals – traffic impacts
- Paragraphs 119, 120, 122 and 123: Making effective use of land
- Paragraphs 126 - 132 and 134: Achieving well-designed places
- Paragraphs 152, 154 and 157: Meeting the challenge of climate change
- Paragraphs 159, 167 and 169: Planning and flood risk
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183 - 188: Ground conditions and pollution
- Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance

National Model Design Guide

ASSESSMENT

Key issues

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

- the principle of the development
- the visual impact of the proposed development inc. residential amenity and landscape character
- whether the development would be provided with a safe / suitable access and impacts on highway safety
- drainage / flood risk
- land condition / contamination / air quality / noise
- heritage / archaeology
- biodiversity and trees

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

Principle

The application site lies outside of the development envelope of Shirebrook and so should under Policy SS9 of the Local Plan for Bolsover District be regarded as development proposed in the countryside.

Policy SS9 (Development in the Countryside) states:

Development proposals in the countryside outside development envelopes will only be

granted planning permission where it can be demonstrated that they fall within one or more of the following categories:

.....

d) Secure the retention and / or enhancement of a community facility.

.....

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

In this context it is acknowledged that the site adjoins the boundary of the Shirebrook town development envelope and lies immediately adjacent to the Shirebrook Cemetery. Having regard to the nature of the development proposals they can be regarded under the provisions of policy SS9 as an enhancement of an existing community facility given their relationship to the adjacent cemetery use, and that they will serve a wider unmet community need for this particular type of facility (currently similar such facilities are some distance away in Chesterfield / Mansfield). These principles are reflected in para. 85 of the NPPF, where it is further acknowledged that sites to meet local community needs may have to be found adjacent to or beyond existing settlements.

The application submission is accompanied by an Alternative Site Assessment (ASA) and Needs Assessment (NA) which set out the concept considerations of the development proposals inc. assessment of quantitative and qualitative need for a new crematorium and further identification of the most optimal location for a crematorium in the district. The assessments had regard to the regional death rates, cremation rates, the 'drive time' catchment to existing facilities; as well as capacity at existing local crematoria and a predicted growth in the ageing population locally leading to a forecast increase in death rate. Analysis concludes that there is cogent need for a new crematorium facility in the area.

Accepting that the proposals will serve a much wider catchment than just the community of Shirebrook it is also considered that the development proposals could be regarded as development which supports the rural economy – particularly as this type of facility a) requires a buffer to existing residential dwellings and the public highway and b) this type of enterprise / operation is better suited to a countryside setting.

Policy WC3 (Supporting the Rural Economy) states:

Sustainable rural employment and diversification will be supported in villages and within the countryside where this does not conflict with other local plan policies.

Employment generating developments of a scale appropriate to a small settlement and / or rural surroundings will be supported in rural areas where the development or activities are necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in the countryside, or where the business has no significant negative implications for the area and will help to support a sustainable rural economy and contribute to rural environmental or social regeneration. Such proposals should meet at least one of the following criteria:

b) Provide community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy.

In relation to this, Policy WC3: Supporting the Rural Economy provides general support for

employment generating developments of a scale appropriate to their rural surroundings, including proposals that provide community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy (criterion b). However, this support is conditional and proposals in particular need to demonstrate that the business has no significant negative implications for the area. The supporting text of policy ITCR4 also advises that the Council will seek to maintain and improve the provision of local community services and facilities.

In the context of both policy SS9 and WC3 of the Local Plan, it is considered that there is a clear evidenced need for a crematorium facility in this locality which supports consideration of the development proposals wider compliance with the provisions of these policies. The principle of development is therefore considered to be acceptable.

Para. 119 of the NPPF further advocates that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. In the latter regard of para. 119 detailed consideration of more specific design / technical considerations set out in the separate individual sections of the report below.

Design / Appearance inc. Residential Amenity and Landscape

Alongside the applications detailed design drawings, the submission is accompanied by a series of complimentary reports which consider design, appearance and landscape visual impact.

As described above, the proposals are made up of two separate building components, with the larger crematorium building standing as the feature building that frames the entrance into the site from Balkham Lane. The crematorium building is adjoined by a tranquillity courtyard, and beyond this car parking and the wake facility building are set further into the site adjoined by the tranquillity and memorial gardens.



Figure 4 – Section A-A through proposed development showing trees at 10+ years (location of section shown on Figure 3)



Figure 5 – Section B-B through proposed development showing trees at 10+ years (location of section shown on Figure 3)



Figure 6 – Section C-C through proposed development showing trees at 10+ years (location of section shown on Figure 3)

The images below are artist's impressions of the main crematorium building and courtyard, taken from the applications accompanying Design & Access Statement (DAS).



View from Balkham Lane entrance of crematorium building / courtyard



Bird's-eye view of approach, crematorium building and courtyard



View from within the tranquillity courtyard of crematorium building / entrance

The DAS explains the design concept for the site, having regard to its rural landscape setting and its relationship to wider existing properties and land uses. The location, adjoining the existing Shirebrook Cemetery, is logical and its position on the fringe of the settlement of Shirebrook such that the site can be connected to the existing settlement whilst meeting operational permit requirements in respect of separation to existing residential properties.

The Landscape Visual Impact Assessment (LVIA) considers the potential visual impact of the proposed development upon the wider landscape setting, acknowledging the landscape character of the area (Southern Magnesian Limestone – Landscape Character of Derbyshire 2003) is one of limestone farmlands and gorges.

The LVIA considers the 'landscape receptors' likely to be impacted upon by the development proposals, comprising mainly of users of the Main Street / Balkham Lane, visitors to Shirebrook Cemetery and residents / visitors of housing to the north, west, south of the site, and the wider Shirebrook settlement at its extreme west.

The ultimate conclusions of the LVIA assess that the landscape character is one of *moderate sensitivity*, the magnitude of change resulting from the development proposals are considered to be *medium*, and the overall effect of change on the wider landscape resulting from the proposed development is regarded to have a *minor effect*.

Overall the scheme is well designed, taking account of the landscape character and setting. The building finishes are appropriate to the wider context and the extent and density of proposed landscape planting will ensure that the development settles into the wider landscape and over time establishes its own character and wider contribution to biodiversity. Impacts upon the local or wider area will be limited in the short-term during construction and in the following (approx. 1 – 5 years) whilst the landscaping

establishes. The proposals are considered to be of an appropriate scale, form and layout, which are all considered to be acceptable having regard to the provisions of policies SC3 and SC8 of the Local Plan, and the wider NPPF.

Access and Impacts on Highway Safety

As described, the proposals will include the creation of an upgraded access junction onto the B6407 which will serve as the sole vehicular access point for the development proposal. Pedestrian and cycle access will be provided independent to the vehicular access, through the provision of a new route leading from Common Lane along the southern boundary of the application site. This route will ensure that all pedestrian / cycle traffic is directed from the existing infrastructure provision on the highway network to follow a safe route into the site, instead of using the B6407 where there is no footway margin.

The application submission is accompanied by a Transport Statement (TS) and various plans showing the proposed site layout, access junction and footpath designs. These have been reviewed by the Local Highways Authority (LHA) who have provided consultee comments on the application submission. As amended / clarified the LHA has no objection to the development subject to the imposition of conditions.

The TS concludes that the site appears to be ideally positioned for a development of its type. It is located outside residential areas, whilst still offering convenient access for the local community. A range of travel modes and associated facilities will be available to those attending the site, including public transport, walking and cycling. In terms of travel by car, the adjoining highway has a good safety record and it appears that a suitable vehicular access arrangement can be safely accommodated, with appropriate visibility splays.

It is likely that the additional traffic movements generated by the crematorium can be comfortably accommodated, without significant impact on the safety or capacity of the surrounding transport network and infrastructure. It is particularly important to recognise the off-peak operating times of the site, and the fact that any impact on existing peak traffic flows will be negligible.

The proposed on-site parking provision is considered ample in terms of the likely vehicle movements forecast and overall site usage. The provision of a new local crematorium facility for the Bolsover District should reduce overall vehicle miles travelled within the wider area, as these trips will effectively replace those currently undertaken to existing crematorium facilities further afield.

Overall it is considered that the impacts of the development proposals upon the wider highway network are acceptable, and there is no reason to suggest the development will result in a detriment to local highway safety. Furthermore the proposed site layout is laid out to meet with the carriageway standards of the Local Highways Authority such that the site will be served by a safe access.

Drainage / Flood Risk

The application is supported by a Flood Risk Assessment (FRA) and proposed Drainage Layout which have been prepared by Scott White and Hookins LLP. These detail that the

proposed development will be served by a soakaway surface water drainage solution and on site foul water package treatment solution.

The drainage layout incorporates 3 no. geocellular tanks to handle SW run off from the 2 no. proposed buildings, and filter drains / strip are detailed in the hard / soft landscaping proposals around the circulation spaces and car parking areas. Permeable paving will also be laid out under approx. 2/3's of the proposed car parking area.

The Lead Local Flood Authority (LLFA), the Council's own Engineers (BDC Eng) and the Environment Agency (EA) have reviewed the details that support and accompany the application proposals. Severn Trent Water (STW) were consulted but did not provide any comments.

Overall the drainage proposals and their detailed specification have been accepted (subject to conditions recommend by several consultees), and therefore in this regard it is considered that the development proposals can be adequately drained and manage potential surface water flood risk in accordance with the provisions of policy SC7 of the Local Plan.

Land Condition / Contamination / Air Quality / Noise

In respect of land condition and contamination the application is supported by a Phase II Geoenvironmental and Geotechnical Report which has been considered by the Environmental Health Officer (EHO) having regard to the sites former / historic use and the nature of the proposed development. In addition to this it is noted that the extent of the application lies in an area where the Coal Authority consider the risk to the site posed by potential unrecorded mine working / legacy to be low, such that their standing advice to all developments can be applied.

The EHO has confirmed that they are satisfied with the findings of the Phase II Report which identifies potential sources of onsite contamination that have been identified comprise pesticide/herbicide risk from the sites long term historical use for agricultural purposes. A single phase of ground investigation has been undertaken and the results of the contamination testing have shown that the site is generally considered to be free from significant contamination. A discovery strategy should be put in place to address unforeseen pockets of contamination, and this requirement can be imposed by condition of any respective planning permission.

In respect of air quality / odour an Air Quality Assessment (AQA) has also been submitted, detailing the proposed operational requirements for the crematorium and a relative assessment of the potential impacts arising from the nature of this operation associated with air quality and surrounding neighbouring amenity. The AQA details that the crematorium will be powered by a green energy tariff (zero carbon) renewable electricity rather than the more traditional use of natural gas, lowering carbon dioxide (CO₂) emissions by around 80%. The dispersion modelling in the AQA (which has been based on a two cremator operation) has predicted ground-level concentrations of the pollutants released into the atmosphere from the proposed crematorium [Oxides of nitrogen (NO_x), Sulphur dioxide (SO₂), Particulate matter (PM₁₀), Carbon monoxide (CO), Hydrogen chloride (HCl) and Mercury (Hg)] to not be any levels that are of concern to human health or ecosystems. The AQA has been considered by the EHO, who confirms that its content and conclusions are acceptable. The facility will

require an overriding Environmental Permit to enter operation which will strictly control operational site emissions.

Finally turning to matters concerning operational noise the site will sit on the edge of the settlement of Shirebrook in a relatively remote location. The nearest residential properties are located on the western edge of Shirebrook town.

A Noise Impact Assessment (NIA) accompanies the application submission. Operationally noise from the crematorium facility may arise from either mechanical plant; or operational activities. The building will have a cremator which will require external ventilation (i.e. supply and extract fans) and external condensers and mechanical plant to ventilate and cool the various spaces within the buildings. Operationally, noise might arise from congregations, low level music, vehicle movements and servicing.

In the context of the sites current noise climate (which was surveyed to inform and model the NIA) it is considered that through the use of appropriate plant and building design, the crematorium can achieve an appropriate and acceptable operational noise environment. The EHO has requested that the recommendations in table 2 regarding maximum plant noise levels are conditioned requiring the applicant to demonstrate, to the satisfaction of the LPA, that the quoted levels can be achieved and maintained. This can be controlled by appropriate condition.

Overall subject to conditions as suggested, it is considered that the potential risks arising from contamination, odour, air quality and noise have all been appropriately considered, and respective matters arising can either be suitably mitigated or acceptable levels achieved such that the amenity and safety provisions of Policy SC14 of the Local Plan and the wider NPPF are met.

Heritage / Archaeology

In accordance with para. 197 of the NPPF and policy SC18 of the Local Plan, the application submission was supported by archaeological reporting (undertaken by Oxford Archaeology and Magnitude Surveys) of the site comprising desk based, geophysical and field work evaluation.

The evaluation works were undertaken to address the potential presence of archaeological interest at the site, due to previous immediate vicinity recording set out in the Derbyshire HER. The works were undertaken in consultation with the County Archaeologist at DCC, who was consulted on the planning application.

The findings of the field work and their evaluation has led to the DCC Archaeologist confirming that whilst the geophysical survey showed features which were consistent with a field system of early date, when evaluated by trial trenches, the majority of features were not identified, suggesting that the geophysics may have picked up fissuring within the limestone bedrock. A single very shallow gully was excavated, this producing neither finds nor evidence of paleo-environmental potential.

DCC Archaeology therefore concluded on balance that there should not be any further archaeological work under the site under the policies at NPPF Chapter 16. This conclusion is

supported further by the provisions of policy SC18 of the Local Plan.

In the wider area the application site nor its surroundings lie in close proximity to any designated heritage assets, and therefore the development proposals are not considered to impose any impacts in this regard.

Biodiversity and Trees

In order to consider the impacts of the development proposals upon biodiversity the application submission is supported by an Ecological Appraisal (EA) and associated Biodiversity Net Gain (BNG) Assessment. These reports establish the baseline conditions of the application site in respect of biodiversity and use the biodiversity metric tool to calculate relative habitat units to be lost and gained as a result of the application proposals. The submission is accompanied by detailed soft landscaping proposals, which make up components of the BNG Assessment.

The application site comprises of predominantly arable farmland, with mature hedgerows and tree planting to the peripheral boundaries. The BNG Assessment concludes that the sites current baseline condition comprises of 6.93 non-linear habitat unit and 4.61 linear habitat units. Given the complex soft landscaping proposals set out for the development proposals the BNG Assessment indicates that there will be an overall increase in non-linear habitat units of 18.67 units and an overall increase in linear habitat units of 5.71. As a percentage this is net gain of 269% for non-linear and 124% for linear habitats – which is well in excess of the national target of at least 10% BNG.

Policy SC9 of the Local Plan requires development across the district to demonstrate that there will be no overall loss of biodiversity, and the application proposals far exceed the policy ambitions for BNG.

DWT have also corroborated the BNG Assessment and advised that subject to the soft landscaping proposals being implemented as proposed and thereafter maintained for the period of no less than 30 years the proposals were also acceptable to them.

In addition to biodiversity considerations, the application site is bound on its northern, eastern and southern periphery by hedgerows and mature trees. The most significant of these trees in fact lying outside of the application site boundary in the adjacent cemetery grounds to the south. The application submission is accompanied by a Tree Survey Report, which has assessed the condition of all these trees and considered the potential impacts of the works arising from the development proposals upon the trees.

To the northern edge of the site, the formation of the new access junction will require the removal of 4 no. trees identified as G1 and G2. These were assessed as category C trees.

Given that the siting of the proposed new access / junction represents the best location in highway safety terms and the fact that overall the development proposals incorporate significant proportions of new soft landscaping and an overall biodiversity net gain, the loss of these trees can be accepted.

To the eastern and southern boundaries the development include the creation of a new

footpath / access connection to Common Lane. This route abuts the southern boundary and lies underneath the canopy of the mature trees in the cemetery grounds.

The Tree Survey Report indicates that this route will be constructed using an above ground constriction method (such as cellular web) to ensure that the rooting environment of these trees is not compromise by the construction works. This is also considered to be acceptable subject to the measures set out in the report being adhered to during the construction phases.

Overall it is considered that the arising impact of the development proposals upon biodiversity and trees is acceptable.

CONCLUSION

The proposal is considered to be acceptable in principle, despite its location in the open countryside. It is considered that the nature of the development proposal lends itself to a fringe settlement / countryside location and under the provisions of policies SS9 and WC3 it is considered that there is a demonstrable unmet public need for this particular type of facility, such that any conflict with policy SS9 is overridden by the public benefit the facility will bring.

The development proposals do represent sustainable development in all other regards, and all remaining technical and design based policy criteria have been assessed and deemed to be met.

There are no significant amenity impacts likely to arise from the development proposals that cannot be dealt with by condition. No other environmental impacts have been identified that would warrant the refusal of planning permission.

The proposed development therefore accords with the policies of the local plan as well as the National Planning Policy Framework.

RECOMMENDATION

It is therefore recommended that the application be APPROVED subject to the following conditions (set out in draft form, the final wording to be formulated by the Planning Manager / Assistant Director of Development and Planning):

01. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless specifically stated otherwise in the conditions below:

- Location Plan – Drawing No. D200020-CDS-EX-ZZ-DR-Y-002-000 Rev 01
- Existing Block Plan – Drawing No. D200020-CDS-EN-ZZ-DR-A-0001

- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Utilities Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-003
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)
- Boundary Treatment Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-006
- Street Furniture Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-007
- Drainage Layout – Drawing No. 203810-SWH-ZZ-XX-DR-D-0500 (Rev P02)
- Crematorium GA Floor Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0030
- Crematorium GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0032
- Crematorium GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0040
- Wake GA Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0050
- Wake GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0051
- Wake GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0060

Soft Landscaping

- Trees and Native Hedgerows Plan 1 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-020
- Front and Rear of Building Plan 2 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-021
- Car Park and Adj Borders Plan 3 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-022
- Tranquillity Garden, Wake Facility and Memorial Garden Plan 4 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-023
- Bulb Planting 1 of 2 Plan 5 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-024
- Bulb Planting 2 of 2 Plan 6 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-025
- Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028
- Hard Landscaping Materials Schedule dated May 2022
- Topographical Survey – 22558Y Drawing No. 01
- Vehicle Tracking Plans (Car, Hearse, 3 Axle Refuse Vehicle)
- Air Quality Assessment prepared by DM Ltd dated 03 May 2022
- Alternative Site Assessment Report prepared by The CDS Group dated April 2022
- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022
- Archaeological Written Scheme of Investigation V2 prepared by Oxford Archaeology dated May 2022
- Archaeological Geophysical Survey Report by Magnitude Surveys dated May 2022

- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- Ecological Appraisal V2 prepared by RPS Group dated 26 May 2022
- Biodiversity Net Gain Assessment V1 prepared by RPS Group dated 01 June 2022
- Energy and Sustainability Statement prepared by ESP dated 27 May 2022
- External Lighting Strategy prepared by ESP dated 10 June 2022
- Flood Risk Assessment prepared by Scott White and Hookins LLP dated May 2022 (Rev 01)
- Landscape and Visual Impact Assessment prepared by The CDS Group dated May 2022 (Rev 01 – June 2022)
- Noise Impact Assessment prepared by Cass Allen dated 26 May 2022
- Odour Assessment prepared by Air Quality Consultants Ltd dated May 2022
- Phase II Geoenvironmental and Geotechnical Report prepared by The CDS Group dated 15 February 2022
- Planning and Need Assessment Report prepared by The CDS Group dated May 2022
- Preliminary Assessment of Land Contamination prepared by The CDS Group dated 20 December 2021
- Preliminary Unexploded Ordnance Risk Assessment prepared by MACC International Ltd dated 17 December 2021
- Statement of Community Involvement prepared by The CDS Group dated May 2022
- Supporting Planning Policy Statement prepared by The CDS Group dated May 2022
- Transport Statement prepared by Alpha Consultants dated May 2022
- Tree Survey Report prepared by RGS Arboricultural Consultants dated May 2022

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

03. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

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

Highways

04. Before any other operations commence the existing vehicular access onto Common Lane shall be improved. The junction shall be laid out in accordance with the approved plan(s), constructed to base level, drained and visibility sightlines of 215m measured in each direction to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area

within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

05. The proposed parking shall be provided in accordance with the application drawing for a vehicle to be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the site.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

06. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

07. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

08. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

Drainage

09. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Scott White and Hookins. (25 - May 2022) FRA & Drainage Strategy Report. 203810/Revision 1
- b. Scott White and Hookins. (26 - May 2022) Drainage Layout. 203810-SWH-ZZ-XX-DR-D-0500-P02
- c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

10. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.

11. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

12. The Geocellular tank should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:
- “Drainage Layout” referenced 203810-SWH-ZZ-XX-DR-D-0500-P02 (dated 26 May 2022 by Scott White and Hookins.),
- and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District..

Ecology

14. No construction work, soil stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), based on the measures identified in section 5.2 of the Ecological Appraisal prepared by RPS May 2022 and the Tree Survey Report prepared by RGS Arboricultural Consultants May 2022, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for amphibians, reptiles, bats and badger).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

16. A Landscape and Biodiversity Enhancement Plan (LBEP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The LBEP should be in accordance with the Biodiversity Enhancement Strategy set out in section 3 of the Biodiversity Net Gain Assessment prepared by RPS June 2022. It shall be suitable to provide to the management body responsible for the site and shall include the following: -
 - a. Description and location of features to be retained, created, enhanced and managed
 - b. Aims and objectives of management.
 - c. Appropriate management methods and practices to achieve aims and objectives.
 - d. Prescriptions for management actions.
 - e. Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
 - f. Details of the body or organization responsible for implementation of the plan.
 - g. A monitoring schedule to assess the success of the enhancement measures
 - h. A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i. Habitat enhancements for roosting bats and nesting birds
 - j. Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEP shall also include details of the legal and funding mechanism(s) by which the 30-year implementation of the plan will be secured by the developer with

the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In order to mitigate the biodiversity impacts of the development and to ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h an i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

17. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reason: To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(d, h and i), SC3(a, b, e, and i), SC9 and SC10 of the Local Plan for Bolsover District.

18. Prior to the installation of lighting fixtures a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

19. Development shall be completed in accordance with the details on the Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028 and the Hard Landscaping Materials Schedule dated May 2022 prior to the site being bought into first use. The details thereafter shall be maintained throughout the life of the development as approved.

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

Contamination / Noise

20. If during the development, any contamination is identified that has not been considered in the Phase II Geoenvironmental and Geotechnical Report, then additional remediation proposals for this material shall be submitted to the Local

Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement for the site.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

21. Prior to first operation of the development an independent validation report must be submitted demonstrating that any remediation works carried out under condition 20 above have been carried out satisfactorily and remediation targets have been achieved and this report shall have been produced by a suitably qualified independent body. The report shall provide verification that the remediation works have been carried out in accordance with the approved Remediation Method Statement(s) and post remediation and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

22. Prior to the development being brought into operation, a further noise report validating that the development will achieve the operational noise levels as set out in Table 2 of the Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development use shall only commence upon agreed of the validation report and measures deployed to achieve operational noise levels as agreed shall be retained and maintained throughout the lifetime of the development.

Reason: To protect the amenity of future operators and nearby residential neighbours of the development in compliance with Policies SC3 and SC11 of the Local Plan for Bolsover District.

23. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

Reason: To maximise potential local skills, training and employment opportunities and to accord with policy II2 of the Local Plan for Bolsover District.

Advisory/Informative Notes

01. Local Highways Authority

1. Section 184 Licence. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning

permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

2. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. If construction works are likely to require Traffic Management, advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
5. The applicant should be aware that if any land within the site is subject to a covenant which protects that land indicated on the attached drawing, obligations on the land owner and the protection of future access and maintenance rights for the Highway Authority shall pass with successors in title.

02. Lead Local Flood Authority

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

H. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

J. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.

- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

03. Wildlife

- a. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- b. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

04. Coal Authority

- a. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement of Decision Process

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

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or*
- are necessary to address issues that require information to show that the development will or can be made safe, or*
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.*

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 31st August 2022

Report of the Planning Manager (Development Control)

| | |
|------------------------|---|
| Classification | This report is Public |
| Report By | Sarah Kay – Planning Manager (Development Control) 01246 242265 sarah.kay@bolsover.gov.uk |
| Contact Officer | Jonathan Gaynor – Principal Enforcement Officer (Development Control) 01246 242296 jonathan.gaynor@bolsover.gov.uk |

PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st January 2022 – 30th June 2022, as well as provide an update on ongoing historic cases.

REPORT DETAILS

1. Background

1.1 The Local Enforcement Plan was adopted by the Planning Committee in 2019 and refreshed in May 2022. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:

- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a conservation area.
- The site of a medium priority case will be visited within **two weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit. By way of example a medium priority case includes unauthorised development that contravenes local planning policy, significantly impacts on local amenity or

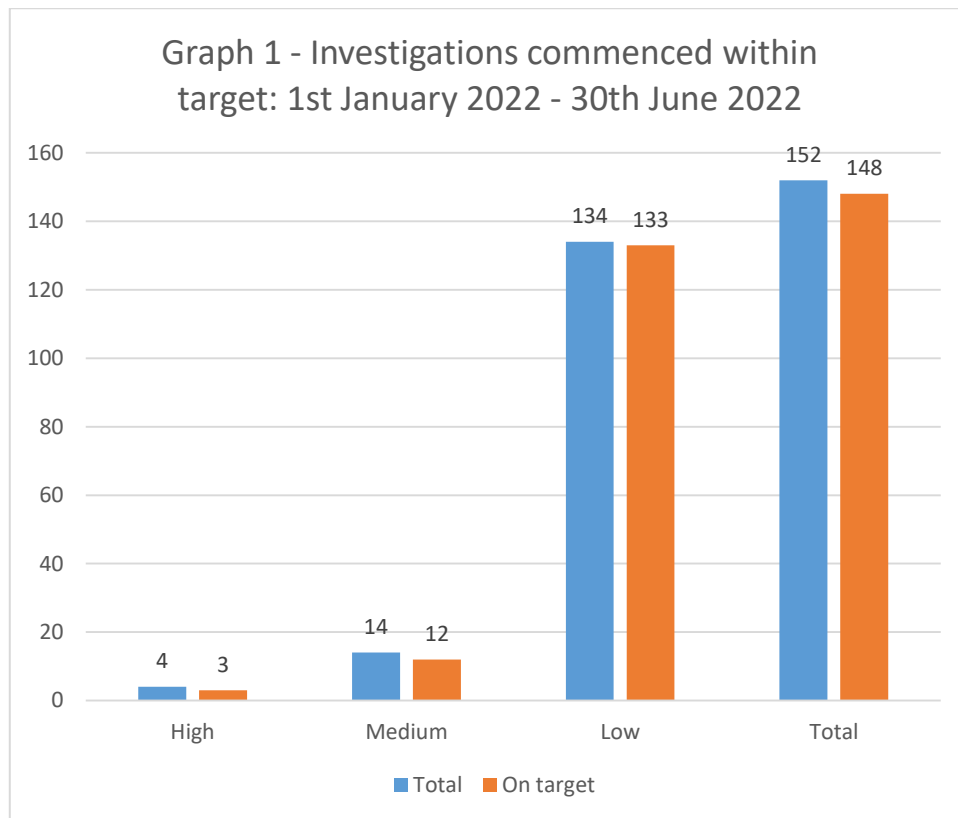
public safety, or results in harm to the character of a Conservation Area or setting of a listed building.

- The site of a low priority case will be visited within **six weeks** of identifying a suspected breach of planning controls. A decision on what further action to take will be made within six weeks of that site visit. By way of example a low priority case includes unauthorised householder development, running small businesses from residential properties, unauthorised advertisements, and untidy land and buildings.

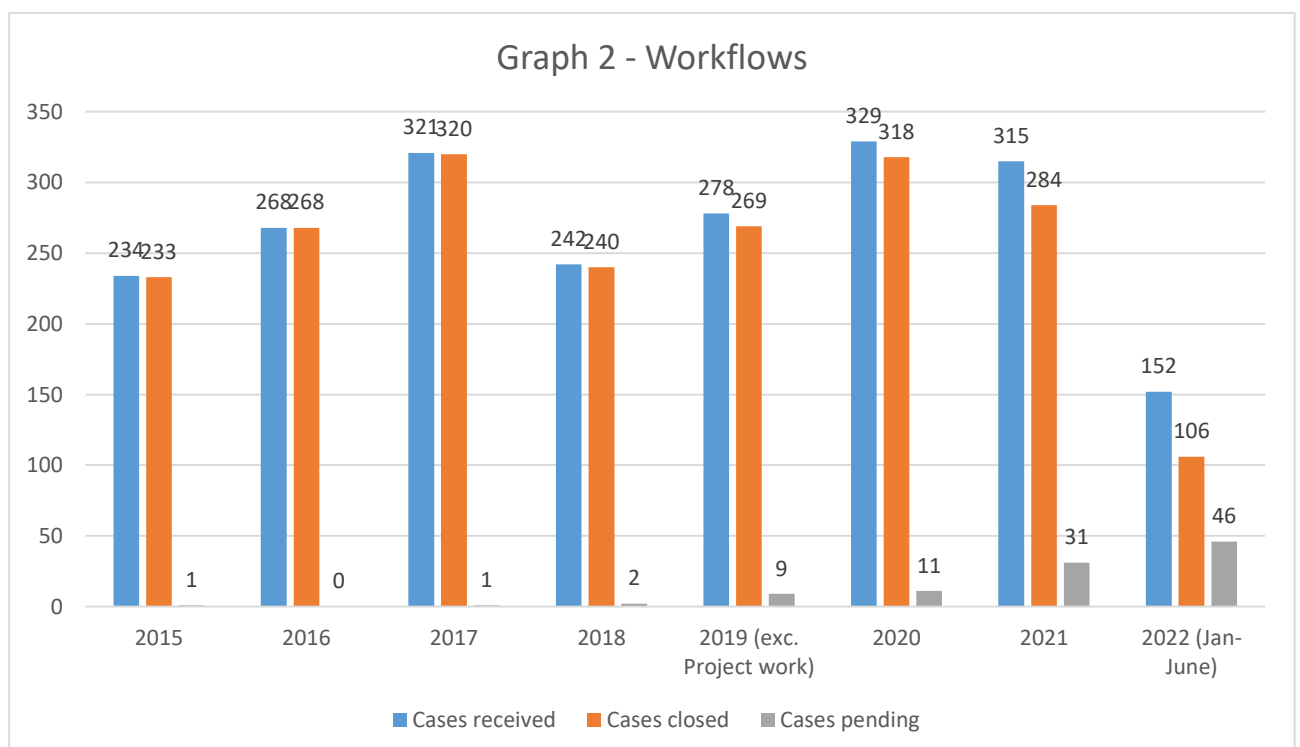
- 1.2 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases.
- 1.3 The purpose of this report is to update the planning committee with regard to the enforcement enquiries that are being received and progressed to the period January 2022 – June 2022 inclusive and provide an update on ongoing historic cases.

2. Performance

- 2.1 During the period 1st January 2022 – June 30th 2022, 152 unauthorised activity enquiries were received. Out of these, 4 were considered high priority, 14 medium priority and 134 low priority. As a total, 97% of cases began investigation within the target time.
- 2.2 Out of the 4 high priority cases, 2 are currently pending consideration and 2 have been closed. Investigations began on 3 out of the 4 within 24 hours (75%).
- 2.3 Out of the 14 medium priority cases, 8 are currently pending consideration and 6 have been closed. Investigations began on 12 out of the 14 within two weeks (86%).
- 2.4 Out of the 134 low priority cases, 36 are currently pending consideration and 98 have been closed. Investigations began on 133 out of the 134 cases within six weeks (99%).
- 2.5 Graph 1 below shows the number of cases commenced within target per priority and as a total.
- 2.6 At the end of 2021, the then Principal Enforcement Officer left the employment of the Council and this has since left two officers instead of the three. Given the loss of an experienced officer and the necessary transition period for his caseload to be understood and progressed, the target achievement set out above considered a success.



2.7 The oldest enforcement case still open is from 2015. Graph 2 below therefore shows the amount of cases still pending consideration broken down per year starting in 2015. It is clear that historic cases make up a very small amount of the overall open cases, which is of course very positive (only 13% before 2020). In 2019, we undertook a research project on Creswell Model Village. The cases generated from this project are being dealt with separately and so have been excluded from the figures below.



- 2.8 Table 1 below provides a summary of historic cases (considered to be those received up until the end of 2019. In the last report at the end of 2021, there were 17 cases on this list. Three of those have now been closed (shaded below) and many more are now nearing closure as can be seen from the status notes.

Table One: Historic Cases (up to end of 2019)

| Reference | Location Allegation | Status |
|--|---|---|
| E15/232 High Priority | Barlborough Development of Stables | Extant Enforcement Notice. |
| E17/086 Medium priority | Clowne Alleged hard-landscaping, front extension and erection of walls. | Agreed works underway. |
| E17/178 Medium priority | South Normanton Change of use of carpet warehouse to tyre fitting unit. | Enforcement Notice complied with so case closed. |
| E18/061 Medium priority | Shirebrook Alleged unauthorised change of use to a C3 dwelling house. | C3 use deemed acceptable so case can likely be closed after a further site visit. |
| E18/069 Low priority | South Normanton Untidy land. | Issued S215 Notice to tidy land. Notice not complied with so works in default have been undertaken and a charge placed on the land to recoup costs. Case therefore closed. |
| E18/092 Medium priority | Barlborough Siting and permanent residential use of static caravans. | Temporary use issued by Planning Inspectorate so monitoring situation. |
| E18/145 Low priority | Clowne Untidy land / building / residential use of static caravans. | Visual harm and harm to amenity negligible, and no public complaints received, so not |

| | | expedient to pursue. Case therefore closed. |
|----------------------------|---|---|
| E18/163 Low priority | Bolsover High Hedges complaint. | Remedial Notice mainly complied with. Monitoring to ensure full compliance. |
| E19/015 Medium priority | Barlborough Allegation of mobile home used for residential purposes. | Considered there to be no unlawful residential use but working with owner on other issues on site. |
| E19/016 Low priority | South Normanton Allegation of untidy land. | Community Protection Warning Notice served but works in default arranged by Environmental Health that have resolved the matter. |
| E19/074 Medium priority | Clowne COU of land to store trailers / park LGVS and associated development. | Enforcement Notice issued and appeal won. Monitoring to ensure compliance with conditions imposed. |
| E19/092 Low priority | Stanfree Alleged erection of stable block and paddocks fenced into sections. | Pending consideration. Working with landowner to ascertain potential permission. |
| E19/152 Low priority | Pinxton Alleged erection of large shed. | Planning Contravention Notice served but not returned. This is being pursued with Legal. |
| E19/160 Low priority | Clowne Allegation of outbuilding. | Planning Contravention Notice served but not returned. This is being pursued with Legal. |
| E19/163 Low priority | Tibshelf Alleged change of use (storage). | Retrospective planning permission now granted, but monitoring to ensure compliance with conditions imposed. |

| | | |
|-------------------------|---|---|
| E19/209 Low priority | Pinxton Alleged development of bungalow. | Development likely acceptable, so working with owner to regularise. |
| E19/371 Low priority | Stainsby Alleged engineering works. | Works ceased but pursuing remedial works. |

- 2.9 Resolution of these outstanding historic cases continues to be a priority but given the limited resources, this is balanced against the harm they are causing and the need to deal with current matters that arise that could be deemed a higher priority.

3. Reasons for Recommendation

- 3.1 Officers consider that the Local Enforcement Plan continues to be working well, insofar as it continues to allow the enforcement team to ensure there are sufficient resources to make sure breaches of planning control are dealt with effectively and efficiently, and in a transparent way. It also continues to help officers manage expectations by referring people to the formally adopted process and standards. It is considered that the enforcement team is performing well against the service standards with regard to promptly visiting sites where cases have been reported to the Planning Service and making first contact with the suspected offender.
- 3.2 Officers recommend that this report is noted and further monitoring reports continue to be submitted to the Planning Committee on a half-yearly basis to allow members to retain appropriate oversight of these issues and the effectiveness of the Council's planning enforcement function.

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

1. This report is noted.
2. The Planning department's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

IMPLICATIONS:

Finance and Risk:

Yes ☐

No ☒

Details:

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

On behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☐

No ☒

Details:

Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.

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"/> | 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 type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | Details: |

| DOCUMENT INFORMATION | |
|----------------------|-------|
| Appendix No | Title |
| N/A | N/A |

Bolsover District Council

Meeting of the Planning Committee on 28th September 2022

Report of the Assistant Director: Development

SECTION 106 AGREEMENT MONITORING PROCEDURE

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

PURPOSE / SUMMARY OF REPORT

- To seek approval of a revised Section 106 Agreement Monitoring Procedure

REPORT DETAILS

1 Background

- 1.1 Section 106 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 and the procedure is kept under review and updated from time to time.

2. Details of Proposal or Information

- 2.1 In May 2022, a further Internal Audit review of the Council's S106 Agreement monitoring processes and controls was undertaken. The Audit Report confirmed that all previous recommendations had been implemented and concluded that no significant concerns were found. The reliability of the controls was once again assessed as **Substantial**.
- 2.2 However, the report highlighted that although controls within the Planning and Finance functions are embedded, there are cases within other Service Areas and specific external partners where delays are experienced regarding the timeliness of completing procedures in order that the S106 money that is allocated is spent. A copy of the Internal Audit Report is attached as Appendix A to this report.
- 2.3 In addition to this, concerns have been raised by Members of the Planning Committee regarding the sums of money remaining to be spent that are within 12 months of their deadline. This has seen the Planning Committee resolve that the Spending Officers from Service Areas responsible should attend future meetings of the Planning Committee to ensure Members were provided with first hand updates and reasons for any delays. Members also stated that it would be helpful and interesting to be provided with information in relation to S106 monies beyond the 12 month reporting period and that this information should be provided to all Council Members.
- 2.4 In light of these recommendations and decisions, officers have reviewed the Section 106 Agreement Monitoring Procedure and reported this to the Local Plan Implementation Advisory Group at its meeting on 29th June 2022. At the meeting, the Group advised that the procedure should also be updated to require officers to:
- i) highlight any sums at risk of clawback that need spending within 24 months rather than only within 12 months;
 - ii) provides a summary of allocated sums for years 3 to 5 under each infrastructure heading;
 - iii) provide a quarterly email to all Members (copying in those on the Planning Committee) with a link to the Planning Committee quarterly monitoring report to ensure all Members are aware of any progress on spend in their local area;
 - iv) provide a quarterly email to those Members in Parishes where there are spending allocations within 24 months of their deadline with a link to the Planning Committee quarterly monitoring report to ensure relevant Members are aware of any concerns in their local area.

- 2.5 As a result, the Section 106 Agreement Monitoring Procedure has been updated as requested and this is attached as Appendix B to this report.

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 there is political oversight of this area of work and that Members receive information about the progress being made by the various Council departments to deliver Section 106 Agreements.
- 3.3 To ensure that this oversight is effective and supported appropriately by officers, the Council's Section 106 Agreement Monitoring Procedure has been updated to take on board the recommendations of the Audit Report and Members and this is attached as Appendix B to this report.
- 3.4 Therefore, it is recommended that Members approve the revised Section 106 Agreement Monitoring Procedure.

4 Alternative Options and Reasons for Rejection

- 4.1 Officers have not considered alternative options as the proposed revisions to the Council's Section 106 Agreement Monitoring Procedure address the recommendations made in the Audit Report along with the recommendations and suggestions by the Council's Planning Committee.

RECOMMENDATION(S)

That Planning Committee approve the Section 106 Agreement Monitoring Procedure (as attached at Appendix B).

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"/> <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.

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

DOCUMENT INFORMATION

| Appendix | Title |
|----------|--|
| A | Internal Audit Report Bolsover District Council Section 106 Agreements (May 2022) |

| | |
|--|--|
| B | Section 106 Agreement Monitoring Procedure (August 2022 revision) |
| 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, Chesterfield and North East Derbyshire District Councils'

Internal Audit Consortium

Internal Audit Report

| | |
|-----------------------------|---|
| Authority: | Bolsover District Council |
| Subject: | Section 106 Agreements (B020) |
| Date of Issue: | 23rd May 2022 |
| Assurance Level: | Substantial |
| Report Distribution: | Principal Planning Officer Interim Planning Policy Manager Planning Manager (Development Control) Assistant Director of Development and Planning Treasurer, Section 151 Officer and Assistant Director of Finance Executive Director of Strategy and Development |



INTERNAL AUDIT REPORT BOLSOVER DISTRICT COUNCIL SECTION 106 AGREEMENTS

Introduction

In accordance with the annual audit plan, a review of the controls and risks in respect of Section 106 Agreements at Bolsover District Council has been completed.

Scope and Objectives

The objectives of the audit include a review of the controls relating to the following:-

- Previous recommendations implemented
- A central record of all S106 agreements is maintained, including unilateral agreements
- Monitoring responsibilities are defined and allocated
- Processes are in place for pursuit of S106 payments
- S106 monitoring and follow-up processes are operating satisfactorily
- Budget monitoring is in place
- S106 reporting is regular and accurate
- Liaison procedures are in place with services and partner organisations

Conclusion

The conclusion of the audit was that the reliability of controls have been assessed as Substantial; there is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed; see Appendix A for definitions.

In summary, it is considered that the controls within the Planning and Finance functions are embedded and are effective. There are however, instances where delays are experienced regarding the timeliness of completing procedures which may potentially impact on obligation or 'use-by' dates for the S106 responsibilities as administered by other designated S106 officers and instances of a lack of timely actions by specific external partners; further information is provided within the main body of this report.

Acknowledgement

The assistance of the Planning Manager (Development Control), Interim Planning Policy Manager and the Principal Planning Officer was appreciated during the audit review.

Findings and Recommendations

Previous Recommendations

1. The previous report was completed in September 2018 and included four recommendations. It was confirmed during audit testing that all recommendations have been implemented.

Central Record of S106 Agreements Including Unilateral Agreements

2. Planning maintain the S106 tracker which forms the central record for monitoring all S106 agreements including where receipts are due and obtained. Finance maintain their own spreadsheet of S106 agreements which is updated to reflect spend by dates and record all sums received. The methods of recording all details relating to S106 agreements in this way has not changed since the previous audit review.
3. An updated version of the S106 procedures document has been produced by Planning in 2019 following a previous audit recommendation. The Interim Planning Policy Manager stated that a further revision is being developed which will include the responsibilities of designated S106 representatives from other service areas. This is to ensure that they take all necessary actions to make sure S106 receipts due are obtained and spent in accordance with the terms of the agreements and the risk of having to repay the developers is mitigated as much as possible. It was stated that further communication is also planned with external partners involved in the S106 process to ensure a timely and co-ordinated approach in obtaining S106 receipts.
4. Unilateral agreements are undertakings which developers voluntarily enter in to and there is no obligation to complete as part of conditions imposed through the planning process. Unilateral agreements are formally recorded in a legal agreement; however, there is no clawback or spending limitations in respect of the Council. The Principal Planner confirmed that unilateral agreements are also recorded in the Finance version of the S106 spreadsheet.

Monitoring Responsibilities are Defined and Allocated

5. As stated, procedural guidance relating to the S106 process has been developed and updated, most recently in 2019 following a recommendation included in the previous audit review.
6. The S106 Monitoring Group meets quarterly, is chaired by the Interim Planning Policy Manager and is attended by designated representatives from other relevant service areas such as Finance, Leisure and Arts. Separate discussions and meetings are held with designated attendees from partner organisations including the County Council for education and highways responsibilities as well as the Clinical Commissioning Group (CCG) for health responsibilities. The S106 Monitoring Group has a duty to ensure that

receipts are obtained and spent within the defined timescales by the relevant service area and an escalation of actions is taken as necessary.

Procedures for Pursuit of S106 Payments

7. Monitoring and pursuing S106 payments is the primary responsibility of Planning. When an obligation trigger occurs, correspondence is entered into with the developer requesting receipts to be paid. Obligations are checked and progress is updated for presentation to the S106 Monitoring Group.
8. A sample of S106 agreements were reviewed which included evidence of follow-up correspondence issued based on obligation triggers to pursue payments, including amounts relating to the County Council for education and highway commitments. The sample testing of evidence of follow-up correspondence was confirmed as satisfactory.
9. The Planning Manager (Development Control) and the Interim Planning Policy Manager stated that all S106 triggers are reviewed regularly to ensure that a proactive approach is in place to ensure none are missed. Submissions to the S106 Monitoring Group quarterly meetings include trigger review reports which are used to provide information and serve as reminders to ensure obligations are discharged, examples of trigger review reports as submitted to the S106 Monitoring Group meetings were provided as part of the audit review. The Planning Manager (Development Control) and the Interim Planning Policy Manager also stated that a process has been in place in relation to housing developments which is not based on developer notification but involves Planning officers conducting site visits to survey housing completions and detail progress on all relevant sites in quarterly completion reports for submission and further discussion at meetings of the S106 Monitoring Group, samples of completion reports were also provided as part of the review. The sample testing of evidence was considered to be satisfactory.

S106 Monitoring and Follow-Up Processes

10. A sample of three S106 arrangements and two amended / supplementary S106 arrangements signed in the 2021/22 operational year were verified to the formal agreement documents. Selection of the sample was concentrated on the most recent operational year to ensure that the legal agreements are drawn up on a timely basis.
11. All S106 agreements are recorded on the monitoring spreadsheet and subsequently included in the Finance spreadsheet from the date of the initial receipt. The sampled S106 agreements selected for testing comprise those agreements which were referred to in the S106 Monitoring Group quarterly meetings held in the 2021/22 financial year. Audit testing included a review of the sampled S106 agreements which were followed through to ensure that they were fully recorded including within the Finance spreadsheet.

12. As stated above, where DCC Education contributions are included in S106 agreements, these are usually administered separately by the partner organisation. The County Council Highways receipts are recorded in the Finance spreadsheet on occasions where DCC are not a party to the S106 agreement. The CCG contributions are also subject to recording in the Finance spreadsheet with the resultant sums being transferred following receipt. It was stated that delays can be experienced in receiving relevant information from the CCG which also impacts on the time delays in requesting contributions. The Planning Manager (Development Control) stated that a potential solution to this would be to have the CCG as signatories of the S106 agreements which would then make them responsible for collection of their S106 contributions; however, this would require the CCG to ensure that they engage a legal resource into the process and if this wasn't available it may delay or deter their involvement in S106 agreements.
13. The following details summarise the testing which is based on information in the Finance spreadsheet of April 2022:-
- A total of twenty three S106 agreements were included in the spreadsheet.
 - Five specific S106 agreements were within 12 months of the 'use by' or obligation date, this is 22% of the total. Updates provided to the April 2022 S106 Monitoring Group meeting were evidenced.
 - One further S106 agreement had exceeded the obligation date at the time of audit testing, this is 4% of the total. This refers to an arts contribution relating to Sterry House Farm at Clowne where the obligation or 'use-by' date expired in April 2022. Although this had a minimal residual unspent amount of £92, there are increased risks to the Council relating to unspent contributions both financially and the associated reputational impact.
14. It is considered that controls within the Planning and Finance functions are embedded although there are cases within other service areas and specific external partners where delays are experienced regarding the timeliness of completing procedures which impacts on the obligation or 'use-by' dates. Planning managers have also referred to a partner organisation where delays are experienced in the relevant S106 procedures which they are responsible for. It was stated that communications have been entered into with this partner organisation; however, there continues to be frustration regarding the timeliness of required actions in the S106 process.

Recommendation:-

| | |
|-----------|---|
| R1 | <p>The Interim Planning Policy Manager should submit an ad-hoc report to the Senior Leadership Team which highlights any S106 agreements which are within twelve months of the obligation dates for receipts to be used to ensure that the relevant senior managers are notified and are responsible for necessary actions being implemented. Where there is considered to be concerns with the timeliness of actions by external partners, reports and updates should continue to be made to the Leader and Planning Committee to consider the need for further action.</p> <p>Priority: Medium</p> |
|-----------|---|

Budget Monitoring

15. Extracts of the Financial Management System (FMS) for the 2021/22 were obtained which provided details of S106 receipts within the financial year. The Principal Accountant provided a copy of the Finance spreadsheet which provided a basis to trace the sampled individual receipts to the Finance spreadsheet; the testing was confirmed as satisfactory.
16. The Planning Manager (Development Control) and the Principal Accountant stated that regular budget meetings are held for monitoring the overall S106 position. It is also acknowledged that the Principal Accountant has regular liaison with the Planning managers regarding S106 matters, attends the S106 Monitoring Group quarterly meetings and maintains the Finance spreadsheet; consequently no further testing was considered necessary.

S106 Reporting

17. Copies of the previous four Planning Committee reports, which at the date of audit testing included report dates of March, June, September 2021 and January 2022, were obtained. The Planning Committee reports provide detailed information to Members and are considered to accurately reflect the position regarding the specific S106 agreements which are nearing the obligation or 'use by' date or within the twelve month period of this.
18. Quarterly reporting to Planning Committee is considered to be the optimal periodicity for reporting the S106 information, particularly as previous audit recommendations have specified this basis and this has been agreed by Members and adopted as part of the S106 recording and monitoring procedure. Additionally, the information relating to those S106 contributions which have a 'use by' date which is within 12 months is considered to warrant a quarterly basis for reporting.

Liaison with Services and External Partners

19. As previously stated, the S106 Monitoring Group has been established which meets on a quarterly basis and is chaired by the Interim Planning Policy Manager with other designated attendees from relevant service areas such as Arts, Leisure and Housing. Each of the representatives has specific responsibility for S106 agreements within their own service area and for providing information to the Monitoring Group at the quarterly meetings. It has also been acknowledged that the S106 Monitoring Group Chair informs the Leader should communications with an external partner organisation be necessary regarding the prompt administration of S106 contributions.

Appendix A

| Assurance Level | Definition |
|------------------------------|---|
| Substantial Assurance | There is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed. |
| Reasonable Assurance | The majority of controls are in place and operating effectively, although some control improvements are required. The system should achieve its objectives. Risks are generally well managed. |
| Limited Assurance | Certain important controls are either not in place or not operating effectively. There is a risk that the system may not achieve its objectives. Some key risks were not well managed. |
| Inadequate Assurance | There are fundamental control weaknesses, leaving the system/service open to material errors or abuse and exposes the Council to significant risk. There is little assurance of achieving the desired objectives. |

Internal Audit Report Implementation Schedule

| | | | |
|----------------------|---------------------|------------------------------|----------------------------|
| Report Title: | BDC S106 Agreements | Report Date: | 23 rd May 2022 |
| | | Response Due By Date: | 15 th June 2022 |

| Recommendations | | Priority (High, Medium, Low) | Agreed | To be Implemented By: | | Comments |
|-----------------|---|------------------------------|--------|-----------------------|-----------|---|
| | | | | Officer | Date | |
| R1 | The Interim Planning Policy Manager should submit an ad-hoc report to the Senior Leadership Team which highlights any S106 agreements which are within twelve months of the obligation dates for receipts to be used to ensure that the relevant senior managers are notified and are responsible for necessary actions being implemented. Where there is considered to be concerns with the timeliness of actions by external partners, reports and updates should continue to be made to the Leader and Planning Committee to consider the need for further action. | M | Y | Chris Fridlington | 16/6/2022 | It is intended to take the Committee Report for June 2022 with a covering report to the next available SLT on 16/6/2022 |

| | | | |
|-------------------------|---|-------|-------------|
| Signed Head of Service: |  | Date: | 25 May 2022 |
|-------------------------|---|-------|-------------|

Note: In respect of any High priority recommendations please forward evidence of their implementation to the Internal Audit team as soon as possible.

Procedure: Section 106 Agreement Monitoring (B011)

Proposed August 2022 update

Background

Section 106 agreements are governed by the Town and Country Planning Act 1990. Amongst other things, they enable the District Council to secure contributions to services, infrastructure and amenities in order to support and facilitate proposed development. They work on the principle that developers should contribute towards any additional burden placed on the social and physical infrastructure of an area as a result of a development.

Therefore, developer contributions secured by a legal agreement often form reasons for planning approval for major development in the District. It is also more likely that a local community would be adversely affected by developments if obligations aren't met and the relevant contributions aren't made. This means if obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making.

Section 106 contributions received by the District Council are also subject to strict criteria on how and when they are spent. Expenditure must be relevant to a particular development and be spent within a set timescale (usually five years) otherwise the conditions of the agreement may have been breached, leaving the Authority open to legal claims from developers to recover contributions. Council departments must therefore be able to demonstrate how and when funds have been spent in order to reduce the risk of such claims against the Authority.

Consequently, it is important that the District Council has a robust procedure for recording and monitoring Section 106 obligations. The following procedures are intended to ensure that Section 106 legal agreements are discharged in accordance with planning approvals and that all obligations are met.

Procedure for Recording and Monitoring Section 106 Obligations

The spreadsheet maintained within Planning ('the Planning Spreadsheet') is used to record current and future legal agreements, monitor compliance with planning approvals and ensure that obligations are fulfilled where triggers are reached. Obligations include financial payments towards infrastructure provision and also physical infrastructure such as affordable housing to be built on-site.

The spreadsheet maintained within Finance ("the Finance Spreadsheet") is used to record financial payments made to the District Council, the remaining balance of these monies and the date by which the monies must be spent, or else returned to the developer if not spent (typically a period of 5 years from the date money is received).

The following procedures cover:

- recording of Section 106 Agreements on the planning spreadsheet;

- responsibilities for monitoring the progress of agreements;
- recording and accounting for financial contributions;
- expenditure and budgetary control of financial contributions;
- monitoring and recording delivery of infrastructure; and
- management reporting systems.

The following procedures are organised around the key stages in the life of a Section 106 agreement: (1) when a planning permission is issued; (2) quarterly review; (3) when triggers are reached; (4) when payments are received; (5) when obligations have been discharged and (6) when there is a failure to comply with obligations.

1 Planning Permission Issued

Once planning permission has been granted subject to a completed legal agreement containing obligations made under s.106 of the 1990 Act, and the planning permission has been issued, the following actions are required by the named Service areas / officers:

(i) Planning

(a) Relevant Case Officer

E-mail copies of the legal agreement to:

- all other departments at BDC that would benefit from obligations in the agreement (normally Outdoor Leisure; Housing Strategy and/or the Arts Officer); and
- any departments at Derbyshire County Council that would benefit from obligations in the agreement (normally Education and/or Highways)
- any other external body that would benefit from obligations in the agreement such as the CCG (NHS)
- Planning Manager (Development Control) and nominated team member
- Planning Policy Manager and nominated team member

(b) Add a summary of the obligations in the legal agreement including relevant trigger points to the Planning Spreadsheet.

(c) Publish an electronic copy of the legal agreement on Public Access

(d) Retain original hard copy in S.106 Register

(ii) Legal

(a) Register the agreement as a Land Charge - Land Charges do not need a copy of the whole agreement, they need:

1. names of the parties;

2. address of property;
3. date of agreement;
4. planning reference; and
5. a plan of the land.

2 Quarterly Reviews

The responsibility for monitoring compliance with legal agreements is shared by a number of officers within different Service areas across the Council but is co-ordinated via the S106 Monitoring Group. However, officers are individually responsible for spending the monies and / or procuring services or works secured by legal agreements that relate directly to their Service area and ensuring any expenditure or works are carried out strictly in accordance with the terms of the legal agreement.

The relevant Service area will also be responsible for checking that monies are spent before any claw-back clause in the agreement is triggered.

To ensure efficient and effective monitoring of compliance with legal agreement across different Service areas, officers involved in the process are required to attend a quarterly S106 Monitoring Group review meeting.

The Finance Spreadsheet is used at the S106 Monitoring Group to highlight any issues where claw back clauses may become an issue etc. Action points should be agreed at the quarterly S106 Monitoring Group review meetings within a S106 Monitoring Group Action Plan with target dates, and completion dates where actions are completed, whenever there is a risk that monies will not be spent within the relevant timescale, and/or there is a risk development will not proceed in accordance with the planning approval, and/or there is a risk that an obligation will not be met.

To ensure this monitoring process is robust, the following actions are required by the named Service areas / officers:

- (i) Planning Policy Manager (or nominated team member)
 - (a) Arrange dates for the quarterly S106 Monitoring Group review meetings for each financial year.
 - (b) Prepare agenda, minutes from previous meetings and S106 Monitoring Group Action Plan in advance of quarterly review.
 - (c) Chair S106 Monitoring Group and report progress on any relevant action points from the previous meeting at the quarterly review and record completion dates where actions are completed.

- (d) Review the Planning Spreadsheet (in partnership with Development Control team) and report developments where triggers have been met since the previous meeting.
- (e) Progress any relevant action points stated in the S106 Monitoring Group Action Plan in advance of the next meeting.
- (f) Following quarterly S106 Monitoring Group review meeting, prepare reports for the next available meetings of the Planning Committee and the Senior Leadership Team that:
 - i) highlights any sums at risk of clawback that need spending within 24 months;
 - ii) provides a summary of allocated sums for years 3 to 5 under each infrastructure heading.
- (g) Send out a quarterly email to all Members (copying in those on the Planning Committee) with a link to the Planning Committee quarterly monitoring report.
- (h) Send out quarterly email to those Members in Parishes where there are spending allocations within 24 months of their deadline with a link to the Planning Committee quarterly monitoring report.

(ii) Finance

- (a) Finance spreadsheet to be circulated prior to quarterly S106 Monitoring Group review meetings.
- (b) Highlight any new sums received and highlight any sums which need spending within the next 12 and 24 month periods.
- (c) Finance spreadsheet to be updated in respects of officer updates following quarterly S106 Monitoring Group review meetings.
- (d) Request Accounts Department to issue invoice where developer has not responded to two written officer requests for payments to be made when required.

(iii) Community Arts Development Officer

- (a) Manage workload to prioritise the timely spend of relevant S106 Agreement monies.
- (b) Attend quarterly S106 Monitoring Group review meetings and report on progress on relevant S106 Monitoring Group Action Plan points.
- (c) Progress any relevant S106 Monitoring Group Action Plan points arising in the quarterly S106 Monitoring Group review meeting in a

timely manner and provide updates to the Planning Policy Manager (or nominated team member) in advance of the next meeting.

- (d) Attend Planning Committee to report progress on any relevant S106 Monitoring Group Action Plan points.

(iv) Housing Strategy

- (a) Manage workload to prioritise the timely spend of relevant S106 Agreement monies.
- (b) Attend quarterly S106 Monitoring Group review meetings and report on progress on relevant S106 Monitoring Group Action Plan points.
- (c) Progress any relevant S106 Monitoring Group Action Plan points arising in the quarterly S106 Monitoring Group review meeting in a timely manner and provide updates to the Planning Policy Manager (or nominated team member) in advance of the next meeting.
- (d) Attend Planning Committee to report progress on any relevant S106 Monitoring Group Action Plan points.

(v) Leisure Services

- (a) Manage workload to prioritise the timely spend of relevant S106 Agreement monies.
- (b) Attend quarterly S106 Monitoring Group review meetings and report on progress on relevant S106 Monitoring Group Action Plan points.
- (c) Progress any relevant S106 Monitoring Group Action Plan points arising in the quarterly S106 Monitoring Group review meeting in a timely manner and provide updates to the Planning Policy Manager (or nominated team member) in advance of the next meeting.
- (d) Attend Planning Committee to report progress on any relevant S106 Monitoring Group Action Plan points.

3. Trigger Points

Typically, 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. To ensure this monitoring process is robust, the following actions are required by the named Service areas / officers:

(i) Planning

- (a) Planning officers will monitor all sites where 'trigger points' have not been previously met every six months.
- (b) Where a trigger point has been reached, planning officers will either:
 - request discharge of the obligation from the developer and if requested by the developer: instruct the Accounts Department to raise an invoice in respects of a financial contribution or commuted sum; or
 - e-mail the officer from the relevant Service area that a trigger point has been reached in respects of an obligation for delivery of infrastructure.
- (c) Record discharge request/correspondence date on the Planning Spreadsheet.

4. Receipt of Payment

Payment should be received once a request for payment or an invoice has been issued. Finance should be notified and provided with a receipt once payment is received by the Authority. The Accounts Department will be responsible for taking payment and for unpaid invoices. To ensure monies received is spent by the relevant Service area within the relevant time period, the following actions are required by the named Service areas / officers:

(i) Finance

- (a) Where financial contribution is to be made to Bolsover District Council, Finance to update Finance Spreadsheet on a monthly basis.
- (b) Where financial contribution is to be transferred to Derbyshire County Council or other external body, Finance to update Finance spreadsheet on a monthly basis.
- (c) Finance to update monitoring group on payments received over the previous three months at the quarterly S106 Monitoring Group review meeting.
- (d) Finance to maintain a record of annual receipts and payments on the Finance spreadsheet.

(ii) Planning

- (a) Record payment date on Planning Spreadsheet on receipt of confirmation that payment has been received.

5 Discharge of Obligations

Officers are individually responsible for spending the monies and / or procuring services or works secured by legal agreements that relate directly to their Service area and ensuring any expenditure or works are carried out strictly in accordance with the terms of the legal agreement. The relevant Service area will also be responsible for ensuring that Planning are updated when obligations have been discharged so the Authority can demonstrate that all obligations have been discharged within the relevant time period.

Officer updates on expenditure and delivery of infrastructure at quarterly S106 Monitoring Group review meeting will provide a robust framework to monitor discharge of obligations. To ensure that the Planning Spreadsheet provides an accurate record of current and discharged obligations and to ensure time limits are met, the following actions are required by the named Service areas / officers:

(i) Planning

- (a) Update Planning Spreadsheet on receipt of confirmation that an obligation has been discharged.
- (b) When all obligations have been discharged provide confirmation of this to the developer and to Land Charges and move the record from the current Planning Spreadsheet to the archive spreadsheet.

(ii) Finance

- (a) Remove record of legal agreement from the Financial spreadsheet once all monies received have been spent.
- (b) Record contributions where claw back clauses may become an issue as an Action Point to be monitored at the following quarterly S106 Monitoring Group review meeting meetings.

6. Failure to comply with Obligations

Where a trigger point has been reached, planning officers issue a written request to the developer seeking discharge of an obligation. If there has been no response to two separate written requests and an obligation remains unmet, Legal will be instructed to send a further letter to the developer requesting compliance with the relevant obligation. The letter would state that if the obligation was not complied with to our satisfaction we would commence legal action. The method of enforcing a section 106 is contained within the section itself. There are two options set out:

- (a). The Council can do the work in default and the recharge the developer; or

- (b) It can apply to court for an injunctive order requiring the developer complies. This would normally be an order of specific performance requiring payment of the commuted sum. It could, depending on the wording of an obligation, also be an order preventing further development or further occupation of houses.

The Council's solicitor would be responsible for determining the most appropriate course of action on a case by case basis.

Management Reporting

The main management reporting of the Section 106 process is as follows:

- officers involved in the process attend the quarterly Section 106 Monitoring Group where the monitoring spreadsheets and the S106 Monitoring Group Action Plan are reviewed.
- the budgetary position is reported the Quarterly Budget Monitoring Report which is prepared in Finance and presented to Executive.
- a summary / progress report taken to Planning Committee in respect of Section 106 agreements following the quarterly S106 Monitoring Group review meeting.
- a summary / progress report taken to Senior Leadership Team in respect of Section 106 agreements following the quarterly S106 Monitoring Group review meeting.
- a quarterly email to all Members (copying in those on the Planning Committee) with a link to the Planning Committee quarterly monitoring report.
- a quarterly email to those Members in Parishes where there are spending allocations with less than 24 months to run with a link to the Planning Committee quarterly monitoring report.

Freedom of Information Requests

Freedom of information requests relating to S106 financial information are dealt with by the Chief Accountant.

Bolsover District Council

Meeting of the Planning Committee on 28th September 2022

Report of the Assistant Director: Development

QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

| | |
|------------------------|---|
| Classification | This report is Public |
| Report By | Julie-Anne Middleditch Principle Planning Policy Officer |
| Contact Details | 01246 242286 julie-anne.middleditch@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. This governs the work of the Council's cross-departmental Section 106 Monitoring Group. Prior the presentation of this report Members will have considered a revised Procedure.
- 1.5 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. In line with the approved Procedure (as discussed elsewhere on this agenda) this progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five. Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 27th July 2022.

2. Details of Proposal or Information

- 2.1 Members will recall that at the meeting in June two sums were identified as being beyond their spending deadline with a further five sums being within their 12 month deadline, although one was down to a nominal amount of £92.85 (Stery House Farm, Clowne). The summary of these sums is as follows:

Spend Date within 12 months (by 27th July 2023)

| Action Plan | Finance Spreadsheet | Site | Infrastructure | Amount | Spend Date |
|--------------------|----------------------------|-------------------------|-----------------------|---------------|----------------------------------|
| Item 1 | Line 47 | The Brambles, Doe Lea - | Art | £4,361.11 | EXPIRED |
| Item 3 | Line 73 | Thurgaton Way Newton | Health | £30,132 | 01.08.22 since extended 01.11.22 |
| Item 8 | Line 68 | Carter Lane West | Informal POS | £12,766.86 | 07.12.22 |
| Item 9 | Line 66 | Carter Lane West | Art | £5,165.20 | 07.12.22 |
| Item 10 | Line 81 | Meridian Close | Informal POS | £27,475.69 | 22.12.22 |
| Item 10 | Line 82 | Meridian Close | Outdoor Sport | £16,661.37 | 22.12.22 |

- 2.2 At the Section 106 Monitoring Group on 29th July no further sums were highlighted as needing to be spent within 12 months. Of note, under Line 82 Meridian Close: Outdoor Sport, the sum had been reduced by a third from the previous quarter.
- 2.3 The Action updates for the above items that are needing to be spent within 12 months as recorded at the Section 106 Monitoring Group are as follows:

| | | |
|---|--|---|
| 1 | <p>Art work underspend at The Brambles, Doe Lea Finance spreadsheet: line 47 Amount: £4,361.11 Spend by date: EXPIRED</p> <p>Community Arts Development Officer (CADO) to progress and update at the July 2022 meeting.</p> <p><u>Update</u> Artist is making a virtual version of the sculpture. The design has changed slightly. The fees are being paid in stages. Regarding the Lighting Up event the Parish Council are having ongoing issues regarding the electricity supply and so BDC are to take this on. The interactive website launch is still planned for September.</p> <p><u>New Actions</u> 2 weekly email exchange on progress.</p> <p><u>Update since July Monitoring Group Meeting</u> 08/09/22 Email CADO: Progress made on a working version of virtual sculpture and work is in line for a late September / October 2022 Launch / Handover in partnership with Parish Council.</p> | <p>Action owners</p> <p>CADO</p> <p>CADO / JM</p> <p>CADO</p> |
| 3 | <p>Health contribution transfer Financial spreadsheet lines 73 Thurgarton Road (phase 2) Amount: £30,132 Spend by date: 01/11/22</p> <p>CM to continue to chase progress in line with this timeline and keep political Leadership informed.</p> <p><u>Update</u> 10.6.22 CM conversation with Sean Ingle at Wheeldon Brothers resulted in a minor extension to the deadline from 1st August 2022 to 1st November 2022.</p> <p>10.6.22 JF (legal) circulated completed paperwork necessary to transfer the £30,132 to the relevant NHS body.</p> <p>10.6.22 NHS Derby and Derbyshire Clinical Commissioning Group (CCG) confirmed that they plan on</p> | <p>CM</p> |

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| | <p>keeping the pressure on with the practice and landlord to ensure this deadline is met so that progress can be made on the planned work to the surgery to convert the two existing admin rooms to form new clinical consultation rooms.</p> <p><u>New Actions</u> CM to continue to chase progress in line with this timeline and keep political Leadership informed.</p> <p><u>Update since July Monitoring Group Meeting</u> 5.8.22 CM email exchange and phone calls with CCG regarding progress. CCG advised that Project Initiation Document (PID) now being agreed with GP surgery landlord to approve the capacity improvement works and this will enable transfer of money from the Council to the NHS.</p> <p>2.9.22 CM phone call and email exchange with CCG regarding transfer arrangements. New NHS England officer advised transfer process can be simplified, with the money being transferred directly to CCG rather than via NHS England.</p> | <p>CM</p> <p>CM</p> |
| 8 | <p>Carter Lane West - Informal POS Finance spreadsheet: line 68 Amount: £12,766.86 Spend by date: 07/12/22</p> <p>SPOL to email progress to JAM (as new group Chair) 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><u>Update</u> SPOL email 23/5/22: met with South Normanton Parish Council a few weeks ago, but don't have anything definite from them in terms of preference for how to invest the funds. However, the skate park at South Street Recreation Ground and Sough Road play area are the likely recipients of the funding as both are in need of refurbishment. Aim to fit in a site visit to both week starting 23rd May followed by a request for prices.</p> <p>Further update at the meeting: Chasing quotes with request sent 3 week ago.</p> <p><u>New Actions</u> Tender out for mid-August</p> <p>2 weekly email exchange on progress.</p> | <p>SPOL</p> <p>SPOL</p> <p>SPOL / JM</p> |

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| | <p><u>Update since July Monitoring Group Meeting</u> 30/08/22 Email SPOL: Quotations being sought for refurbishment of existing skate park. Site meeting with Fearless Ramps today (30 August 2022). May need to go down request for quotations (RFQ) route unless there is a framework that can be used.</p> | SPOL |
| 9 | <p>Carter Lane West - Art Finance spreadsheet line: 66 Amount: £5,165.20 Spend by date: 07/12/22</p> <p>Fortnightly review of progress with JM (as new group Chair) starting w/c 13th May 2022.</p> <p><u>Update</u> CADO email 18/5/22: ... have an artist in mind who specialises in community mural / art work with young people....a site in mind discussed informally with the Parish Council, No major concerns were raised... 'sticking point' is the School...awaiting their contact despite several attempts to make headway...will explore other community groups in June/July if there isn't anything forthcoming.</p> <p>CADO email 7/6/22: met with the artist and she is keen to work on the project in whatever fashion it shapes up to be, but seeing as we are just coming out of the half term / jubilee break it has been a busy period for schools...DO chasing up over that week and will update.</p> <p>Further update at the meeting: no response from school. Gone instead to the Parish Council. Decision made to move forward without the community. The Artist has suggested Junction Arts in lieu of community involvement.</p> <p><u>New Actions</u> 2 weekly email exchange on progress.</p> <p><u>Update since July Monitoring Group Meeting</u> 08/09/22 email CADO: Paragraph 3 on public schedule section of signed Section 106 Agreement from 12/5/2015 states:</p> <p>"For the avoidance of doubt, for the purposes of paragraph 1(b) of this schedule, the public space open contribution and the public art contribution shall be deemed to be committed if the council has entered into any contract or given any undertaking (whether enforceable in law or otherwise) the fulfilment of which will require the council to expend funds in future."</p> | <p>CADO / JM</p> <p>CADO</p> <p>CADO / JM</p> <p>CADO</p> |

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| | <p>I have an agreement with an artist to develop a representative community arts programme in consultation with the community of the development area that has been postponed due to Covid and other factors over last 18 months. Scheduling has been the main factor in the closeness to clawback in this particular project.</p> <p>I plan to put this programme into a written agreement between the council and the Artist to complete works between November 2022 and March 2023 at the latest. All parties are aiming for Early December 2022 but this paragraph seems to give leeway to extend the activity if required.</p> | |
| 10 | <p>Meridian Close – POS and Outdoor Sport Finance spreadsheet: lines 81 and 82 Amount: POS £27,475.69 and Outdoor Sport £24,547.95 Spend by date: 22.12.22</p> <p>Fortnightly review of progress with JM (as new group Chair) starting w/c 13th May 2022.</p> <p><u>Update</u> MC email 23/5/22: Working through the various projects that are being carried out to improve the facilities at Castle Leisure Park.</p> <p>The latest investments have been to the cricket pitch, which saw its first game in 5 years last Saturday. We have interest from a second team / club who want to play on Sundays, so the need for further investment can be demonstrated / justified.</p> <p>The next job will be improving the football pitches in readiness for the next season. These works will probably need to go out to tender (via a request for quotations) in the next few days. It is likely that the funding will be gradually spent over the next few months rather than being invested in a single larger project.</p> <p>Further update at the meeting: as regards 'informal' there is an equipment quote for the remaining spend. The suppliers are on ESPO so there is no need to procure. As regards 'formal' 16K left was programmed for football pitches but the dry weather has put this work back. Quotation awaited from Abacus Lighting. Storage container quote awaited.</p> <p><u>New Actions</u> 2 Weekly email exchange on progress.</p> | <p>SPOL / JM</p> <p>SPOL / JM</p> |

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| | <p><u>Update since July Monitoring Group Meeting</u></p> <p>30/08/22 email SPOL: Informal: Scheme (new play equipment from HAGS) agreed with Old Bolsover Town Council. To be procured through ESPO framework as direct award via OBTC. Total price circa £28,000 Formal: Pitch works (£3,600) completed. Replacement storage container for grounds maintenance equipment (mainly for bowling green) (£3,525) ordered, due to be delivered w/c 12 September. Lighting enhancement works (LED floodlights, plus timing switch – approx. £12,000 out for quotations (RFQ), return date 16 September). RFQ used as there isn't an existing framework that could be used.</p> <p>Once complete, the whole s106 allocation will have been spent.</p> | SPOL |
|--|--|------|

- 2.4 Under the revised Procedure (as discussed elsewhere on this agenda), the sums needing to be spent within 12 - 24 months will be reported to Members from now going forward in order to give Members greater scrutiny of sums coming down the track. The summary of these sums is as follows:

Spend Date within 1 to 2 years (by 27th July 2024)

| Action Plan | Finance Spreadsheet | Site | Infrastructure | Amount | Date |
|--------------------|---------------------|-------------------------------------|----------------|------------|----------|
| Item 11 | Line 84 | Spa Croft Tibshelf | Art | £10,176.20 | 22.03.24 |
| Not on Action Plan | Line 84 | Spa Croft Tibshelf | Informal POS | £26,650 | 22.03.24 |
| Not on Action Plan | Line 85 | Rosewood Lodge Farm South Normanton | Outdoor Sport | £34,584.85 | 21.05.24 |
| Not on Action Plan | Line 85 | Rosewood Lodge Farm South Normanton | Health | £80,141.59 | 21.05.24 |

- 2.5 Since the previous quarter there has been an increase in the sums needed to be spent within two years, with two sums against Rosewood Lodge Farm, South Normanton. It was agreed to now include these two sums in the Action Plan along with that for Informal Public Open Space at Spa Croft given that they fall within the 2 year spend threshold.
- 2.6 The Action update for items needing to be spent within 12 to 24 months as recorded at the Section 106 Monitoring Group is as follows:

| | | |
|----|--|-------------------------|
| 11 | Spa Croft, Tibshelf – Art Finance spreadsheet: line 84 Amount: £10,176.20 Spend by date: 22/03/24 | |
| | <p>To be spent by 22.03.24. Project Plan to be written and circulate (to the group) by the end of May 2022.</p> <p><u>Update</u> Email CADO 18th May: no time to do this presently due to being asked to prioritise other projects across the authority. Working back a good 18 months from the March 2024 date gives until September 2022 before things would be started to be put in place.</p> <p>Update at the meeting: the project is led by the Tibshelf Community Arts Group. The Concept is with Cllr Watson. Strategy by September. DO to liaise with group</p> <p><u>New Actions</u> Update at the meeting on 26 October 2022</p> | <p>CADO</p> <p>CADO</p> |

- 2.7 Verbal updates on the above Action Plan items will be provided by the Spending Officers from the Service Areas responsible at the meeting, in line with the S106 Monitoring Procedure (as discussed elsewhere on this agenda).
- 2.1 The revised Procedure requires that Members are provided with summary information in relation to S106 monies held that are beyond the 24 month reporting period. Based on the position at the end of Quarter 1 (30 June 2022) the following 'summary of sums' is thereby provided for years three, four and five.

| Infrastructure type | Amount in later years | | |
|---------------------|-----------------------|--------------------|---|
| | Year 3 | Year 4 | Year 5 or beyond |
| Art | £37.00 | £10,757.25 | £12,602.26 |
| Outdoor Sport | £291,407 | £37,882.90 | £58,799.20 (f which, no clawback against £39,772.71) |
| Green Space | £62,184.39 | £56,606.98 | £116,794.50 |
| Health | £83,056 | £11,784.56 | nil |
| Highways | Nil | Nil | £569,000.00 (no clawback) |
| Biodiversity | Nil | Nil | £14,679.46 |
| | £436,684.39 | £117,031.69 | £608,772.71 |

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 It is recommended that Members; note the contents of the latest monitoring 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 addresses recommendations made in the 2016 Audit report and recommendations of Members of the Planning Committee as set out in the Council's 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"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In) | No |

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| 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. |

| | |
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| DOCUMENT INFORMATION | |
| Appendix No | Title |
| | |
| | |
| Background Papers | |
| (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers). | |
| | |