

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

Friday, 9th December 2022

Dear Councillor


PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber on Wednesday, 21st December, 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 page 3 onwards.

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

You can request this document or information in another format such as large print or **language** or contact us by:

- **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, 21st December, 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	4 - 12
	To consider the minutes of the last meeting held on 26 th October 2022.	
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
5.	22/00333/FUL - Erection of 2 marquee's and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals - Willow Tree Farm, Langwith Road, Shirebrook	13 - 25
	<u>REPORT OF THE PLANNING MANAGER - DEVELOPMENT CONTROL</u>	
6.	Proposed Conservation Area for Oxcroft Settlement	26 - 54
	<u>REPORTS OF THE INTERIM PLANNING POLICY MANAGER</u>	
7.	Statement of Community Involvement	55 - 107
8.	Quarterly Update on Section 106 Agreement Monitoring	108 - 115

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 26th October 2022 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Nick Clarke, Jim Clifton, Natalie Hoy, Chris Kane and Duncan McGregor.

Officers:- Sarah Kay (Planning Manager – Development Control), Jenny Owen (Legal Executive), Chris McKinney (Interim Planning Policy Manager) and Hannah Douthwaite (Governance and Civic Officer).

PL28-22/23 APOLOGIES FOR ABSENCE

No apologies for absence had been received.

PL29-22/23 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL30-22/23 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PL31-22/23 MINUTES – 28TH SEPTEMBER

Moved by Councillor Derek Adams and seconded by Councillor Nick Clarke
RESOLVED that the Minutes of a Planning Committee meeting held on 28th September 2022 be approved as a true and correct record.

PL32-22/23 21/00560/FUL - DEMOLITION OF AGRICULTURAL BUILDINGS, CONVERSION OF EXISTING STONE BARN AND OUTBUILDINGS TO CREATE 3 DWELLINGS AND 4 NEW BUILD DWELLINGS - WHALEY MOOR FARM, WHALEY ROAD

The Planning Manager presented a detailed report in relation to the above application. The application had been referred to the Planning Committee by the Planning Manager given the concerns of local residents about the impact of the development and the fact that the previous application on the site had been determined by Committee.

PLANNING COMMITTEE

Mr Eamonn Keogh (agent) attended the meeting and spoke for the application.

Members noted that there had been a number of responses received from local residents which were considered within the report.

No significant highway safety concerns had been raised as the proposal utilised existing accesses and also proposed slight improvements.

Concern was raised by Members regarding the amenities available in the surrounding village and also the new build aspect of the proposal on the conservation area.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that application 21/00560/FUL be **REFUSED** for the following reasons

1. The proposed development will result in an adverse impact to both designated and non-designated heritage assets, which is considered in context of the National Planning Policy Framework (NPPF) to amount to less than substantial harm. This harm is not outweighed by the demonstration of wider over-riding public benefits, nor is it justified by the demonstration of a need to consider enabling development to address a conservation deficit. The proposals are therefore contrary to Policies SC16 and SS9 of the Local Plan for Bolsover District and the wider NPPF.
2. Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the new residential development proposed in this location. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Policy Framework as a whole.

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

PLANNING COMMITTEE

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.

PL33-22/23 22/00241/OUT - OUTLINE APPLICATION FOR THE CONSTRUCTION OF TWO DRIVE-THRU RESTAURANTS WITH TAKEAWAY FACILITY AND ASSOCIATED CAR PARKING - 73 MANSFIELD ROAD, SOUTH NORMANTON

The Planning Manager presented a detailed report in relation to the above application.

The application had been called in to the Planning Committee by Councillor Tracey Cannon, due to concerns over noise, amenity impacts, traffic congestion, contrary to local plan, and the number of takeaways already in the village.

Letters of representation had been received from 14 local residents which were detailed within the report, further to this Ashfield District Council had also submitted a representation during the consultation phase as the proposal was close to the District boundary.

Mr Chris Quinsee (agent) attended the meeting and spoke for the application.

Following a query raised by a Member concerning the removal of trees to facilitate the building works it was confirmed that trees would be replanted to equate to an equal or high biodiversity value once work was completed.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that the application be approved subject to the following conditions:

PLANNING COMMITTEE

1. Reserved Matters

Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

2. Time Period for Submission of Reserved Matters

Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

3. Time Periods for Commencement

The development hereby permitted shall commence within 3 years from the date of this permission or not later than 2 years from the date of approval of the last of the reserved matters, whichever is the later.

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

4. Approved Plans

Except where specifically stated otherwise in the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents received on:-

[list of approved plans]

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

5. Protection of breeding birds during construction

No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason. To ensure that breeding birds are protected from harm and to accord with policy SC9 of the Local Plan for Bolsover District.

6. Badger

A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken by a competent ecologist prior to the commencement of any groundworks on the site and submitted to the Local Planning Authority for approval together with a mitigation scheme if any activity is detected. Any approved mitigation shall be implemented in accordance with the approved scheme.

PLANNING COMMITTEE

Reason. To ensure that badgers are protected from harm and to accord with policy SC9 of the Local Plan for Bolsover District.

7. Restrictions on operations involving invasive non-native species

Prior to the commencement of development, an invasive species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of all non-native invasive species on the site as determined by a pre-commencement site survey. The measures shall be carried out strictly in accordance with the approved scheme.

Reason. To prevent the spread of any invasive species on site and to accord with policy SC9 of the Local Plan for Bolsover District.

8. Construction environmental management plans (Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification 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 species method statements as needed).
- 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 a variation to it is agreed in writing by the local planning authority.

Reason. To mitigate harms to biodiversity and to accord with policy SC9 of the Local Plan for Bolsover District.

9. Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority (LPA) prior to the commencement of the development. The aim of the LBEMP is to deliver a net gain for biodiversity value of onsite habitats and it should combine both the ecology and landscape disciplines. The plan should be in accordance with the details set out in the Ecological Appraisal (BSG Ecology April 2022) and provide a net gain for biodiversity. 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.

PLANNING COMMITTEE

- b) Details for the creation of species rich neutral grassland.
- c) Details of the location and species of at least three native broadleaf trees to be planted in accordance with the submitted Tree Planting Detail Drwg No's 990-01 and 990-02 dated 07.09.2022.
- d) Details for the creation of 154m of native hedgerow habitat and the use of fruit and berry bearing species which shall be planted in accordance with Drwg No 990-03 07.09.2022 to include 300mm minimum soil depth and geotextile membrane for soil stability on 1:3 slopes or steeper.
- e) Aims and objectives of management.
- f) Appropriate management methods and practices to achieve aims and objectives.
- g) Prescriptions for management actions.
- h) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- i) Details of the body or organization responsible for implementation of the plan.
- j) A monitoring schedule to assess the success of the enhancement measures
- k) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason. To mitigate and compensate harms to biodiversity and to accord with policy SC9 of the Local Plan for Bolsover District.

10. Lighting Strategy

Prior to building works commencing above foundation level, 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 and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill 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 shall be implemented in full.

Reason. To mitigate the impacts of any external lighting on Bats and nocturnal wildlife and to accord with policy SC9 of the Local Plan for Bolsover District.

11. Coal Mining Risks

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 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 safe and stable for the development proposed.

PLANNING COMMITTEE

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

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SC14 of the local plan for Bolsover District.

12. Coal Mining Risks -Verification

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.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SC14 of the local plan for Bolsover District.

13. Surface Water Drainage

“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. BWB. 06/04/2022. Flood Risk Assessment. REF. P38DT-BWB-ZZ-XX-RP-YE-0001_FRA.
- b. BWB. 06/04/2022.Sustainable Drainage Statement. REF. P38DT-BWB-ZZ-XX-RP-CD-0001_SDS. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
- 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 SC7 of the Local Plan for Bolsover District.

PLANNING COMMITTEE

14. Surface Water Drainage during Construction

Prior to commencement of the development, the applicant shall submit for approval to the local planning authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the 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 sensitive wildlife sites and to accord with policies SC7 and SC9 of the local plan for Bolsover District.

15. Surface Water Drainage - Verification

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 SC7 of the local plan for Bolsover District.

16. Parking and EV-Charging

The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the revised layout plan 21788-302-P-01 for the parking and manoeuvring of staff, customers' and service and delivery vehicles, and until the charging facilities for electric vehicles has been provided, and until it has all been laid out, surfaced and equipped. Thereafter the parking, charging and manoeuvring facilities shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason. In the interests of highway safety and to encourage the use of electric vehicles as a lower carbon and emissions form of transport and to accord with policies ITCR11, SS1, SC3 and SC12 of the local plan for Bolsover District.

17. Litter Bins

Prior to each drive thru restaurant being brought into use at least one external litter bin shall be provided to serve each restaurant.

Reason. To reduce the incidence of littering to and to reduce the impacts of the proposal on the character and amenity of the area and to accord with policy WC9 and SC11 of the local plan for Bolsover District.

PLANNING COMMITTEE

18. Commercial Waste Bins

Prior to each drive thru restaurant being brought into use details of the location and screening of any commercial waste bins shall have been submitted to and approved in writing by the Local Planning Authority. No other external storage shall be undertaken on site without the written approval of the Local Planning Authority.

Reason. To ensure that large commercial waste bins do not adversely affect the street scene, to preserve the amenity and appearance of the area and to accord with policies WC9 and SC11 of the local plan for Bolsover District.

19. Details of External Flues and Plant

Application for approval of reserved matters of appearance shall be accompanied by details of the appearance and position of any external flues and plant.

Reason. In the interests of the amenity and appearance of the area and to accord with policies SC2, SC3 and SC11 of the local plan for Bolsover District.

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.

The meeting closed at 10:41 hours.

PARISH Shirebrook Parish

APPLICATION Erection of 2 marquee's and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals

LOCATION Willow Tree Family Farm Langwith Road Shirebrook Mansfield

APPLICANT Mr Adam Hind Willow Tree Family Farm Langwith Road Shirebrook Mansfield NG20 8TF

APPLICATION NO. 22/00333/FUL

CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)

DATE RECEIVED 30th June 2022

SUMMARY

The application has been referred to Planning Committee by The Planning Manager as there is a recommendation to refuse the application from the Environmental Health Officer.

The proposal is not straight forward and a temporary, two year planning permission is being recommended for approval to allow the impacts of the proposal to be fully assessed and potentially a more suitable permanent solution found for the proposed use on site whilst allowing the charity to raise funds for its future development.



SITE & SURROUNDINGS

Existing family farm which contains a number of single storey buildings and animal enclosures. The site sits behind the former education centre buildings which are listed buildings and access to the site is via a one way system through the education centre on to Langwith Road.

The site also contains two marquees which are joined together and are used in connection with the farm but are also used for shows, music events, weddings etc.

The southern part of the site is used for grazing some of the farms animals and are the former playing pitches.

To the north of the site is the football ground, sports pavilion and social club, to the west are dwellings, to the south are dwellings and an industrial estate and to the east is the railway line and embankment.

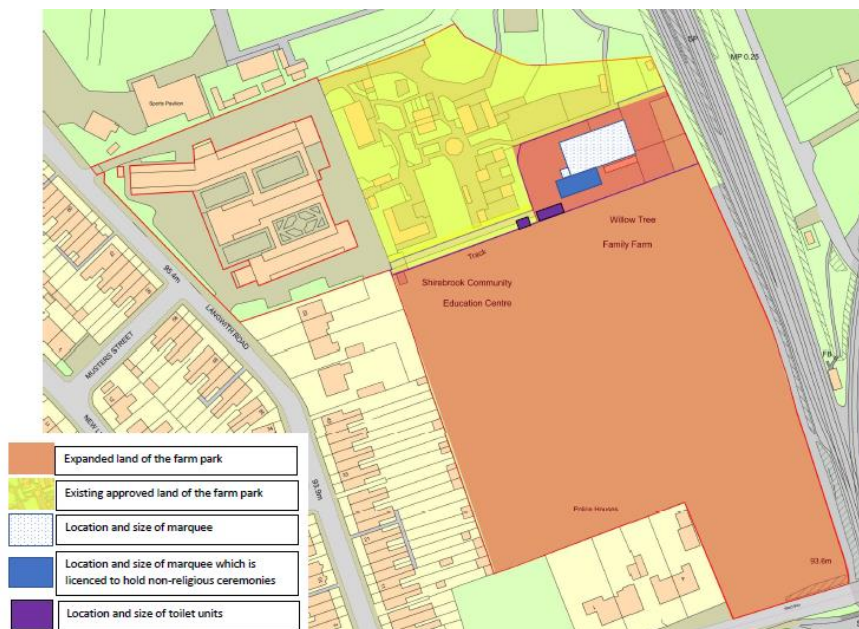
BACKGROUND

The site was approved for use as a town farm in 2001 and various buildings in connection with the use of the site were approved in 2002.

More recently the two marquees have been erected on site and used for various events and the keeping of animals has extended onto the playing pitches which were outside the site approved for the original town farm.

PROPOSAL

The application is for the retention of the marquees and their use for holding events, the use of the playing pitches in connection with the town farm, the construction of a toilet block and extension to the existing driveway.



Supporting Documents

A noise report and details of events which have already been held in 2021 and 2022 have been submitted to support the application.

AMENDMENTS

None.

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

99/00116/DCCCON	No Objections	Widening of vehicular access (CD5/299/135)
01/00310/FUL	Granted Conditionally	Use of part of site for town farm and engineering works, environmental and access improvements to rest of site
02/00327/FUL	Granted Conditionally	Erection of a reception block (incorporating shop, cafe, toilets), office, stables, pig sties, barn, aviaries, workshop and ancillary buildings, creation of pond, play area and display/exhibition area, to form a town farm (revised scheme)
03/00735/DCCCON	No Objections	Erection of security fencing 2.4m high to various boundary lines (CD5/1003/121)
03/00847/FUL	Granted Conditionally	Erection of a timber play house building, extensions to existing buildings to provide classroom, aviary, store and animal sanctuary
05/00757/FUL	Granted Conditionally	Installation of wind turbine

CONSULTATIONS

Bolsover District Council Conservation Manager

No objections. Given the distance from the Listed Building and the intervening built development, the proposal is not considered to have an impact on the setting of the Listed Building.

Bolsover District Council Environmental Health

Recommends refusal. Even if the acoustic linings were installed this would only allow for music with noise limits being so low to make the use viable. The complexities and restrictiveness of the required mitigation is such that I do not feel that amenity can be safeguarded by means of suitable worded planning conditions. I therefore object to the application in its current form.

Bolsover District Council Head of Leisure

No comments received.

Bolsover District Council Planning Policy

The proposal complies with Policy SS9 (Countryside) and ITCR7 (Playing Pitches) provided no permanent structures are installed on the protected playing pitch land.

Derbyshire County Council Archaeology

No comments received.

Derbyshire County Council Highway Authority

There is no real control of the means of travel used by attendees but it is generally considered likely that 54 spaces stated would be appropriate should attendees be local to the site and utilise bus and taxi services and/or walk to the site as suggested in the application. As the site has accommodated the marquees and has held functions for the previous two years with no knowledge of complaints regarding highway safety or parking issues associated with the site, it is considered that a temporary permission for 2 years would be suitable to allow the operations to continue in their current use whilst allowing any highway safety issues which may arise to be assessed. Based on this, there are no highway objections to a consent being granted for a temporary period of 2 years only.

These comments do not prejudice the highway authority's view on the suitability of any further expansion of existing, or any proposal for new operations, carried out within the site as a whole or to any applications submitted in the future to the Local Planning Authority.

Sport England

Objects to the proposal. It does not accord with any of the exceptions set out in Sports England's playing fields policy, paragraph 99 of the NPPF or Policy ITCR7 of the Local Plan. The proposal would result in the loss of a playing field and prejudices the potential for Shirebrook Town Football Club to use the field. If the Local Planning Authority are minded to approve the application contrary to Sport England's objection, the application should be referred to the Secretary of State via the National Planning Casework Unit

Shirebrook Town Council

Object to the proposal due to noise levels impacting on local residents, increased traffic on an already problematic road, animal welfare issues and extended opening hours.

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

PUBLICITY

Site notice, press notice and 61 neighbours notified. Comments received from 6 local residents.

Three letters of support received which raise the following issues:

1. The site is a great local facility which offers free events to give back to the community.
2. No noise is heard from the venue and there is no disturbance from people leaving.
3. The site offers the ability to hold a disabled inclusive event within the area when other venues do not have the facilities and the current proposals will improve access and facilities for people with disabilities even further.
4. Educational events are held regularly.
5. The management of the site are very respectful to local residents.
6. The charity provides a brilliant atmosphere for the local community, providing shows and events which is very beneficial in a small community.
7. The events help raise money for the animals and the farm is a great attraction to bring people to the area.

Three letters of objection received which raise the following objections:

1. Details of the right of access including width and alignment are disputed.
2. There is no right to park in the adjacent former education centre and therefore there are not 30 parking spaces on site as it says in the application form.
3. The extending opening hours pose a security risk to the adjacent former education centre. The sign on the gates states closes at 4pm.
4. The venue has previously been reported for breach of licence and extended the times the entertainment/music finishes up until 1.30am and 2pm.
5. The bleating of sheep, goats and other small animals from the site is acceptable the loud music isn't when it goes over 11pm.
6. Will there be conditions if this goes through and if breached will there be any way of getting the venue closed down for the breaches?
7. This is a peaceful area and even the Fun Fair on the adjacent Social Club has to close at 9pm due to the noise and it's only on site twice a year.
8. The noise is not in an enclosed building with soundproofing so it will cause a nuisance.
9. The noise from the site and from people leaving the venue is unacceptable for local residents.
10. The venue has resulted in rodents in the gardens of adjacent dwellings.
11. Noise mitigation measures have been suggested but not implemented.
12. Noise levels quoted are inaccurate and are worse on site in reality.
13. The impact of noise for the animals has not been considered and this is an animal welfare issue.

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

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

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

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC5 Change of Use and Conversions within the Countryside
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC17 Development affecting Listed Buildings and their Settings
- ITCR7 Playing Pitches
- ITCR11 Parking Provision

National Planning Policy Framework (“the Framework”)

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

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183-188: Ground conditions and pollution
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

ASSESSMENT

Key issues

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

- the principle of the development;
- the impact on the character and appearance of the area and the setting of the Listed Buildings;
- 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.

Principle

The existing town farm has been operating on site for approx. 20 years. The marquees were erected during the coronavirus pandemic to allow for the facility to continue to operate during social distancing restrictions. The use of the marquees in connection with the town farm has

then expanded into the provision of live music events, christenings, weddings etc and has been operating on this basis for approx. 2yrs.

The original town farm and the marquees are within the development envelope and the marquees are considered to be an extension of the existing business on site. The use is considered to support the local economy by providing employment opportunities suitable for local people in a sustainable location, close to the train station, bus stops and the town centre. On this basis this element of the proposal is considered to meet the requirements of policy SS1 of the Local Plan for Bolsover District.

The expansion of the town farm onto the former Derbyshire County Council owned playing pitches is outside the development envelope in an area allocated as countryside on a protected playing pitch.

Policy SS9 (Development in the Countryside) is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, policy SS9 states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories, such as the re-use of previously developed land or the re-use of redundant buildings that make a positive contribution to the local area.

The stated categories include proposals that are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land based businesses, including the diversification of activities on an existing farm unit (category b), or that are small scale employment uses related to local farming, forestry, recreation or tourism (category c).

On this basis the expansion of the town farm to keep animals and for occasional parking on the land in the countryside is considered to meet one or more of the categories listed in policy SS9.

Policy ITCR7 (Playing Pitches) provides both protection for existing playing pitches from inappropriate development proposals and the policy framework to require new playing pitches and financial contributions for quality improvements to existing playing pitches from new developments.

In relation to Policy ITCR7 and its protection element, the supporting text outlines that the evidence base underpinning the operation of this policy, namely the Playing Pitch Strategy and Action Plan and the Playing Pitch Assessment (both August 2017), identifies that the Local Plan should protect all playing pitches and that disused pitches should be protected as a strategic reserve. As a result, the disused sports pitch at Station Road, which was disused in August 2017 and for a period prior to that and remains disused, was protected as one of these strategic reserve sites.

From discussions with the landowner about the prospect of bringing the disused sports pitch back into use, it is known that that they are not pursuing that and instead are seeking to find a more financially beneficial use for the site.

The current proposal is to keep animals on the land under licence from the land owner and is a temporary arrangement based on a rolling three month licence. As such, this is considered to be an acceptable use that does not prejudice the former pitch coming back into use as a playing pitch in the future should they be found to be required/necessary to meet an identified need, provided that no permanent structures are erected on the protected playing pitch land.

A permanent planning permission for the proposed use would prevent the future control of the use of the site returning to a playing pitch which would, at this stage, be contrary to Policy ITCR7, however a temporary planning permission would allow for the allocation/protection of the pitch to be re-considered in the future when the need has been assessed/updated as part of the ongoing review of such policies.

On this basis the proposal is considered to comply with the requirements of policies SS9: Development in the Countryside and ITCR7: Playing Pitches, provided that the permission is temporary and no permanent structures are erected on the protected playing pitch land and this can be controlled by condition. Subject to such conditions the proposal is considered to be acceptable in principle subject to compliance with other relevant local plan policies.

Sport England have objected to the proposal as it results in the loss of this playing pitch contrary to Sport England's playing field policy, paragraph 99 of the NPPF and Policy ITCR7. Sport England comments object to the permanent loss of the playing pitch to the proposed use and it is accepted that planning permission for the permanent use of the land would result in the loss of the playing pitch and would be contrary to Policy ITCR7. However, a temporary consent for the use of the field for grazing and occasional parking for a temporary period of 2 years with no permanent structures being erected on the site would provide a temporary use for the site (which has otherwise been unused since before 2017) and would not prevent the use of the land returning to playing pitches at the end of two years, or at an earlier time if the 3 month rolling lease was not renewed by Derbyshire County Council. The proposal is therefore not considered to result in the permanent loss of playing pitches and as such is not considered to be contrary to Sport England's playing field policy, paragraph 99 of the NPPF or Policy ITCR7. If the council are minded to approve the application contrary to the objection from Sport England the council will not be able to determine the application themselves. Under The Town and Country Planning (Consultation) (England) Direction 2021 the Council will have to forward their recommendation to the Secretary of State via the National Planning Casework Unit, to allow them the opportunity to call in the application.

The impact on the character and appearance of the area and the setting of the listed buildings

The marquees and toilet block are proposed within the development envelope and within the existing built form of the site. They are seen against the existing buildings on site and are screened from the adjacent listed buildings by the existing buildings.

The use of the playing pitch for the keeping of animals is an appropriate use of the field in visual terms and the use of the field for overspill parking is a temporary measure during busy events such that the impact on the character and appearance of the area is minimal at this edge of settlement site. On this basis the proposal is not considered to harm the setting of the adjacent listed buildings and is considered to meet the requirements of Policy SC16 of the Local Plan for Bolsover District.

Impact on residential amenity

The site is adjacent to a number of residential properties. The marquees and toilet block are set away from adjacent dwellings such they are not considered harmful to the daylight to or outlook from adjacent dwellings. The extension of the town farm onto the former playing pitch is immediately adjacent to dwellings but is not considered to be harmful to the outlook from adjacent dwellings.

The proposed use of the marquees for music events, weddings etc is considered to result in additional noise over and above what would be expected from the town farm and that noise would occur late at night.

A noise report has been submitted with the application which has confirmed the noise levels produced on site are capable of causing disturbance to adjacent dwellings and suggests mitigation measures which could be installed/implemented to reduce the impact on neighbouring properties.

One of these mitigation measures is to install an automatic sound limiting device and preventing DJ's and acts using their own equipment, ensuring the sound system installed on site is used. However, the noise report states that the music levels which would need to be set to make such a measure effective would be mean that the music level would not be high enough to retain a feeling of loudness even with a distributed sound system and that live music is unlikely to be possible.

The alternative mitigation would be upgrading the sound insulation in the marquee with a heavyweight acoustic lining and the installation of a zone array distributed sound system which would reduce the noise levels coming from the marquee but maintain the feeling of loudness within the marquee allowing for live music to take place. The report suggests that if these measures are installed the noise levels from the marquee measured at the nearest dwellings would not exceed existing background noise levels.

In addition to one of the measures set out above, the report also suggests a noise management plan for the site including the outside seating area with restricted hours and restrictions to the number of people using the outside area after certain hours.

The Environmental Health Officer has reviewed the report and advises that the application be refused as the noise report does not offer sufficient comfort that, even if the mitigation measures are implemented, the proposal will not cause noise and disturbance for adjacent residents.

However, the marquees have been operating without planning permission for 2 years and the Environmental Health Department have granted a licence for the use of the site for the sale of alcohol, performances of dance, films and plays, recorded music and live music, both indoors and outdoors. The hours of operation for the licence are 10am -11pm Monday –Sunday for performances and 10am -11.30pm for the sale of alcohol and 10am- midnight for the opening hours of the venue.

The applicant has provided details of events held in the marquee during 2021 and 2022 and

there have been events run on approx. 150 dates between August 2021 and the end of October 2022, approx. 50 of which have been held in an evening. During this time there have been only two noise complaints to the Environmental Health Department, both in November 2021.

The events are held as fund raising events to help the town farm which is a registered charity. The charity has potential improvements and ideas for development in the future and the marquees provide a funding source to enable the charities' development. Given that the site has been licenced by Environmental Health, the operation of the marquees has given rise to so few complaints, and the granting of planning permission would not exempt the use for Environmental Health legislation to prevent noise nuisance, it is considered reasonable to allow a two year temporary consent for the retention of the marquees and their use to allow the charity to continue raising money whilst establishing proposals for a more permanent development which would potentially allow the use proposed to continue on the site (subject to separate planning permission.)

Such a temporary consent would allow the council to monitor any complaints or concerns raised by local residents should they occur in the future and would not prevent action under Environmental Health Legislation if the use of the site is causing nuisance. Furthermore the temporary consent could include the requirement for a noise management plan and opening hours restrictions in accordance with the advice set out in the noise assessment submitted during the course of the application.

Subject to such conditions the proposal is not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policies SC2, SC3 and SC11 of the Local Plan for Bolsover District.

Access / Highway issues

The proposal utilises the existing access on site where there is a one-way system through the former education centre to the west of the site. There is some parking available on site and some of the former education centre parking is utilised. The proposal also includes the provision of a driveway and parking area within the site to provide additional parking.

The details of the access through the former education centre is disputed by the site owner. Deeds and lease arrangements have been provided by the site owner and the applicant and it appears that there is some disparity between the two. However, this is a private matter between the parties concerned and the lease for the site clearly identifies rights to use the one-way access system currently in place. These access and parking arrangements have been used since 2001 when the town farm was granted planning permission and do not appear to have resulted in highway safety issues relating to the use of the site.

The charity utilises part of the playing pitch they lease for temporary parking if required for larger events and has an arrangement with the adjacent sports social club to rent their parking if required. In addition, any events held in the marquee which are not directly linked to the town farm use do not commence until after 4pm when the farm closes to prevent visitor overlap. These arrangements are temporary in nature and may not be considered reasonable or acceptable for the permanent use of the site without the provision of more substantive evidence. However, these could be sufficient for a temporary period while a more permanent

arrangement is secured. In addition the site is within walking distance of numerous town centre car parks with bus stops and the train station adjacent to the site such that access arrangements by means of transport other than by the car are available. The Highway Authority has no objections to such an approach

Issues raised by local residents

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

The issue of security of the adjacent building has not been considered as this is a private matter between the parties concerned.

The issue of animal welfare has also not been addressed as this is not something which falls within the remit of the planning legislation and is covered by other Laws.

CONCLUSION / PLANNING BALANCE

The proposal is acceptable in principle in the proposed location but some of the issues raised relating to the potential for noise, parking arrangements and the re-use of the playing pitches cannot be fully addressed at this time and would need to be addressed in detail before a permanent use of the site could be considered.

However, the town farm has been operating for 20 years and the marquees have been in use for the last 2 years with only two complaints to the council, both of which the cases were closed and there do not appear to have been any complaints relating to parking issues on or around the site.

The events are held as fund raising events to help the town farm which is a registered charity. The charity has potential improvements and ideas for development in the future and the marquees provide a funding source to enable the charities' development. Given that the site has been licenced by Environmental Health, the operation of the marquees has given rise to so few complaints, and the granting of planning permission would not exempt the use for Environmental Health legislation to prevent noise nuisance, it is considered reasonable to allow a two year temporary consent for the retention of the marquees and their use to allow the charity to continue raising money whilst establishing proposals for a more permanent development which would potentially allow the use proposed to continue on the site (subject to separate planning permission.)

Such a temporary consent would allow the council to monitor any complaints or concerns raised by local residents should they occur in the future and would not prevent action under Environmental Health Legislation if the use of the site is causing nuisance.

RECOMMENDATION

The current application be referred to the Secretary of State via the National Planning Casework Unit with a recommendation that the application be APPROVED subject to the following conditions:

1. The use of the former playing pitch as an extension to the town farm and the use of the

marquees for functions which do not directly form part of the use of the site as a town farm must be discontinued and the land restored to its former condition on or before 21st December 2024 in accordance with a scheme of work submitted at least two months before the expiry of the permission and approved in writing by the Local Planning Authority.

2. The use of the former playing pitch must be for the keeping of animals and occasional parking of vehicles in connection with the use of the site and there must be no permanent structures, buildings or fences erected on the site without the prior grant of planning permission.
3. Within 28 days of the date of this decision the noise management plan set out on page 19 of the Noise Impact Assessment (Nova Acoustics 20.10.2022) submitted to the Local Planning Authority on 20th October 2022 must be implemented on site in full and must remain in place for the length of this permission unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. To allow for the impact of the proposal on residential amenity and highway safety to be fully assessed and a possible more permanent solution found and to prevent the permanent loss of a playing pitch in accordance with Policies ITCR7, SC3 and SC11 of the Local Plan for Bolsover District.
2. To protect the character and appearance of the countryside and to prevent the permanent loss of a playing pitch in accordance with Policies SS9 and ITCR7 of the Local Plan for Bolsover District.
3. In the interest of residential amenity in accordance with Policies SC3 and ITCR7 of the Local plan for Bolsover District

Note

The applicant is advised that the granting of planning permission does not provide exemption from the requirements of The Environmental Protection Act in terms of nuisance and if complaints are received the council will be required to investigate.

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.

Bolsover District Council

Meeting of the Planning Committee on 21st December 2022

Report of the Planning Manager (Development Control)

Proposed Conservation Area for Oxcroft Settlement

Classification	This report is Public
Report By	Kim Wyatt Conservation Manager Kim.wyatt@bolsover.gov.uk 01246 242288
Contact Officer	Julie-Anne Middleditch Principal Planning Policy Officer Julie-anne.middleditch@bolsover.gov.uk 01246 242286

PURPOSE/SUMMARY OF REPORT

To seek committee approval to undertake public consultation on a proposed Conservation Area for Oxcroft Settlement.

REPORT DETAILS

1. Background

- 1.1 The Oxcroft Settlers Association submitted a proposal for a designated conservation area for Oxcroft Settlement to the Council. An appraisal of the area/proposal was subsequently undertaken by the Conservation Manager. This report and accompanying Draft Conservation Area Appraisal sets out the case for the designation and for undertaking the next stage of the process, a public consultation.

2. Details of Proposal or Information

Legal and Policy Background

- 2.1.1 Bolsover District Council has a duty under section 69(2) of the Planning (Listed Buildings and Conservation Area) Act 1990 to review its designated Conservation Areas from time to time and assess the suitability of further areas for designation.
- 2.1.2 The National Planning Policy Framework (2021), Conserving and Enhancing the Historic Environment (section 16), advises that heritage assets should be conserved in a manner appropriate to their *significance* (paragraph 189). The

guidance goes on to state that local planning authorities should ensure that a conservation area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Conservation Area Appraisals

- 2.1.3 A Conservation Area Appraisal is a statement of significance that provides the supporting justification for a Conservation Area designation. It is a statement of what defines the character and appearance of a Conservation Area, identifying those elements in particular which are significant.
- 2.1.4 An Appraisal gives a Conservation Area designation greater weight in appeals. It informs the Local Plan, providing the necessary detail to support Conservation policies. In providing an understanding of the particular *significance* of an area, an appraisal supports the Council in its obligation to 'preserve or enhance' when making decisions on development proposals.

Proposed Conservation Area Oxcroft

- 2.1.5 There are 27 Conservation Areas in Bolsover District, all of which have formally adopted appraisals. This follows a programme of new appraisals that was undertaken along with updates to existing published appraisals between 2017 and 2021.
- 2.1.6 A proposal for a new designated area for Oxcroft Settlement was put forward by the Oxcroft Settlers Association in 2017. There followed a commitment by the Council that the proposal for Oxcroft would be appraised once all existing designations had an adopted appraisal.
- 2.1.7 This has been undertaken and a Draft Conservation Area Appraisal has been prepared and is attached to this report as Appendix 1.
- 2.1.8 The proposed area is a large area. It includes the original 18th and 19th century farmsteads, the Oxcroft Settlers' cottages from the 1930's and 40's and the areas of land that were the Settlement allotments. Although much of the fabric of the Settlement has changed over the years, Oxcroft has historic significance as a national heritage asset. It therefore has the level of significance to be considered a designated heritage asset.

Implications of Designation

- 2.1.9 For those properties within the proposed conservation area: some permitted development rights would be restricted, for example planning permission would be required for roof extensions to single dwelling houses and the installation of satellite dishes on front elevations. Planning permission would be required for significant demolition works; some advertisements would require advertisement consent; and works to trees would require 6 weeks prior written notice to be given to the Council.
- 2.1.10 Under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the council would have a duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of the proposed designated area.

- 2.1.11 Designation of the proposed conservation area would enable the council to exercise its planning powers in relation to Oxcroft in order to preserve and enhance its special architectural and historic interest. Any planning application within the area would be assessed against the planning policies relating to Conservation Areas in the Bolsover District Local Plan (2020).

Consultation

- 2.1.12 There is no obligation to carry out a public consultation prior to designation. However, it is highly desirable that local consultation should take place as the greater the public support the more likely it is that policies will be implemented voluntarily. In the case of existing conservation area designations and recent appraisals, the Council has consulted on proposed extensions to the designated areas. The consultation has extended to Local Members, the Parish Council(s) and those property owners affected by the proposed designation.
- 2.1.13 It is proposed therefore to notify all property owners and publicise the appraisal document through the Parish Council as well as the Oxcroft Settlers Association. The Parish Council will be advised to promote the document by way of a notification on the Parish Notice board/the Parish Council web page, directing residents to the Bolsover District Council website where electronic copies of the document(s) are posted. A hard copy will be sent to the Parish Council and the Settlers Association for them to make available as they think appropriate and a further hard copy will be available for reference at The Arc Reception desk.

3. Reasons for Recommendation

- 3.1 Under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities are required from time to time to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Furthermore Local Planning Authorities are also required to determine whether any further areas should be designated.
- 3.2 It is considered that the proposed conservation area as set out in the attached appraisal is of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance in accordance with s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.3 The ultimate designation of the Conservation Area will enable the Council to exercise its planning powers in relation to the proposed Oxcroft Conservation Area in order to preserve and enhance its special architectural and historic interest.

4 Alternative Options and Reasons for Rejection

- 4.1 The only alternative is not to consider the designation of the proposed conservation area for Oxcroft Settlement which would be in contravention of the legal obligation as set out in the Planning (Listed Buildings and Conservation

Areas) Act 1990 and the Government Guidance set out in the National Planning Policy Framework (2021).

RECOMMENDATION(S)

1. That Committee approves the Draft Conservation Area Appraisal for Oxcroft Settlement (Appendix 1) for public consultation.

<u>IMPLICATIONS:</u>	
<u>Finance and Risk:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Section 151 Officer	
<u>Legal (including Data Protection):</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Solicitor to the Council	
<u>Staffing:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details:	
On behalf of the Head of Paid Service	

DECISION INFORMATION

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

District Wards Significantly Affected	Clowne West, Bolsover North & Shuttlewood and Bolsover East.
Consultation: Leader / Deputy Leader <input checked="" 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: Consultation has taken place with the Portfolio Holder for Corporate Governance and Deputy Leader.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
Environment: Benefiting Communities. - No. 4 of the Planning Service Plan – conduct a district wide review of the conservation of designated and non-designated heritage assets.

DOCUMENT INFORMATION	
Appendix No	Title
Appendix 1	Appraisal Document: Proposed Conservation Area Oxcroft Settlement
Appendix 2	Boundary Map: Proposed Conservation Area Oxcroft Settlement

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 Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</i>
None.

Draft Oxcroft Conservation Area Appraisal March 2022



31



Policy Context	2
Introduction	4
Oxcroft Settlement: An Overview	5
Historic Origins	6
Landscape Character	12
Townscape Character	13
Views	19
Traffic and Movement	21
Summary	22
Sources	23

Policy Context

National

Central Government Guidance on the Historic Built Environment is contained within Section 16 of the National Planning Policy Framework (2021), Conserving and Enhancing the Historic Environment. The guidance advises that heritage assets should be conserved in a manner appropriate to their significance. When considering Conservation Areas the guidance states that local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Oxcroft Settlement is put forward by the local community as an area that has the special architectural or historic interest that justifies designation as a Conservation Area.

Local

The National Policy embodied in the NPPF is taken forward at a Local level in the Local Plan for Bolsover District (March 2020). The policies that address the conservation of the Historic Environment are included in Chapter 7, Sustainable Communities.

SC16 - Development Within or Impacting Upon Conservation Areas

SC 17 - Development affecting Listed Buildings and Their Settings

SC18 - Scheduled Monuments and Archaeology

SC19 - Bolsover Area of Archaeological Interest

SC20 - Registered Parks and Gardens

SC21 - Non-Designated Local Heritage Assets

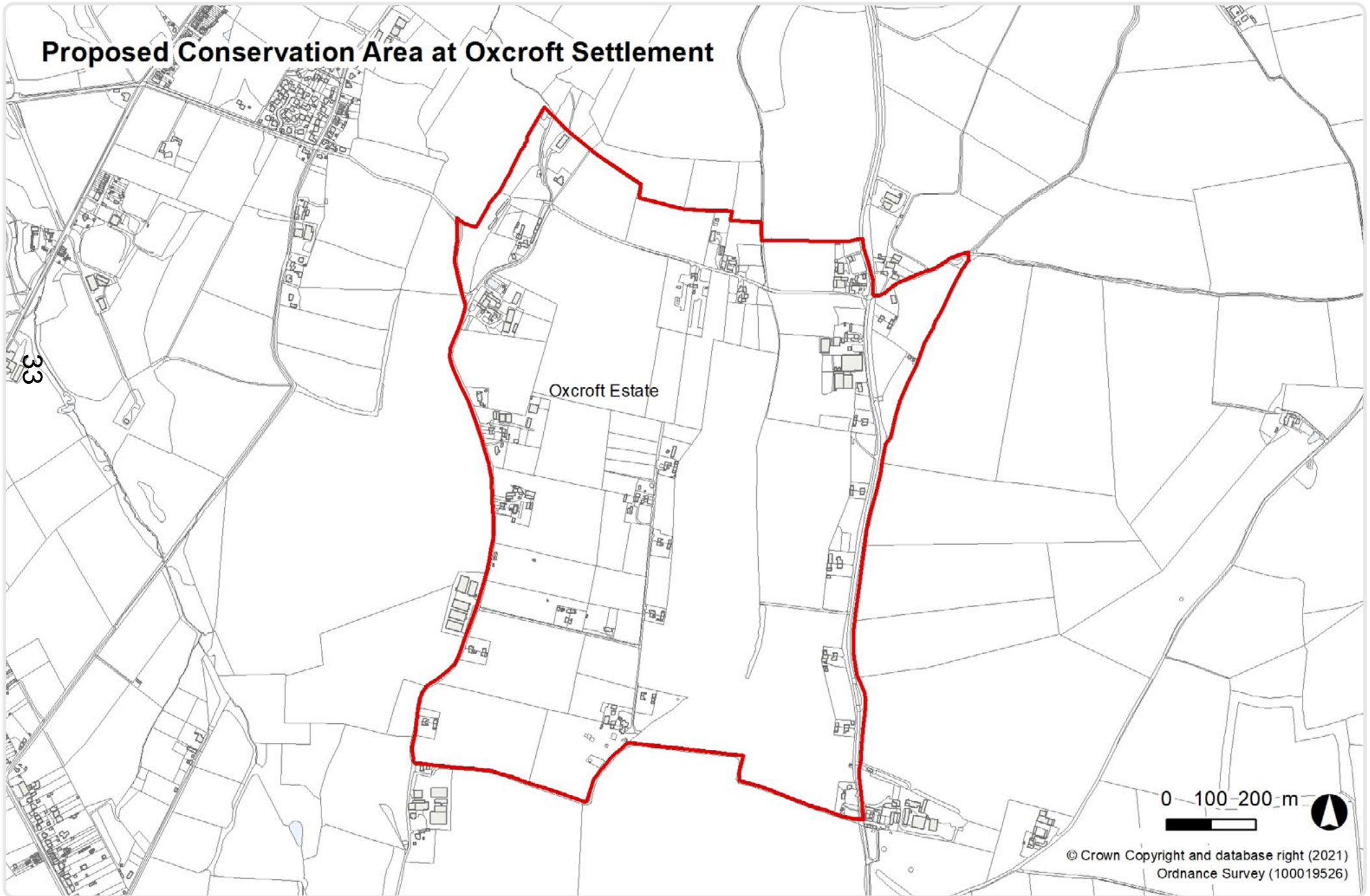
Complementary supporting Local Guidance includes; The Historic Environment Supplementary Planning Document (March 2006) which gives District-wide guidance on Development and the historic built environment and Historic Environment Scheme (February 2008 and November 2011)

Purpose of document

This Appraisal defines the particular significance of the historic, architectural, landscape and townscape elements of Oxcroft Settlement that support its designation as a Conservation Area.



Proposed Conservation Area at Oxcroft Settlement



© Crown Copyright and database right (2021)
Ordnance Survey (100019526)

1.0 Introduction

The purpose of this document

This Appraisal is a statement of what defines the character and appearance of the proposed Oxcroft Settlement Conservation Area, identifying those elements in particular which are significant to its character and appearance. The Appraisal should be read in conjunction with the Historic Environment (LDF Supplementary Planning Document).



Document layout

Overview is the broad context of the conservation area designation.

Historic Origins is an historic overview noting the surviving buildings from each century. As well as longevity this will enable an appreciation of rarity as being key to significance along with an understanding of the historic relevance of

the surviving building types. Each building is numbered and cross referenced on the plan of Building Reference Numbers.

Landscape Character provides the context for the wider setting of the conservation area with regard to the geology, morphology and historic land use and settlement pattern.

Townscape Character opens with a general character statement. Where there are character areas within the designated area each individual character area is identified and defined. This section identifies what is key about the townscape, the buildings, boundaries, building materials, the trees and the open spaces.

Key Buildings are those buildings that make a significant contribution to the character and historical importance of the conservation area. They are either listed buildings, non-listed buildings of merit.

Views relates back to the earlier Landscape Character section. Important views are identified and the reason stated.

Traffic and Pedestrians sets out the characteristics of roads, pavements and parking in the Conservation Area.

The final Summary sets out the key components of significance. An expansion of this can be found at the end of each of the previous sections.

2.0 Oxcroft Settlement: An Overview

Oxcroft Settlement is an architect designed planned settlement based around a 19th century farmstead. It emerged from a Government initiative in the 1930's based on allotments, to address mass unemployment, particularly in the coal mining and related industries. Oxcroft was one of 22 such settlements across the country but the only one in Derbyshire.



The traditional buildings within the Settlement comprise the original Oxcroft farmstead and the Settlement houses along with what remains of their agricultural buildings. There are five other former/existing farmsteads, not related to the Settlement. In the field patterns, a number of the associated small holdings survive. The surrounding landscape comprises agricultural land, woodland and rough land.



Proposed Boundary: The proposed Conservation Area boundary has been drawn to include the traditional buildings and the land of the former small holdings which although not now cultivated for the most part, with a number being used as paddocks, remain a key component of the historical development and character of the former Settlement.

Map: Proposed Conservation Area

3.0 Historic Origins

In putting together an overview of the historic origins of Oxcroft Settlement the research that was submitted by the Oxcroft Settlement group has formed its basis. Of particular value was the information from Peter Clarke PhD. Dr Clarke is regarded as an authority on the Land Settlement Association having completed a PhD in 1983 on the national programme of Land Settlements as well as continuing to undertake further research following on from this.

The Land Settlement Association was a Government initiative established in 1934 to address the mass unemployment of men in the coal mining and related industries. Its purpose was to create the opportunity for the men to make a livelihood from working the land. There were 20 Small Holding Settlements throughout the country along with 5 Cottage Homestead Settlements. Oxcroft was a Small Holding Settlement and the only Settlement in Derbyshire. Oxcroft Farmstead was an ideal location being located close enough to the mines to enable the initial settlers to commute prior to taking up residence.

19th Century

The Oxcroft Settlement was based on an existing 19th century farmstead, Oxcroft Farm; a Model Farm dating from the early 19th century.

Model Farms like Oxcroft were part of the revolution in agriculture that led to farmsteads being located away from

villages. As large purpose built farmsteads sat within the open landscape they constituted a more efficient approach to farming which underpinned the agricultural revolution.



Oxcroft farmstead was one of a number built by the Duke of Portland following his purchase of the Manor of Elmton in 1854. Continuing the agricultural reform started by his predecessors, the Duke focused his efforts on the dispersal of farmsteads into the newly enclosed lands. A combination of factors made the locality desirable, with the Magnesium limestone subsoil resulting in few trees and fertile land.

The increasing mechanisation of farming that came with the agricultural reforms and the movement towards Model Farms impacted on rural communities, resulting in less demand for farm labour. To encourage labourers to stay in rural areas the Poor Law of 1834 embodied the provision of allotments. Although initially provided by private landowner, the 1894 Local Government Act created elected councils at district and parish levels. These councils had the power to obtain land for allotments. The local authority allotments had better security of tenure and less restrictive conditions than those of the private landlords.

Former agricultural workers in the vicinity of Clowne and Bosover were however fortunate as in the late 19th century the industrial revolution had brought local employment in the nearby collieries.

20th Century

The situation was however to change. Following the Great War, staple industries such as mining were hit by economic conditions at home and abroad. At its peak in the early twentieth century, Britain had been a major export of coal and the industry was the country's largest employer. However growing international competition, use of oil, and the world-wide economic depression hit the industry hard, and during the inter-war era the resulting mass unemployment was felt most acutely in the coalfields areas.



In 1926 the Coal Dispute and General Strike led to the Churches coming together in their concern for the mining communities. The Quakers established a Coalfields Distress Committee to provide gifts of clothing, boots and money to mining families. In 1928 on seeing starving families next to derelict urban land which could be cultivated for food, a scheme was initiated to help men in the coalfields areas to cultivate allotments.

In 1929 the Lord Mayor of London made allotments in the Coalfields the subject of his traditional annual appeal. The Central Committee (Allotment Gardens for the Unemployed) was set up and the Seeds Scheme launched. By 1934 the Seeds Scheme was helping 100,000 men across the country with the help of modest grants from Government.

During this time a wealthy industrialist, Mr Malcolm Stewart had suggested the establishment of a scheme of full time small holdings to the Government. Initially reticent, the Government eventually joined him on his purchase of two farms at Potton, Bedfordshire. As a result, in July 1934, the

Land Settlement Association (LSA) was established with Government backing to undertake an experimental scheme of full time land settlement for unemployed men in the coalfields areas. Potton was accepted as the first estate.



The LSA established a series of principles that they considered essential to ensure the success of the scheme:

- the smallholdings must be established in groups located around a central farm and run by estate managers – it was agreed that each estate needed a minimum of 50 smallholdings to make the estate economically viable;
- training and supervision should be provided;
- co-operative methods should be used to purchase agricultural equipment and market the produce;
- loans at favourable rates should be available for tenants to help them equip their holdings; and

- the smallholdings should be rented to allow flexibility for termination to both the LSA and tenant, and to ensure that the initial financial outlay for each smallholding was not a burden on the occupiers.

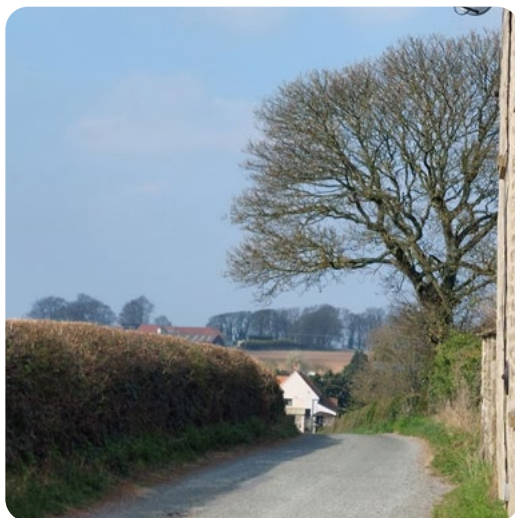
The LSA experienced difficulties in finding available estates with suitable soils for division into smallholdings that could be occupied immediately and that promised a good return from the land.

Oxcroft Settlement

It was in 1936 that the LSA created the estate of Oxcroft Settlement, a 399 acre property which it rented from Derbyshire County Council. Only part of the farm was deemed suitable for small holdings; 145 acres to the east of Oxcroft Lane. The Settlement was subsequently laid out in accordance with LSA Principles. It comprised 40 horticultural holdings, so less holdings than considered viable. Each holding was based on a model layout; laid out with 1 acre of fruit including trees and at least 2 acres for cultivation, largely using hand tools.



The first settlers arrived at Oxcroft in February 1936, soon after the estate was acquired. The houses were completed by December at which point the men were joined by their families. The houses were semi-detached; built to a design by the Architect, Fred Levitt of Biggleswade, Bedfordshire. They were identical to the first Settlement at Potton, Bedfordshire, also designed by Levitt. Each 3 bedroom house had a three sty piggery. By the standards of agricultural housing at that time, the LSA houses were notably better built.



In 1937 the Development Plan for Oxcroft was amended with large glass houses erected for some of the holdings as well as being equipped for poultry keeping. The men trained for two years and received their tenancy on successful completion. In April 1938 the first tenancies were created. By March 1939 all 40 of the holdings had been developed and 37 families had moved in.

The remaining land at Oxcroft was part of the Central Farm,

based around the original Oxcroft farmstead. Some of its buildings were converted to become the Estate Service Depot, known as the 'Centralised Services'. The farmstead became the economic heart of the estate, housing the horticultural propagating unit, produce packing shed and pig and poultry breeding units. The Estate Manager lived in the former farmhouse and had his office there along with the office of the estate accountant. Due to the remote location of the Settlement, a community hut was built at the farmstead to provide a social focus for the estate as well as a meeting room. The estate was run on a cooperative basis, with an estate consultative committee and Settlers meetings.

The outbreak of WWII disrupted the scheme nationally. Food production became a higher priority than resettling the unemployed. This led to men with a farming background being given priority for tenancies. With the shortage of animal feed the animal stocks had to be decreased significantly. The number of tenancies at Oxcroft were thereby reduced to 26 to enable the each of the remaining Settlers to grow more food to compensate the consequent loss of income from the animal husbandry.



With the outbreak of war the LSA policy had thereby come to an end. By 1941 many of the original settlers at Oxcroft had already returned to their former employment as the coal industry revived. After the war the Land Settlement Association was absorbed into statutory small holdings policy within the Agricultural Act of 1947. The aim was to give men the opportunity of a foot on the first rung of the farming ladder.

In 1950 the Ministry of Agriculture took over the Oxcroft Estate from Derbyshire County Council but it remained managed by the LSA. The 1950's saw many changes. Pigs were prioritised, with the Oxcroft estate becoming the home of a herd of pedigree Large Whites. Battery houses for hens were erected on some holdings with others having bigger piggeries. In the late 1950's the water supply was improved. Glass house heating was improved in response to tenants' requests.

Towards the end of the 1950's the LSA worked with the National Agricultural Advisory Service to create a Pilot Horticultural Holding at Oxcroft. Its aim was to encourage tenants as to the possibilities of horticulture and demonstrate best practice. It failed however. Glass house production failed to reach its potential due to the smoke from the nearby coking works and the elevated and exposed location of the estate impacted on the productivity of the land grown crops.

By the 1960s, the number of LSA smallholdings had halved. The Wise Report, published in 1967, advised that there was no longer a need for a national LSA scheme but that

there was an obligation to existing tenants. In response, the Government decided that the LSA scheme would continue but without the centralised services and only where commercial horticulture (in particular salad production) could be intensified.



As it was, the livestock bias of Oxcroft was to lead to its downfall. Following a Committee of Enquiry in the early 1960's the Government announced that although the LSA scheme should continue, its future lay in horticultural production. Oxcroft was subsequently and officially withdrawn from the LSA scheme on 31st March 1969.

The Minister of Agriculture announced the end of the LSA smallholding scheme on 1 December 1982, and stated that the LSA would cease to be an organisation by December 1983. All settlers, including those at Oxcroft were given the opportunity to purchase their properties from the Land Settlement Association.

21st Century

Much of the original estate remains intact. All of the cottages survive (although altered), along with their piggeries and some of the poultry houses and glass houses. Many of the Oxcroft farmstead buildings that were at the heart of the community also remain. A small number of the holdings retain their original 5 acre footprints with some occupants the descendants of the original Settlers. Some of the current community of 'Settlers' continue to produce market garden crops.



Significant Historic Characteristics

- An example of a 20th century architect-designed planned settlement
- A settlement of national significance in terms of UK social and economic history.
- The only Settlement that was established in Derbyshire
- One of only a few examples of Land Settlement Association settlements that maintains the original open settlement pattern, buildings, plot boundaries and agricultural context.

4.0 Landscape Character

The landscape is a key component of the character and appearance of a settlement. The underlying geology influences the natural landforms, features and natural vegetation. These in turn influence the nature of man's activities over the centuries including the very nature of settlement. Landscape is therefore integral to sense of place and a key component that underpins character and appearance.

The Limestone Farmlands landscape of the Magnesian Limestone Plateau upon which Oxcroft Settlement was created is a simple yet distinctive agricultural landscape of gently rolling land that falls gently towards Nottinghamshire. The free draining and fertile soil that led to a tradition of arable farming made it an ideal location for the Oxcroft farmstead around which the Settlement is based.

The Settlement is located on the edge of the Limestone plateau. The long distance views that are characteristic of this open landscape, due to the gentle relief, lack of hedgerow trees and large arable fields are thereby even more pronounced with long distance panoramic views to the west of the Derbyshire Peaks.

The landscape of the Limestone Farmlands comprises large arable hedge-lined fields with the straight road of the A...from the time of Enclosure, a characteristic. Within the Settlement the horticultural landscape remains evident in parts with some allotments still in use.

The privet boundaries to cottages and a combination of (mostly) native hedges and timber fencing divide the parcels of land.



Landscape Significance

- The Settlement is a landscape within the landscape; the subdivided horticultural landscape of the original Settlement as distinct from the larger arable fields of the limestone farmlands landscape that surrounds it.
- The long distance panoramic landscape views to the west are a key component of its wider setting.

5.0 Townscape Character

The character of an area is derived from the combination of a variety of things; historic street pattern, land use and activities within this pattern, individual or groups of buildings, their settings and the contribution of local building materials and architectural details, the quality of open and public spaces and underlying landscape quality. In addition to a place's essential character, the appearance of an area derives from how well the characteristic elements are maintained, and presented.

Townscape

The townscape components that contribute to the character of an area essentially comprise buildings their form and design, boundaries, trees and spaces. Traditional building materials are a key component of local identity. Established trees are significant for their historic legacy as well as amenity value. Significant trees are often acknowledged by the designation of a Tree Preservation Order. The significant townscape elements are marked on the Townscape Plan.

Reference: *Townscape Plan*

Traditional Buildings

Settlement Cottages: the cottages at Oxcroft date from the late 1930's. They are semi-detached. The original roofs were pantile with over-sailing eaves. Although stone and pantile are the traditional building materials of the locality, the cottages were built of red brick. Although the vast majority are now rendered, on a number the render has

been removed. The unified architecture of the original concept is no longer a feature with a significant number of the dwellings modernised and enlarged. This has resulted in the loss of traditional joinery, roof materials and in most cases the rendering of the walls. However, as widely spaced semi-detached properties with open land between, the townscape of the original Settlement remains very much in evidence. Some of the buildings for animal husbandry that were located close to the dwellings survive.



Oxcroft Farm: the farmstead dates from the late 18th century. The courtyard form of a Model Farm is obscured by later additions. It has been converted to residential use and comprise 5 dwellings. The traditional materials of stone and pantile of the former agricultural buildings contributes to their overall character although their conversion, with

the addition of new openings, has diluted the potential contribution of their agricultural origins. The original stone farmhouse and adjacent building have lost their traditional roofs. The stone wall that forms the boundary to the road is a feature of the townscape creating a distinction between the farmstead group and the rest of the area. The agricultural character is retained in the modern agricultural sheds located at the rear of the traditional group.

Limestone Farm is also no longer in agricultural use. As with Oxcroft Farm, the former stone barn retains a pantile roof. The stone farmhouse/cottages have a blue slate roof. This farmstead dates from the 18th century. A modern stone built single storey range with a sheeted monopitch roof runs along the road frontage. The original stone and pantile barn is on the facing side of a former farmyard, now garden area.



Woodside Farm comprises a modern bungalow with a large agricultural shed some way from it. The boundary include the copse from which it gets its name.

Damsbrook Farm is an early 19th century stone farmstead range. It sits at the entrance to the former Settlement near the junction of Oxcroft Lane and Mansfield Road. It is set out in the courtyard plan arrangement of a Model Farm, although relatively small in scale. The farmstead remains in agricultural use. Modern agricultural buildings have not impacted on its original layout. With the survival of its traditional range, Damsbrook Farm has the most character of all of the farmsteads in the proposed conservation area.

Brockley Wood Farm comprises the original farmhouse, which is much extended and pebble-dashed, along with a number of large 20th century agricultural sheds. The original farmstead layout is no longer discernible.

Top Farm sits at the edge of the plateau and comprises four very large modern storage sheds.

Boundaries

Boundaries are a key component of the former Settlement's character. Hedges of traditional native species surround it. Within it, the main roads are similarly hedge lined with narrow verges along Oxcroft Lane and wide verges along Mansfield Road. In some places the traditional hedgerow boundaries incorporate individual trees.

In contrast, the boundaries to the Settlement properties are primarily privet hedges, a popular hedge type for 1930's residential properties. Most are shaped and kept low, enabling views of the houses and gardens. Being a boundary treatment of their time, they contribute significantly to the overall historic and visual setting of the houses.



Timber post and rail fences predominate in some of the formerly cultivated open areas, a large number of which are now paddocks. Although a physical barrier, they maintain the open character of the former plots to an extent, although their paddock character is a significant difference.

Limestone boundary walls are characteristic of the farmstead groups. The boundary wall to the former Oxcroft farmstead is a traditional dry stone wall of about 4 feet in height. It is finished with the rough stone half round coping traditional of this type of wall with large flat stones with a rounded top that stand upright and are pressed tightly together. Further along from the farmstead group and along Oxcroft Lane at Limestone Farm the walls are mortared and the half-round copings more substantial and dressed.

As field boundaries, stone walls are not a feature of the area. Hedgerows predominate between arable fields, timber fencing is a more common boundary treatment in the former horticultural area of the settlement.



Materials

Natural stone: Magnesian Limestone is the local stone. It is a durable building material. Oxcroft and the other farmsteads are constructed of this stone, which has stood the test of time well. As the predominant traditional farmstead building material it is used for both the buildings and walls and contributes significantly to their character.



Slates and Tiles: As with the early traditional buildings of the farmsteads, the settlement cottages were roofed with clay pantiles. Their brilliant red/orange colour gives buildings a certain distinctiveness that resonates a pre industrial townscape. The pantiles have been replaced with concrete tiles on a number of the Settlement properties. In their visual heaviness and flat patina they do not contribute positively to their character and appearance or that of the area as a whole. Blue slate is not a characteristic of the area. It is used on the former farmstead houses.

Brick: The former Settlement houses are built of red brick. The contribution of the material to the area is however negligible as the majority of properties are rendered.

Sheeting: fibre and metal sheeting is characteristic of agricultural buildings from the mid20th century onward. It is used on all of the farmsteads. In the case of Top Farm, it is coated metal profile steel sheeting coloured dark green. With the scale of the Top Farm buildings, the use of coloured coated sheeting gives them a higher visual quality with green the most appropriate colour given the context.



Trees and Planting

Trees are a component of the natural landscape that surrounds the former Settlement. Trees in small groups predominate. A number are groups of hedgerow trees which form distinctive linear features in locations throughout the area. Others are small copses in the landscape.



The combination of street trees, garden trees, hedgerow trees and field trees adds to their overall contribution across the conservation area. The age and thereby the physical stature of many also increases their impact within the overall townscape. Their variety adds further to their visual interest. The established trees at the entrances to the village are significant in townscape terms. In particular, large landscape trees framing the entrances to the village from the west with a mix of evergreen and deciduous groups are a key townscape feature.

Significant mature trees exist in the area of the Church and Rectory. Trees in the landscape, singularly in hedgerows and in woodland groups are a key component of the immediate and wider historic setting of the conservation area.

Open spaces

Settlement Plots

The 5 acre holdings of the Settlement followed a set layout with a common path between. In its day, the horticultural planting filled the width of the plot with fruits occupying around an acre at the furthest most extent. Of the 2 acres for market gardening, the largest area was given over to brassicas, with potatoes and other 'miscellaneous' vegetables sharing equal space. The separate enclosures for poultry and pigs were near the house. Though some buildings survive, the enclosures for the animals are no longer evident. Those areas that are still in horticultural production contribute significantly to the ambience of the area.



Some of the original plots have been combined to create larger holdings, others have been subdivided. There are a number of the original plot boundaries that are intact. The overall openness of the previously cultivated area of the Settlement remains. With the taking back of land for agriculture in parts, the character of the limestone farmland landscape has come once more to the fore in some locations.



Townscape Significance

- The semi-detached urban form is a key characteristic of the former Settlement houses
- The legibility of the semi-detached house type paced widely along road frontages with open land to the side and rear is significant as a surviving component of the architectural intent Oxcroft as a planned settlement
- The large open spaces between pairs of houses is key to the setting of the proposed conservation area and its historic significance.
- The limestone farmland landscape within which the former Settlement sits with its typical large, open, hedge-lined fields and isolated stone farmsteads contributes to the character of the area.
- Within the area boundaries are distinct with the privet hedges of the settlement houses contrasting with the natural hedgerow and stone boundaries of the limestone farmlands.
- Trees in groups both within the proposed area and in the immediate landscape are important in their contribution to the overall landscape setting.
- Oxcroft is a settlement where the open spaces are a significant component of its history and visual character.



6.0 Views

The visual relationship of buildings to spaces creates a 'view'. The combined contribution of the views contributes to the overall setting. The stronger the views; from the quality of the buildings and boundaries and spaces, the greater is the sense of place. It is the sense of place that underpins the designation of a conservation area.

Map: Townscape Plan

Panoramic Views

A panoramic view gives a perspective to the viewer that is not merely visual. The connection to the landscape is both physical and visceral. The long distance panoramic view can be breath taking. Its expansive nature imbues an inner stillness. In contrast a middle distance panoramic view creates a backdrop and with this more enclosing. Panoramic views make a significant contribution to any setting. The views are classified as either highly significant (HP) or moderately significant (MP) and are noted on the Townscape Appraisal.

Views looking west towards the Derbyshire Peaks. Along Oxcroft Lane at the edge of the plateau the low hedges and walls enable panoramic view across the landscape below and out towards the Derbyshire Peaks in the distance. These long distance panoramic views are highly significant as they add another dimension to the open character that pervades the proposed conservation area.



Views east and south from Limestone Farm. These panoramas have the character of the limestone farmlands agricultural landscape of large, open, undulating agricultural hedge-lined fields and areas of woodland. Highly significant as such views are significant component of this particular landscape's character.

Views east from Mansfield Road. These panoramas comprise the limestone farmlands agricultural landscape of large, open, undulating agricultural hedge-lined fields and areas of woodland. Highly significant as such views are significant component of this particular landscape's character.

Views from within the estate and west from Mansfield

Road. These are characteristic of a number of views that convey an open landscape within which the nature of the intervention by buildings is sparse. Highly significant as such views are reflect the particular openness of the Settlement layout.

Significant Characteristics of Setting

- The setting is one of an all pervading openness; with the dispersed layout of the former Settlement properties and their plots set within the characteristically open landscape of the limestones farmlands locate at the edge of the limestone plateau.

7.0 Traffic and Movement

Pedestrian

Along the main roads of Mansfield Road and Oxcroft Lane, the area is hostile to pedestrians, due to the speed of the traffic. Although not experiencing as much traffic as Mansfield Road the narrowness of Oxcroft Lane contributes to a feeling of unease for the pedestrian. The un-metalled Damsbrook Lane and the continuation of Oxcroft Lane due east of the Mansfield Road are exceptions to this. Public footpaths are a characteristic of the surrounding countryside but not the former Settlement.



Vehicle

The time of the Settlement was at the beginnings of mass car ownership. It is likely that at that time the traffic in the area was likely to be local and comprising farm traffic in the main. The impact of traffic in the modern day is consistent

throughout the proposed conservation area. The traffic is frequent and fast along Mansfield Road albeit not heavy. Along Oxcroft Lane the traffic is much less busy but the narrowness of the lane increases its impact and there is also the traffic noise from Mansfield Road. The impact of traffic on the proposed conservation area is in its constant presence to a greater or lesser degree.



Parking

Public parking is not a characteristic of the conservation area. On street parking is not evident as the former Settlement properties and farmsteads have the facility of off road parking. The width of Oxcroft Lane and the speed limit on Mansfield Road effectively restrict parking in their way. Parked cars do not therefore impact on the character of the conservation area.

8.0 Summary

The proposed Oxcroft Settlement Conservation Area is characterised by:

- An historic architect designed planned settlement which survives in its original form overall
- An area of open character comprising an historic horticultural landscape set within a wider agricultural landscape
- A townscape and landscape that are indivisible
- A range of panoramic views that are a defining characteristic.



9.0 Sources

The Local Development Framework Historic Environment Supplementary Planning Document (Bolsover District Council)

Chapter 3: Historic Origins

Information provided by Peter Clarke PhD. An authority on the Land Settlement Association.

South Cambridgeshire District Council: Fen Drayton Former Land Settlement Association Estate SPD Adopted May 2011

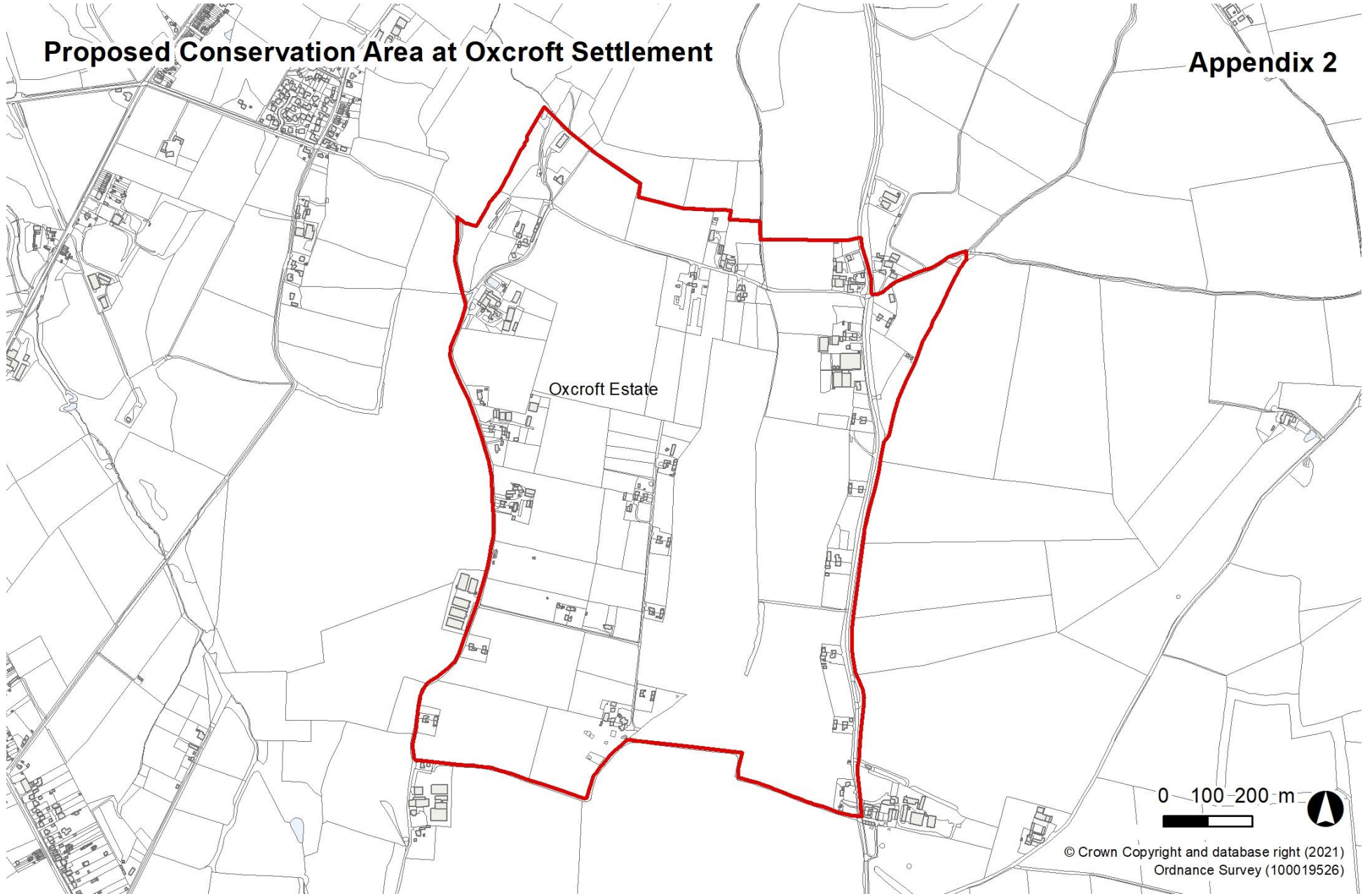
Chapter 4: Landscape Character

Landscape Character Appraisal: Landscape Character Descriptions No5. Southern Magnesian Limestone (Derbyshire County Council)

Proposed Conservation Area at Oxcroft Settlement

Appendix 2

54



Appendix 2

Bolsover District Council

Meeting of the Planning Committee on 21st December 2022

Report of the Interim Planning Policy Manager

STATEMENT OF COMMUNITY INVOLVEMENT

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

PURPOSE / SUMMARY OF REPORT

- To approve the Council's Statement of Community Involvement
-

REPORT DETAILS

1. Background

1.1 As Member's will be aware, the Statement of Community Involvement (October 2017) sets out how the Council will engage with the public in the development of our Development Plan documents, during our stage of the Neighbourhood Plan preparation process and on development control cases / planning applications.

1.2 Work commenced on the review of the Statement of Community Involvement in February 2022 and at its meeting in April Planning Committee approved a 6-week public consultation exercise on a prepared draft Statement of Community Involvement. This exercise ran between 6th May and 17th June 2022 and was publicised as follows:

- writing to everyone on the Planning Policy consultation database to notify them of the start of the consultation exercise and where to find the document;
- using Bolsover TV, a Planning newsletter; the Council's website and Ask Derbyshire websites;
- placing a physical copy including paper survey forms at publically accessible venues such as Libraries, and Customer Contact Centres.
- consulting via the Bolsover District Council Citizens Panel.

- 1.3 In addition to consulting on the document itself, we also devised an online (and paper) survey where we asked specific questions and sought preferences from respondents on options about how we could potentially exceed the minimum requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, about how we could improve engagement and to allow respondents to suggest other options.

2. Details of Proposal or Information

Feedback on who responded

- 2.1 During the consultation exercise we received 209 responses, 201 of which were made using the prepared online survey with a further 8 written submissions. Of the 201 online survey responses, participants of the Citizens Panel contributed 145 responses and this high number and usage is considered to represent a successful component of the exercise.
- 2.2 The full set of responses are contained within Appendix A to this report, although the headlines from the consultation exercise are summarised below.
- 2.3 Questions 1 and 2 of the survey focussed on who responded to the survey and whether they had recently interacted with the planning department and saw that:
- 58 of the respondents (39%) had not engaged recently with the department;
 - 47 of the respondents (32%) had engaged recently on planning applications;
 - 25 of the respondents (17%) had engaged recently on local plans and plan making;
 - 11 of the respondents (7%) had engaged recently with the enforcement service; and
 - 8 of the respondents (5%) had engaged recently with the built heritage conservation service.
- 2.4 This demonstrates that we have received responses from people with a range of experiences, ranging from no past experience through to people that have been involved in potentially all planning services.
- 2.5 However, it should also be noted that whilst the Citizen's Panel significantly boosted the response rate, the Citizen's Panel members that responded were significantly over-representative of the age group '65 years and over' (61% of members compared to 20% of the District's population in the 2021 Census) and significantly under-representative of the age group '15 to 64 years' (39% of members compared to 64% of the District's population in the 2021 Census).
- 2.6 Finally, 54% of the respondents to the survey were from people answering on their own behalf and 20% were from people answering on behalf of a community group.

Feedback on public engagement in plan-making work

- 2.7 Question 3 focussed on public engagement in plan-making work and asked for views about several suggested options about how the Council could seek to increase public engagement. Overall, feedback to this question was positive and this is detailed below by option:

- 117 respondents (56%) supported the suggestion of consulting directly by letter all properties affected by a draft site allocation for residential, employment, gypsy and traveller, travelling show-people and retail, town centre and tourism uses;
- 104 respondents (52%) supported the suggestion to offer to establish Local Plan Resident Forums where residents can be invited to meetings where we can explain in much greater detail our local planning work outside formal consultation periods;
- 93 respondents (46%) supported the suggestion to publish a Consultation Response Information sheet or a guidance note that would set out the type of comments that are acceptable;
- 92 respondents (46%) supported the suggestion to have at least one Saturday morning drop in session in the District during a Local Plan consultation period;
- 79 respondents (40%) supported the suggestion to offer to hold meetings with key representatives of a community group / organisation to explain the process, the background and to any policy and listen to their concerns;
- 76 respondents (38%) supported the suggestion for more regular meetings with Parish Councils;
- 65 respondents (33%) supported the suggestion to station a Planning Policy member of staff for at least 3 days within the District Offices (or other venues) for each local plan consultation period;
- 37 respondents (18%) supported the suggestion to continue to meet with the Countywide Gypsy and Traveller Liaison working group and the Derbyshire Gypsy Liaison Group;
- 34 respondents (17%) supported the suggestion to consider using 'mobile phone' outreach methods to achieve higher engagement;
- 27 respondents (14%) supported the suggestion to hold meetings with the Showmen's Guild, Access Bolsover and any Eastern European groups in the District.

2.8 This demonstrates that writing directly to all properties affected by a draft Local Plan site allocation and Local Plan Resident Forums were the most popular options and were felt to support greater public engagement, although most options were considered to have a positive impact on engagement levels.

Feedback on interest in attending meetings

2.9 Questions 4, 5, 6 and 7 focussed on whether people were interested in attending Resident Forums or meetings with the Council on planning matters and the following feedback was received:

- 85 respondents said they were interested in participating in a Local Plan Resident Forum, with;
 - 17 saying they wanted a Forum in their own town or village, with Clowne as the most popular with 7 respondents;
 - 15 saying they wanted a Forum for a wider area, such as one covering the whole district;
 - 25 saying they wanted a Forum but not saying where they wanted it;
 - 68 respondents provided their email address saying they were interested in participating in a future Local Plan Residents Forum

(these respondents have since been contacted to ask them if they want to sign up to our Local Plan mailing list).

- 7 community groups / organisations were suggested that respondents thought the Council should meet more regularly with, with Clowne Community Association being mentioned by 6 respondents;
- 15 Parish Councils were suggested that respondents thought the Council should meet more regularly with, including some that border the district (but not always by the Parish Councils themselves), with Clowne Parish Council being mentioned by 7 respondents.

2.10 This demonstrates that in addition to the principle of holding Local Plan Resident Forums and more meetings with community groups, a large proportion of respondents were interested in attending meetings.

Feedback on social media and technologies

2.11 Questions 8 and 9 focussed on whether using social media or other technologies would encourage greater levels of public participation, with the following feedback being received:

- 86 respondents (43%) felt that newer technology was not applicable to them;
- 74 respondents (37%) said they would prefer the Council used Facebook for consultations;
- 66 respondents (33%) would be interested in using mobile phone friendly consultations to help them to engage in the planning process;
- 43 respondents (21%) would be interested in using QR codes to help them view consultations;
- 34 respondents (17%) would be interested in using Digital Mapping Software;
- 33 respondents (16%) would be interested in using virtual reality software.

2.12 This demonstrates that the use of social media or other technologies is yet to replace traditional methods of communication, although this may be skewed by the over-representation of responses from people in the age group '65 years and over'.

2.13 Question 10 asked for any other comments on how we can engage on plan-making, development control and other planning services and 68 individual comments / suggestions were received. These cover a wide range of issues and are tabulated in Appendix A. In summary, they include some technical comments about the document itself received from Derbyshire County Council, The Ramblers; Historic England, National Highways and Clowne Community Association. There are no strong common themes that emerge, with some comments directly supporting some of our suggestions and indeed the consultation methods we use already. Most comments do not however propose changes to the Statement of Community Involvement document itself.

Consideration of the feedback received and proposed changes to the Statement of Community Involvement

2.14 The minimum requirements for public engagement in planning matters are set out in legislation and regulations. However, the Council can choose to go above these minimum requirements should it wish to.

2.15 In light of Vision Bolsover's commitment to seeking to improve customer contact and remove barriers to accessing information, the feedback received during the consultation exercise has been considered by the Local Plan Implementation Advisory Group at its meeting on 21st September 2022 and the following actions received support for addition to the Statement of Community Involvement's public engagement proposals.

Plan-Making

- Consult directly by letter all properties affected by a draft Local Plan site allocation (in the same way as we would an outline planning application), unless it already has planning permission. This will apply to each of the following types of draft Local Plan allocation: residential, employment, gypsy and traveller, travelling show-people and retail, town centre and tourism uses.
- Station a Planning Policy Officer at the nearest Contact Centre (or other suitable alternative venues) for at least 3 days within each plan-making consultation period to make planning officers more accessible to the local area.
- Have at least one Saturday morning drop-in session during a district-wide consultation to provide some availability to those people who cannot make a weekday or evening drop-in session.
- Offer to establish Local Plan Resident Forums during the preparation of district-wide Local Plans where residents can be invited to meetings outside of formal consultation exercises to discuss progress on or any changes to the timetable to the preparation of the Local Plan. The number of, frequency of, and geographical coverage of such Forums would depend upon levels of interest.
- Offer to meet with appropriate representatives of community groups / organisations (particularly those registered as General Consultation Bodies or Other Consultation Bodies on the Council's Local Plan Online Consultation Database) to discuss progress on or any changes to the timetable to the preparation of the Local Plan. The number of, frequency of, and geographical coverage of such meetings would depend upon levels of interest.
- Greater use of social media advertising and digital planning techniques where these would lead to greater public engagement in the plan-making process.

All planning services

- Publish a Planning Consultation Response Guidance Note that would set out the type of comments that are appropriate to the consultation.
- Use QR codes on letters and posters.

2.16 It is considered that these additional requirements for public engagement in planning matters will both improve the Council's public engagement on planning matters and fulfil the Council's commitment to seeking to improve customer contact and remove barriers to accessing information.

- 2.17 A small number of minor changes have also been made to the document in respect of the comments received and to clarify certain elements of the document.
- 2.18 Given the nature of the Statement of Community Involvement document, the Local Plan Implementation Advisory Group also approved a four week 'feedback stage' following the publication of the October 2022 edition of the InTouch newspaper. This stage was to both provide feedback to any interested community group or organisation on what has been said and on what we plan to do in response. The feature in InTouch also advised that Council officers were offering to meet with any interested community group or organisation that requested this during the 'feedback stage'.
- 2.19 In response to this offer, one request was received and this was from Clowne Parish Council. As a result, Council officers went to the Parish Council meeting on 14th October 2022 and the Council's proposals for greater public engagement were welcomed. At the meeting, the Parish Council also asked whether the Council's recently installed Digital Display screens could be used to promote plan-making consultations and whether planning applications for large developments could be advertised in the InTouch newspaper.
- 2.20 In relation to using the Digital Display screens for plan-making consultations, the practicalities of this are currently being explored but it would seem a helpful proposal and will be added to the Statement of Community Involvement.
- 2.21 In relation to advertising planning applications for large developments in the InTouch newspaper, the principal barrier to this is the limited number of editions of InTouch. As a result, most relevant planning applications will probably be received at a time that does not relate well to an InTouch printing deadline and so this would be partial at best and therefore will not be added to the Statement of Community Involvement.

3 Reasons for Recommendation

- 3.1 The preparation of a new Statement of Community Involvement is an important demonstration of how the Council wants to engage with and secure the involvement of the District's local communities in its planning functions.
- 3.2 In reflection of this, the Council has:
- publicised the commencement of this work in February 2022, including writing to over a thousand people registered for plan-making updates;
 - set out a variety of options for how the Council could go beyond what the national regulations require and has sought people's views during May / June 2022 on whether these options would aid public engagement;
 - engaged with the Citizen's Panel on the above consultation;
 - considered the feedback received and set out the public engagement proposals it intends to add to the Statement of Community Involvement;
 - undertaken a 'feedback stage' during October / November 2022 to publicise what public engagement proposals it intends to add to the Statement of Community Involvement and offered to meet with any interested community group or organisation that requested this.

3.3 Following this comprehensive approach, a new Statement of Community Involvement has been prepared and is attached as Appendix B and is recommended for approval.

4. Alternative Options and Reasons for Rejection

4.1 One alternative option available to the Council would be to choose to wait until more is known about how the Statement of Community Involvement will fit into the Government's planning reforms. However, given progress with the national reforms is not certain, this could mean that the Council would not have an up-to-date Statement of Community Involvement by December 2022 and this option has therefore been rejected.

4.2 A further alternative option available to the Council would be to not go above the national regulatory requirements. However, this is considered to not reflect the aspirations within Vision Bolsover and therefore this option has also been rejected.

RECOMMENDATION

That Planning Committee approve the new Statement of Community Involvement (as attached at Appendix A) and approve its publication.

Approved by Council McGregor, Portfolio Holder – Corporate Governance

IMPLICATIONS:

Finance and Risk: Yes No

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: The Council has a statutory duty to prepare a Statement of Community Involvement under the Planning and Compulsory Purchase Act (2004) Section 18 As amended by the Neighbourhood Planning Act 2017, The Planning Act 2008 and the Localism Act 2011. There are no specific data protection issues arising from this report.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.

Details: The Statement of Community Involvement sets out how the Council will publicise and involve the public in its planning functions. As such, it does not specifically contribute to this subject, albeit it will promote greater use of digital, rather than paper, forms of engagement.

Staffing: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: There are no human resources implications arising from this report. <p style="text-align: right;">On behalf of the Head of Paid Service</p>
--

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: Local Plan Implementation Advisory Group

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

DOCUMENT INFORMATION	
Appendix No	Title
A	Summary of Responses
B	New Statement of Community Involvement
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>	

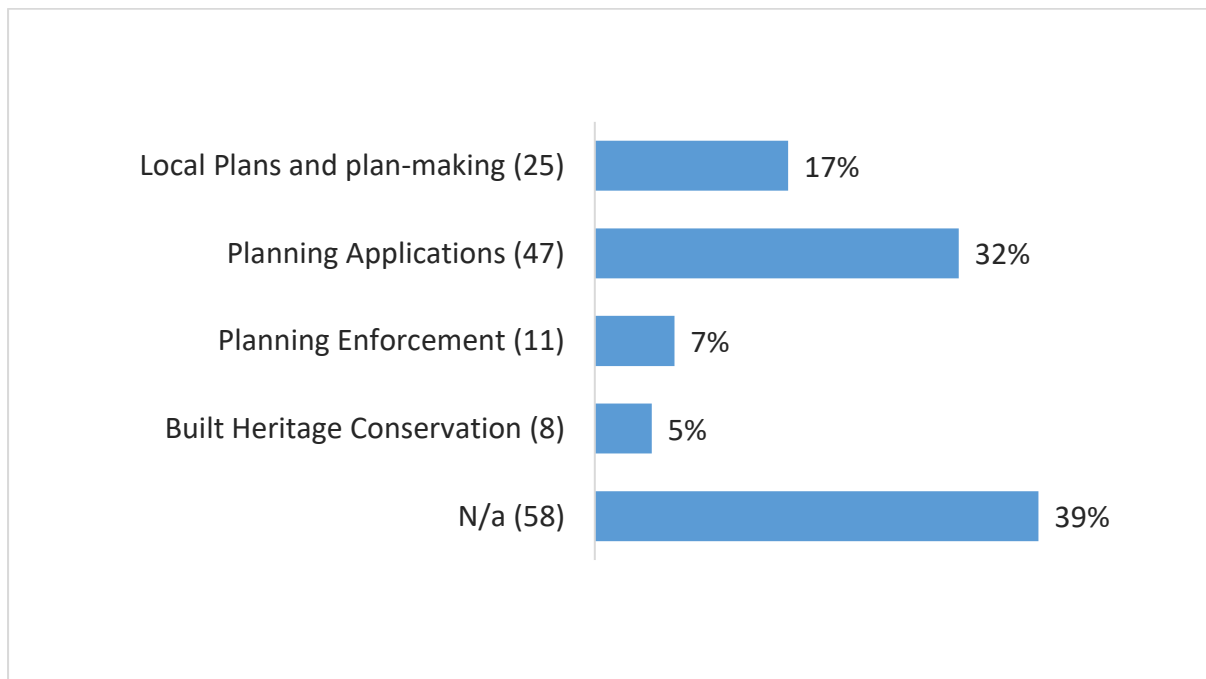
Appendix A

Summary of responses to draft SCI May 2022

1. Online Survey Feedback

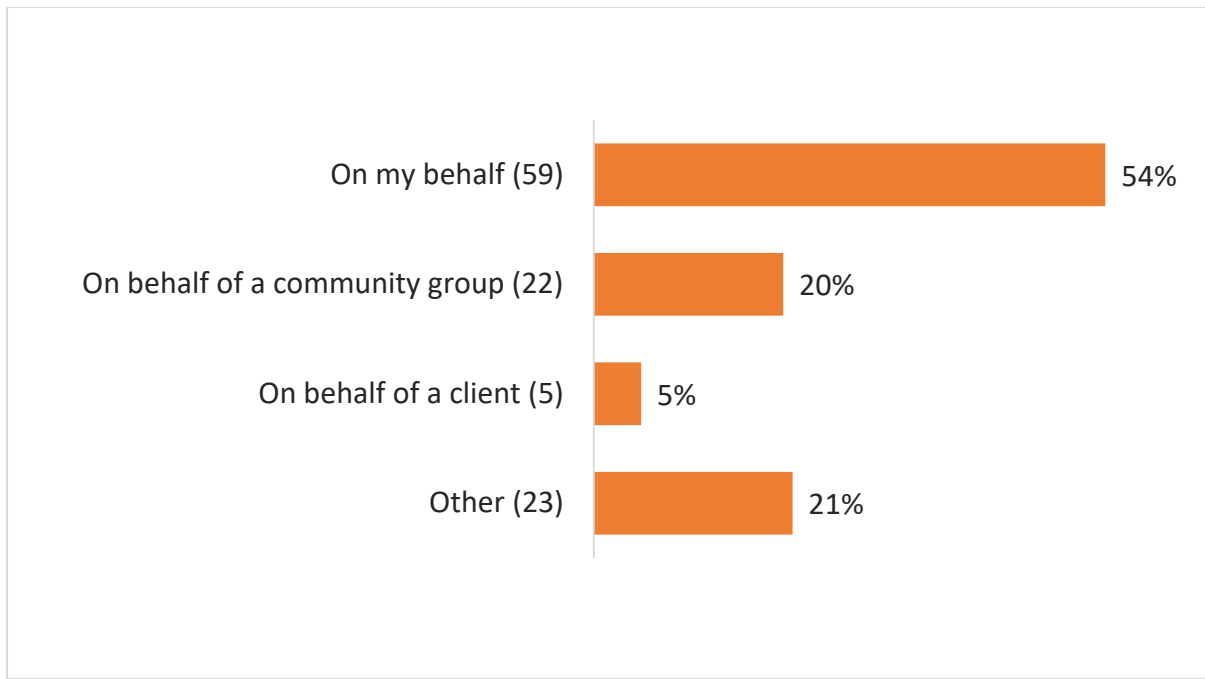
Question 1

Have you engaged recently with or provided comments to the BDC Planning Department about any of the following; (tick all that apply)



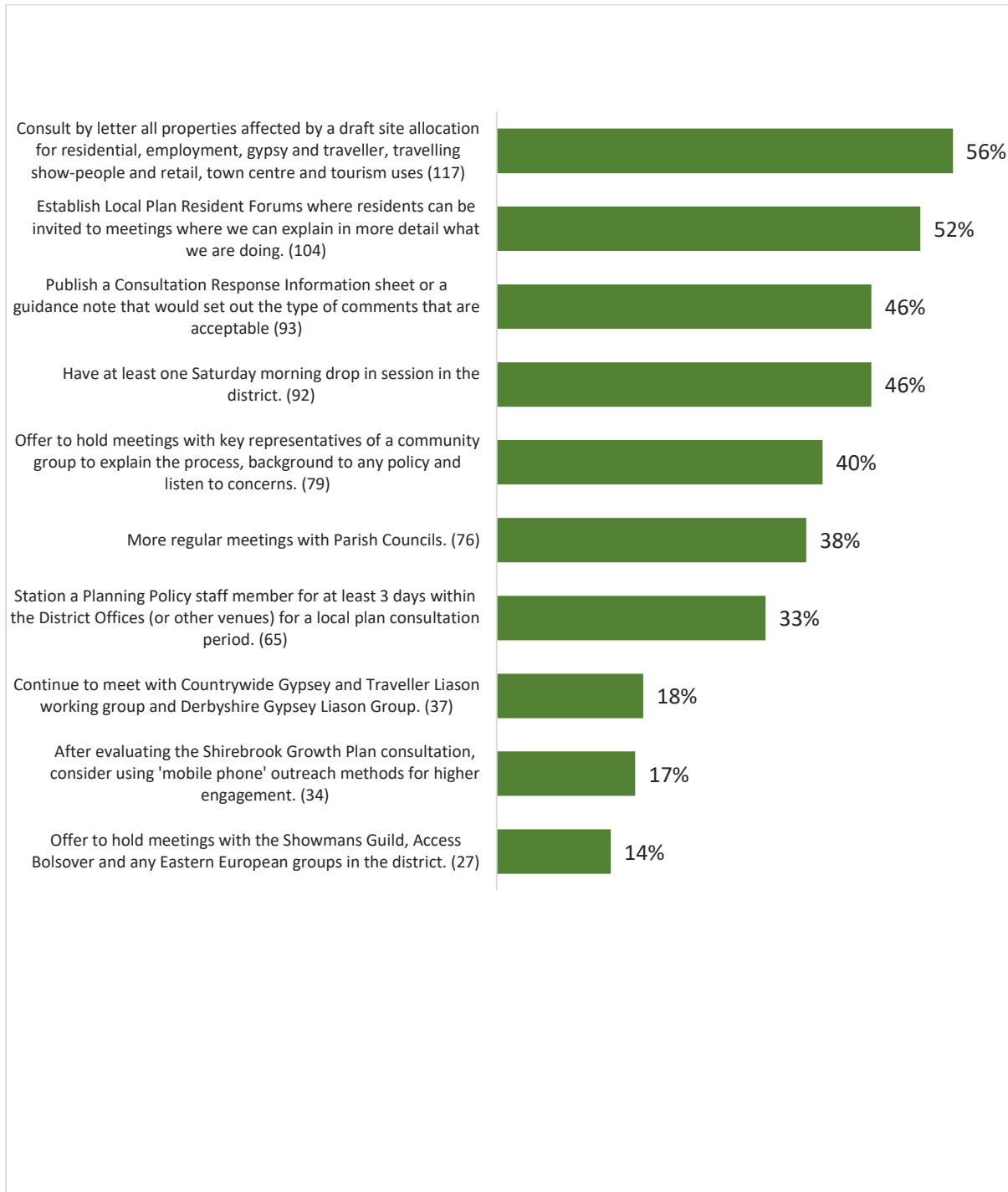
Question 2

Did you engage or make comment on your own behalf or for an organization; (tick all that apply)



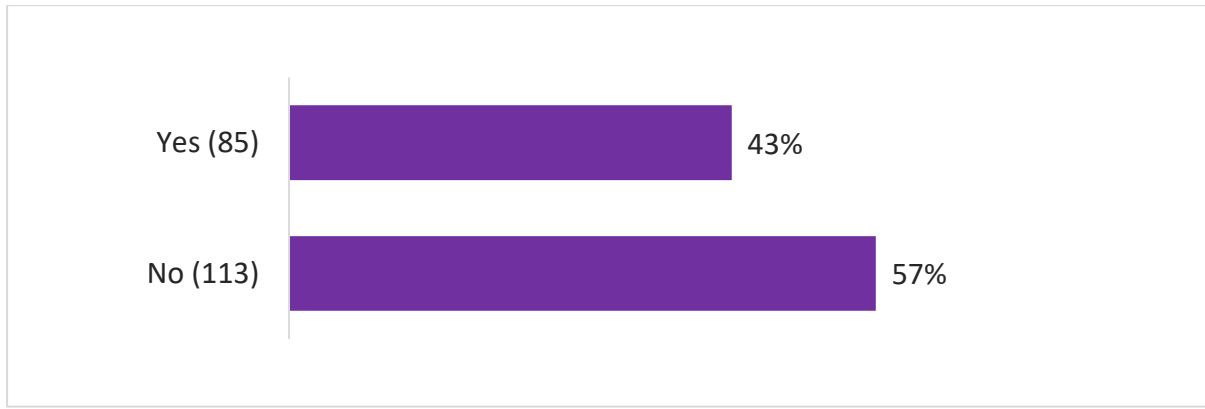
Question 3

We are keen to try and increase public engagement in plan making work and ensure communities get more involved in planning how their place changes over time. Do you have any preference for how we could do this from the list below; (tick all that apply)



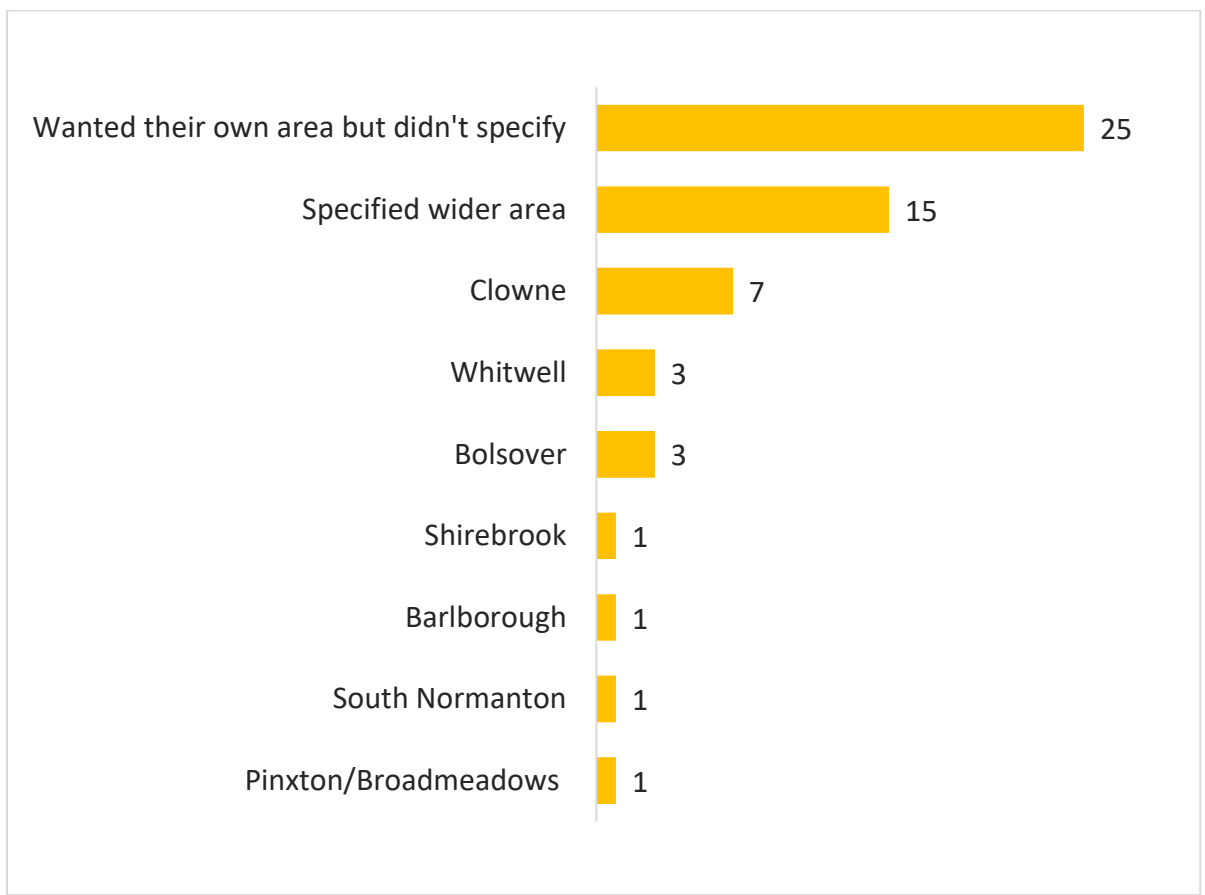
Question 4

Are you interested in participating in a resident's forum?



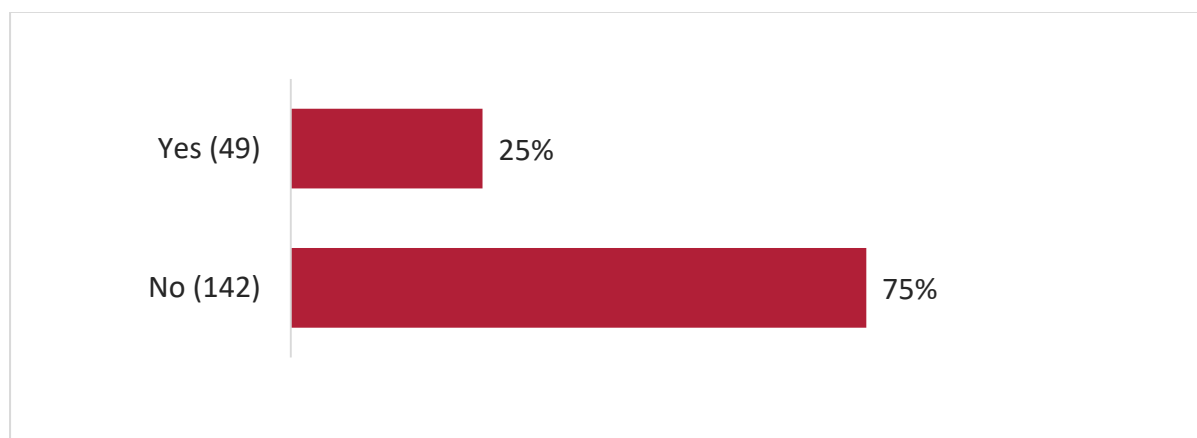
Question 5

Please state if you are interested in a forum just for your village/town and/or for a wider area?



Question 7

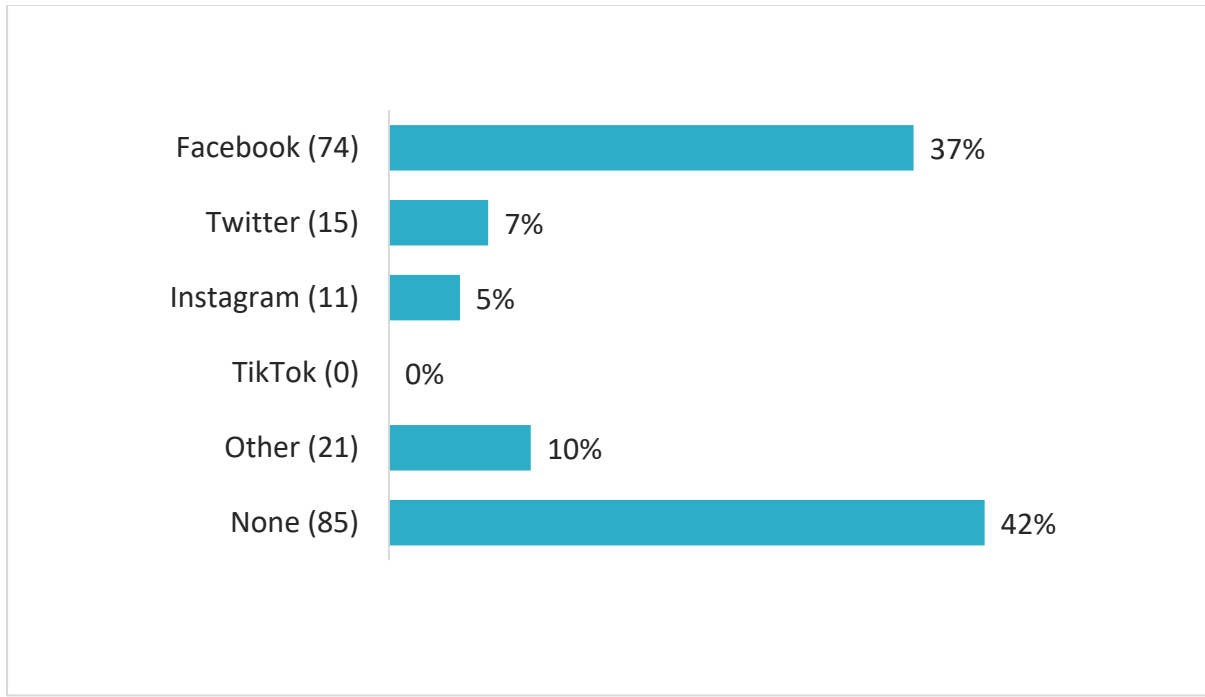
Do you know of, or are you part of a community group or Parish/Town Council with which you think we should have more regular meetings?



<u>Parish/Town Council</u>		<u>Community Group</u>	
Clowne Parish Council	7	Clowne Community Association	6
Whitwell Parish Council	4	Bolsover Civic Society	3
Langwith Parish Council	3	Friends of Bolsover Parks	1
Pleasley Parish Council	3	Wickets Residents Group	1
Old Bolsover Town Council	2	Working for a better South Normanton	1
Pinxton Parish Council	2	Westhouses Community Allocation	1
South Normanton Parish Council	2	Clowne Town Cricket Club	1
Blackwell Parish Council	2	W.I.	1
Ault Hucknall Parish Council	1	Parochial Church Council	1
Barlborough Parish Council	1		
Tibshelf Parish Council	1		
Eckington Parish Council	1		
Shirland & Higham Parish Council	1		
Pilsley Parish Council	1		

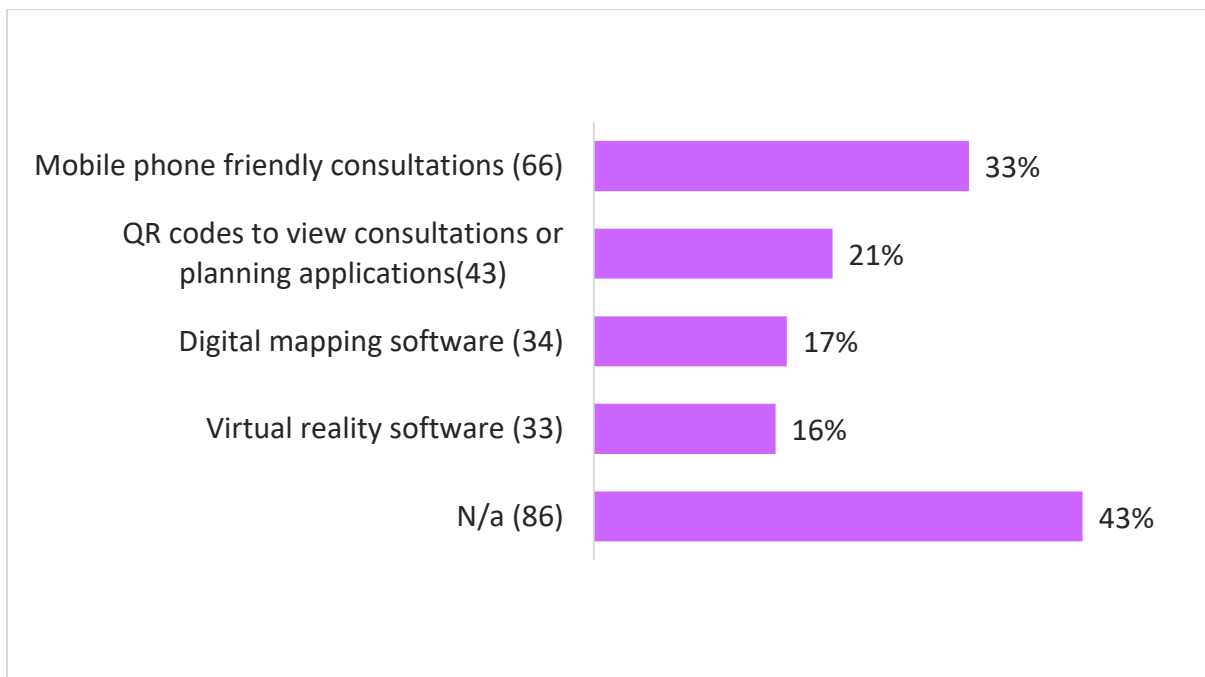
Question 8

Which social media platforms would you prefer to be consulted over? (tick all that apply)



Question 9

Would you be interested in using any of the following technologies to help you engage in the planning process? (tick all that apply)



Question 10

Is there anything else you'd like to tell us about how we can engage on the plan-making or development management process?

Responder	Comment
DCC	<p>Page 15, Paragraph 4.3 <i>'We are not responsible for schools....'</i></p> <p>This statement would not apply to 'Academy' schools. Development management pertaining to schools that have opted out of Local Education Authority control i.e. schools where the County Council does not have a significant interest and have become academised would fall under the remit of Bolsover District Council as local planning authority. Regulation 3 (Town and Country Planning General Regulations 1992) enables Derbyshire County Council (DCC) to make planning applications to itself as long as the development is to be carried out by (or on behalf of) DCC and the interest in the development by the Council is significant. Opted out schools that have transitioned to academies would not fall under the remit of DCC as planning authority.</p>
DCC	<p>Page 16, Paragraphs 4.8 to 4.10</p> <p>The text omits reference to Environmental Impact Assessment (EIA) planning applications and accompanying Environmental Statements (ES) and the publicity requirements for 30 days consultation on planning applications accompanied by an ES (Town and Country Planning (Environmental Impact Assessment) Regulations 2017).</p>
DCC	<p>Paragraph 4.21 discusses the mandatory 21 days publicity and reference could also be made here to the 30 days publicity required for applications accompanied by an ES.</p>
DCC	<p>Pages 19 to 20, Paragraphs 4.30 to 4.33</p> <p>This section on Planning Appeals does not also inform the reader of the right to legally challenge a planning appeal decision in the High Court.</p>
DCC	<p>Appendix A</p> <p>The list of Statutory Consultation Bodies (SCB's) does not appear to be exhaustive. For example the Victorian Society and the Twentieth Century Society are also SCBs depending of course on the nature of the proposed development and location.</p>

DCC	There is no reference to the General Data Protection Regulations 2018 (GDPR) in the document and compliance with such. There is brief reference to BDC's own Data Protection policy and the storage of data in paragraph 1.6. Paragraphs 2.22 to 2.27 discuss only briefly what the District Council does with online, written and emailed comments.
Chesterfield & North East Derbyshire Ramblers Association.	In section Para 2.4 of the document the phrase Derby and Derbyshire Minerals Local Plan appears to be repeated, is this correct or should another body be referred to? <i>The Development Plan for the area is principally the Local Plan for Bolsover District (2020) but also includes The Derby and Derbyshire Minerals Local Plan and the Derby and Derbyshire Minerals Local Plan and any neighbourhood plans that have been produced.</i>
HS2	No comments
Natural England	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement.
The Coal Authority	I can confirm that the planning team at the Coal Authority have no specific comments to make on this document.
National Highways	We note that National Highways is listed in Appendix A as one of the statutory consultees to be consulted through the Local Plan process, and engaged with, where relevant, on planning applications and development management.
National Highways	Regarding the pre-application consultation process, we note that the Draft SCI states that developers will be encouraged to actively engage with the community. We would also encourage that the relevant statutory consultees be engaged at this early stage to provide advice which can support the application process.
Historic England	We would welcome inclusion in the list in paragraph 2.16 and are keen to engage as Bolsover Council prepares their Local Plan documents.
Historic England	Historic England is available to attend a meeting with the Council to discuss their Local Plan and consider how we may be best placed to engage in the process and offer advice relevant to our remit for the historic environment.
Historic England	Section 3 relating to Neighbourhood Development Plans; Historic England is keen to engage on these plans where relevant and we do have a wide variety of heritage advice that we can pass on to the relevant forums at an early stage.

Historic England	We support the reference to Statutory Bodies in paragraph 4.13.
Clowne Community Association	<p>Our Association finds the words laudable but are confused by our recent experience where the practice of Bolsover actions does not live up to the words in the documents. To say they are the exact opposite is not far from reality. There seems little point in issuing this consultation, and even less point in us trying to take it seriously when you do the exact opposite of what is said here. So specifically you say in the SCI at 1.5 that you will aim to</p> <p><i>“use plain English... and not jargon...and be transparent and clear about what is proposed and how communities can influence the outcome.”</i></p> <p>Our current experience is:</p> <p>We ask a question about the live planning application 17/640 which is obviously of great interest to us as it is the single largest change about to be planned by BDC for Clowne since about 1900 when huge growth in the village took place. The response to our request for information on the application, which is blank on your website since 2018, is to say No and quote regulations 14(4)D, 12(4)e and of course 12(5)f and use planning jargon about ‘pre-planning’ and not tell us the truth or try to involve us.</p> <p>We are now aware that Waystone have been and are in discussion with BDC about a resubmission of an application for Clowne North, and that will be likely in September. If you had simply said that to us when we wrote to you about pre- Christmas time last year then we would have understood. But you didn’t – you simply reverted to saying that you can’t give any information because of regulations etc. Pre – planning. We don’t understand that then at all bit now in part we do.</p> <p>So please either follow your own guidance or don’t insult us by simply consulting on a form of words that we do not recognise as having a germ of reality – otherwise there seems little point in issuing this statement. Not worth the paper it’s written on is the phrase that springs to mind – although with electronic communication someone will have to coin a new phrase?</p> <p>So if we were to follow your SCI then we can expect Waystone to have been advised by you that they should be undertaking a significant community involvement exercise over the next few weeks</p>

	<p>prior to the submission of this new application and that they should indicate then how they have made significant changes to the submission in light of the public consultation?</p> <p>Is this correct? And what dates do you and your Strategic Partner Waystone have in mind for this exercise so we can be aware and join in.</p> <p>Hopefully not while everyone is away on the main summer holiday month?</p> <p>At the moment it feels distinctly like there is stuff happening that the community is excluded from. I hope some of our sense of frustration come across to you because it is damaging the way our community views the whole process. Our next Association meeting is on Thursday 28 July in case you were sending a reply.</p>
	<p>Residents were asked to comment on how they think the Council can engage on the plan-making process:</p>
Public comment 1	<p>I am very concerned that the road planning is not considering the pinch points and that the consultants are incorrectly briefed to save money ignoring the needs of the local residents. Oxcroft Way to Boughton Lane has very heavy traffic at peak times but was not included for investigation when the Clowne plan was altered. This is a disaster waiting to happen if and when the Clowne plan is implemented. I have raised this with the council and the consultants but so far it's been ignored.</p>
Public comment 2	<p>Much more public notification/ consultation of major planning applications; the public awareness of the Clowne Garden Village proposal was almost non-existent.</p>
Public Comment 3	<p>More information about the planning process</p>
Public Comment 4	<p>Think the entire village should be notified of any planning applications</p>
Public Comment 4	<p>Keep everyone informed as much as possible. Listen to everyone's point of view.</p>
Public Comment 5	<p>Having been closely involved with much of the representations during the latest plan I found there was a distinct lack of appreciation in many citizens as to why BDC had to have a plan. To me it made sense but for others explaining why in layman's terms may help - bullet point not only what the plan is but also what it is not. For many people it is an emotional issue associated only with the building of new houses, explaining that it is much more than that may help</p>

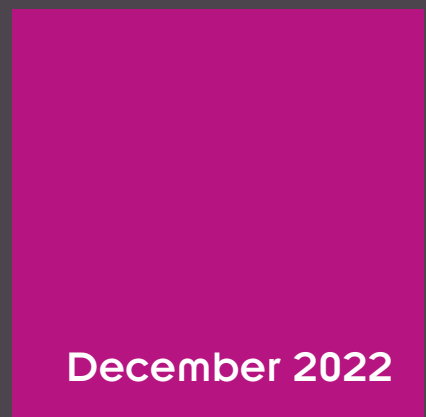
Public Comment 6	Planning at local Parish Council levels is usually always carried out behind closed doors. It would be better to have wider community input on planning issues, at these meetings, as these could be biased and not in the interests of the local villagers.
Public Comment 7	Make access to planning issues more user friendly through council web sites
Public Comment 8	Why not also engage with smaller developers and those representing that group. In other words don't limit your interaction with those who want whatever from the system but also interact with those local groups who can efficiently deliver for the system.
Public Comment 9	Ongoing monitoring during execution of plans is non-existent and contacting the council is incumbent on the local community, usually by email. There are then concerns about lack of anonymity /Publication of names etc. More could be done up front to reassure those with queries or complaints around compliance with plans that they will remain confidential if they wish.
Public Comment 10	I feel that the suggestions you have made in this survey are excellent ways of engaging people's attention. It is vital to ensure that consideration is taken on the excessive amount of building development which is taking place around Bolsover and which is destroying the countryside and putting pressure on services. People must be made aware before it is too late.
Public Comment 11	It feels like consultations are tokenism and shallow. It would be good to see after a consultation how things have changed. You said... We did.... In this way we can see it was worth adding our views
Public Comment 12	Not all elderly persons in community engage with digital media for meetings and many have mobility problems in attending meetings they prefer more traditional methods for example communicating via newspapers like the Post in Shirebrook or In touch they do read it. Most have mobile phones good way of outreaching them during the day as they are retired and available to comment. People at work can't be reached during the day. Many are on shifts. How do you propose to engage with them?
Public Comment 13	In advance of large scale residential developments such as those currently in progress within Bolsover town I think the community should have the opportunity of consultation meetings/exhibitions with BDC, DCC and the developer rather than merely having access to planning applications through the website.
Public Comment 14	Use clear plain language, not jargon
Public Comment 15	No to the Rood Lane Development.
Public Comment 16	Be more honest and open about pre-planning applications
Public Comment 17	Stop telling lies

Public Comment 18	We've spent a lot of our hard earned money to live here. BDC are ruining the area.
Public Comment 19	New resident. Bought for the peace and quiet. Would make a busy road and noisy. Wouldn't like it at all.
Public Comment 20	Tenants are being intimidated and bullied and bribed by local authority, using association landlords and others so the above can gain access to planning developments. Last paragraph Page 37 is of concern.
Public Comment 21	I am new to the area. I month only so I cannot comment. Leave alone. Spoiling a lovely spot.
Public Comment 22	Tell people the truth!!! None of this "We know nothing about it" If they don't know nothing about it they shouldn't be in that job.
Public Comment 23	Keep people informed. The truth would be a good idea for a start.
Public Comment 24	Page 37 effectively prevents parishioners from making objections to planning applications. In my opinion this breaches my human rights. This also contradicts what the levelling up, Housing and Communities Dept is saying.
Public Comment 25	Page 7 Item 2.17 For General Consultation Bodies you have completely forgotten to mention 3 major categories which I would think are more concerned about changes than those groups you have already identified. These being; 1. The elderly. 2 Your residents. 3. School Children and their teachers / helpers / assistants.
Public Comment 26	Page 13. Item 3.1 Additional costs which once again must be incurred by the taxpayer.
Public Comment 27	Item 3.3 My opinion is that you have got the cart before the horse. Surely the neighbourhood plan should be drawn up first to be then incorporated into the local plan thus saving tax payer money, but perhaps the district doesn't want it that way. Remember there is now or soon will be a Levelling Up, Housing and Communities Department.
Public Comment 28	Page 15 Item 4.1 BDC may already have this comment in place. When planning applications are granted is the dwelling / building re-assessed and adjusted for Council tax branding immediately as it used to be.
Public Comment 29	Page 18. Item 4.30 You do not mention what appeal procedure is if a planning application is granted?
Public Comment 30	Page 37 Appendix I 1. There should be no conflict with Private Access. This is totally against Human Rights and takes an opposite approach to the new levelling up, Housing and Communities Department's Statements.

	2. If there is a negative effect on the value of a property this should be reflected in the Council Tax branding or do the affected need to issue BDC with a blight notice. Please remember that BDC are required by law to adhere to the NOLAN principles.
	The following 19 comments were received from participants in the Citizens Panel Residents on how they think the Council can engage on the plan-making process.
Citizens Panel Comment 1	The suggestions you have made on how you can engage are excellent ideas.
Citizens Panel Comment 2	There are still many residents who do not have access/are unable to use digital technology so it may be that mail shots/posters are still relevant.
Citizens Panel Comment 3	Have Zoom meetings so residents can attend virtually.
Citizens Panel Comment 4	Coffee mornings/local sessions to discuss matters in an informal atmosphere.
Citizens Panel Comment 5	E-mail and postal communications.
Citizens Panel Comment 6	Meet real people rather than relying on remote digital platforms, go to the areas you're making changes for the better and engage face to face with the public.
Citizens Panel Comment 7	Put your plans in the In Touch magazine so we get this update delivered to the door.
Citizens Panel Comment 8	Involve more disabled people. Housebound people can't get to the different places. If their area is affected it could mean changes to their lives, even their homes.
Citizens Panel Comment 9	Posters around town about upcoming plans. A notice board in the Council building?
Citizens Panel Comment 10	More information about times/places etc., not just a week before on pages on Facebook, that doesn't have many members.
Citizens Panel Comment 11	Mobile planning models and info stands taken round to all relevant communities.
Citizens Panel Comment 12	I get the feeling a lot of effort is going into this which could be better served by announcements or articles in say BDC's regular In Touch magazine.
Citizens Panel Comment 13	Not enough has been done to regulate the travellers' site on Charlesworth Street, Carr Vale. They constantly break the rules of their licence and despite constant complaints about many matters over the last 10 years we still get bouts of bad behaviour. This traveller's site is surrounded by residential homes and just not suitable for this area now.
Citizens Panel Comment 14	More offers of local presentations, explanations. Less reliance on social media.
Citizens Panel Comment 15	Your website can be upgraded to see at a glance which town is being impacted.
Citizens Panel Comment 16	Publish details and updates on developments in the In Touch magazine for Bolsover District, e.g. what happened with the proposed Park 38 retail park development for South Normanton? I see they have started to prepare the ground for industrial units only. Roundabout currently undergoing

	changes which affects traffic in area. Stages of the development and time schedules would be helpful for local residents.
Citizens Panel Comment 17	The recent statement of Community involvement is too complicated and long winded 38 pages of ticking boxes rubbish. Keep it simple and manageable.
Citizens Panel Comment 18	Our area is getting quite built up at present but little regard seems to be paid to the infrastructure. One of the main concerns is the on street parking on pavements on side roads, this is causing safety hazards with persons on mobility scooters and people pushing prams being forced onto the road. I know this is a County Council issue in the main, but still think that as a District Council you have a duty of care to residents and should not wait until there is a fatality before pressure is put onto the relevant authority to address this issue.
Citizens Panel Comment 19	Use the Crystal Clear of similar scheme to ensure documents are clear and understandable for citizens of all levels of literacy. As a citizen with tertiary level education I found it laborious to read the documents associated with this survey and when I have studied planning documents I have found them equally difficult. An individual with average literacy skills will read the headlines and give up on the rest - that makes all of this inaccessible.

Statement of Community Involvement



Contents

Introduction	3
Plan Making	5
Neighbourhood Planning	10
Planning Applications	11
Appendices	18

Introduction

1.0 What is a Statement of Community Involvement?

1.1 This document is the Council's Statement of Community Involvement (SCI) and it sets out how we will engage with the public in the development of our local plan, during our stage of the neighbourhood plan preparation process and on development management cases / planning applications.

1.2 We aim to empower the local community to engage with the planning system and to work positively and make sure you are: fully informed; involved in the decision-making process, and that you have meaningful opportunities to have your say.

1.3 Preparing a Statement of Community Involvement is a legal requirement and it must be reviewed every 5 years, and this latest review started in February 2022.

1.4 Since publishing our last Statement of Community Involvement in 2017, the Council published its 'Vision Bolsover' prospectus in 2021, which establishes Customers as one of its three overarching strands of modern governance and states our commitment to:

- Increasing customer satisfaction with our services;
- Improving customer contact and removing barriers to accessing information;
- Actively engaging with partners to benefit our customers;
- Promoting equality and diversity and supporting vulnerable and disadvantaged people.

1.5 We want communities to make a genuine and positive difference to their areas, and we value their involvement in both the planning application and

plan making processes. And we aim to make this easier for people through the following actions:

- Use plain English in our documents and consultation;
- Reduce the use of planning jargon;
- Improve the style and accessibility of our documents;
- Reach out to all sectors including those that are 'seldom heard';
- Improve how we use online technology and social media platforms
- Be transparent and clear about what is being proposed and how you can influence the outcome.

1.6 We will comply with all current legislation and all data that we store will be compliant with our Data Protection policy. We comply with our obligations under the Equality Act 2010 and have a Corporate Equalities Policy that sets out our commitment to equality together with setting equality objectives.

Why should I get involved?

1.7 The planning process seeks to promote sustainable development through the building of new homes, economic growth and investment, leisure, retail and the provision of new infrastructure. It seeks to ensure that new development meets the social and economic needs of our communities whilst at the same time protecting the natural and built environment.

1.8 Planning has a direct impact on the daily lives of residents and the business community. And we consider that the decisions we make are enriched through community involvement where:

- we can take account of local knowledge;
- we can better understand and focus on local needs and priorities;

- the removal of barriers can increase opportunity to comment;
- an enhanced sense of community ownership over local plan documents can be achieved.

Digital innovation

1.9 We recognise that advancements in technology have changed the way in which we interact with our communities, e.g. through greater access to the internet, online meetings and correspondence by email and social media. And these changes have become all the more important during the Covid 19 pandemic. However, there remains a significant number of people who do not use electronic forms of communication and therefore we will continue to consult in a variety of ways, subject to current government guidelines.

1.10 We are keen to investigate the delivery of a more digital planning service and are working with the Department for Levelling Up, Homes and Communities through their PropTech Engagement Fund to explore the greater use of digital technologies to improve our

service. By using digital tools, such as mobile phones, social media, QR codes, gamification techniques i.e. using element of game playing, such as point scoring to explore how planning works, and virtual reality, alongside more traditional methods we will aim to reach more people and make planning more accessible, inclusive and transparent.

Planning Reforms

1.11 The Levelling Up and Regeneration Bill was introduced to parliament in May 2022. At the time of writing there is no detail on any proposal to change how councils have to consult about planning matters, but there may be changes once the bill becomes law. At that time the Council will review whether further changes to the SCI will be needed.



Plan Making

- 2.1** This section covers how you can get involved in plan making and discusses:
- Development Plans and Plan Making
 - Who we consult
 - How we consult
 - How you can respond to consultations
 - How we will consider your comments
 - Between Consultation Periods

Development Plans and Plan Making

- 2.2** Development Plans set out strategies of where new development can happen, such as identifying allocations for new residential development, and where it needs to be carefully controlled, such as in the Green Belt or countryside. They also include policies that explain how decisions on whether planning applications will be approved or refused will be made.
- 2.3** The Development Plan is by law the prime consideration when determining planning applications and planning decisions should be made in accordance with it unless [other material considerations](#) indicate otherwise.
- 2.4** The Development Plan for the area is principally the [Local Plan for Bolsover District \(2020\)](#) but also includes [The Derby and Derbyshire Minerals Local Plan](#) and the [Derby and Derbyshire Waste Local Plan](#) and any neighbourhood plans that have been produced.
- 2.5** We are the responsible body for producing Local Plans, a process called ‘Plan Making’, and we recently produced the [Local Plan for Bolsover District \(2020\)](#). We also produce a number of other planning policy documents, such as Supplementary Planning Documents and non-statutory Growth Plans. We also publish our work programme for preparing planning policy documents

in a document called the [Local Development Scheme](#) and it is regularly updated so that people are aware of upcoming opportunities to participate.

- 2.6** The [Local Plan for Bolsover District \(2020\)](#) was adopted in March 2020. We will need to have carried out a review of whether this Local Plan and its evidence base remain up-to-date by March 2025.
- 2.7** In terms of Government policy, the National Planning Policy Framework states that plans should:
- “c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”
- 2.8** We will set out below how we intend to engage with communities in effective but proportionate ways that exceed the minimum requirements.
- 2.9** Finally, the Key Stages in preparing a Local Plan, along with how we will consult you, are shown in Appendix B.

Local Plan Stages of Preparation

- 2.10** There are two main opportunities for you to be involved during the Plan Making process and both include a public consultation for a minimum of 6 weeks on the proposed strategy, allocations and policies that will be in the Local Plan. These stages are formally known as Plan Preparation (Regulation 18) and Plan Publication (Regulation 19) within the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).
- 2.11** There is also an Examination of the Local Plan that is led by an Independent Planning Inspector (Regulation 24) where people can attend and are invited to participate in the hearings if they

have made comments during the Plan Publication (Regulation 19) stage.

Supplementary Planning Documents

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

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

Non-Statutory Growth Plans

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

applications by adopting the Growth Plans as material considerations in the planning process. The consultation methods for these Growth Plans are intended to mirror closely the methods used for statutory planning documents. The stages of the production of a Growth Plan are summarised in Appendix D.

Who we consult

2.15 We are [legally](#) required to consult the Specific Consultation Bodies, General Consultation Bodies and residents and businesses during the Local Plan process.

2.16 Specific Consultation Bodies (sometimes referred to as statutory consultees) include public organisations such as The Environment Agency, Historic England, Highways England and Natural England, neighbouring Planning Authorities and Derbyshire County Council. A full list of SCBs is shown in Appendix A.

2.17 For us, General Consultation Bodies are defined in the regulations as being:

- voluntary bodies whose activities (some or all) benefit any part of Bolsover District;
- bodies representing the interests of different racial, ethnic or national groups in Bolsover District;
- bodies which represent the interests



of different religious groups in Bolsover District;

- bodies representing the interests of disabled people in Bolsover District; and,
- bodies representing the interests of people carrying on business in Bolsover District.

2.18 To determine which residents and businesses we should invite to make representations we encourage all interested parties to sign up to our [online local plan database](#) to stay up to date with new policy consultations or stages of the local plan process. You can also email planning.policy@bolsover.gov.uk if you would like to be added. If you wish to be consulted by letter, you can also write to Planning Policy, Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY. Or telephone us on 01246 242203.

How we will consult

2.19 We will use the following methods of consultation on Planning Policy documents:

Emails

- Send email communications to those who are registered on our [online local plan database](#).

Letters

- Write to everyone who has registered on our [online local plan database](#) but does not have an email address.
- Consult directly by letter all properties affected by a draft site allocation for:- residential, employment, gypsies and travellers, travelling show-people, retail, town centre and tourism uses; in the same way as we would an outline planning application, unless it already has planning permission.
- Use QR codes on letters to provide people a quick link to the relevant web pages.

Document Deposit Locations

- The following documents will be made available at publically accessible venues such as Libraries, Customer Contact Centres including our offices, and others where appropriate:
 - Consultation versions of documents;
 - Representation forms for feedback;
 - Consultation Response Information sheets or guidance notes that would set out the type of comments that are acceptable e.g. material considerations and explaining how we use evidence to help inform and change our policies.
- For district-wide Local Plan consultations only, a Planning Policy member of staff will be stationed for at least 3 days within each of the Contact Centres at Shirebrook, Bolsover and South Normanton (or other suitable alternative venues) for each local plan consultation period. This is to be more accessible to other areas who may find it inconvenient to travel to Clowne to speak to a planning policy officer.

Website

- The following documents will be made available on the Council's website, and others where appropriate
 - Consultation versions of documents;
 - Representation forms for feedback;
 - Consultation Response Information sheets or guidance notes that would set out the type of comments that are acceptable e.g. material considerations and explaining how we use evidence to help inform and change our policies.
- Links to the [online local plan database](#) will be made available on the Council's website.

Local Press

- We will promote consultations in the local press by issuing press releases and paid notices, including InTouch where dates align.

Formal Notices

- These state when and where the plan and associated documents can be viewed and include the [Statement of Representation procedure](#) and availability of documents.

Posters

- We will put up posters (with QR codes) in public buildings such as our Contact Centres and Community centres.

Site Notices

- We will put up site notices (with QR codes) around sites for proposed Local Plan allocations.

Public Events

- We will stage events such as Exhibitions or Drop-in sessions depending on the relevant stage in the process. These will include at least 1 Saturday morning drop in session in the district to have at least some availability to those people who cannot make a weekday or evening session.

Digital Technologies

- We will seek to use the following digital technologies during our consultations: [our website](#), e-newsletters, social media, [Bolsover TV](#), and our digital display screens located in Bolsover, Clowne, Shirebrook and South Normanton, to communicate planning policy news.

Special Digital Events

- We may hold one-off special events focused around the use of technology such as virtual reality.

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

How you can respond to consultations

- 2.21** During a consultation period on a new Planning Policy document, we want to take account of what people have to say.

However, as we need to be transparent and publish what people say so that others can also see the comments made, we can only take account of responses where they are written down. This can be done either online, by email or by letter.

- 2.22** To guide people on how to provide feedback, we publish Representation Forms that can be filled out online or in paper format. It is possible to make comments in an email or a letter but we may need to contact you to clarify which part of the planning document you are commenting on. If we receive a petition we will not publish the names, addresses or other personal information of signatories but we will publish the quantity of signatures. Please contact us if you need support in submitting comments.

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

- 2.24** Beyond formal consultation periods we will still listen and discuss with you any points you wish to raise but sometimes will direct you to the next formal consultation stage where you can formally submit your comments. If requested we can meet with groups or organisations to discuss current work and the next steps.

How we will consider your comments

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

- 2.26** Your comments along with our response will appear online on the Council's website, through either the Local Plan Consultation database or through the Statement of Consultation we



produce after each consultation, where summaries of your representations will be shown. As mentioned, you will also be able to see other comments and responses although any personal details such as signatures, email addresses or phone numbers will not be made public.

- 2.27** We also publish Authority Monitoring Reports (AMR) that show how effective our planning policies are. Whilst these are not consulted on, the information may be of interest and shows how we are being transparent by reporting the successes or failures of planning policies.

Between Consultation Periods

Resident Forums

- We will offer to establish Local Plan Resident Forums during the preparation of district-wide Local Plans where residents can be invited to meetings outside of formal

consultation exercises to discuss progress on or any changes to the timetable to the preparation of the Local Plan. The number of, frequency of, and geographical coverage of such Forums would depend upon levels of interest.

Meetings with Community Groups

- We will offer to meet with appropriate representatives of community groups / organisations (particularly those registered as General Consultation Bodies or Other Consultation Bodies on the Council's Local Plan Online Consultation Database) to discuss progress on or any changes to the timetable to the preparation of the Local Plan.

Neighbourhood Planning

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

Neighbourhood Plans

3.2 A Neighbourhood Plan becomes part of the Development Plan described earlier if it is approved at a referendum. [The Local Development Scheme](#) outlines progress on Neighbourhood Plans within the district.

3.3 The District Council is expected to provide assistance to Town and Parish Councils in the preparation of their Neighbourhood Plans and Orders. This includes working with Town and Parish Councils, and in particular sharing evidence to help ensure that a draft Plan or Order has the greatest chance of success at independent examination.

3.4 Parish / Town Council or designated neighbourhood forums must undertake their own consultation. To aid local groups wishing to develop neighbourhood planning initiatives, we have developed a [Neighbourhood Planning Protocol](#) This is intended to:

- Provide a general overview
- Explain how and when we will support the neighbourhood planning process including advice on consultation methods.
- Ensure there is clarity and transparency for local communities in terms of our support;
- Provide a coordinated approach in relation to neighbourhood planning.

3.5 We strongly advise that any group considering making a Neighbourhood Plan or Order read the protocol, and

contact the planning policy team early in the process to help ensure the smooth running of the project.

3.6 The 5 key stages in preparing a Neighbourhood Plan are set out in Appendix E.

Neighbourhood Development Orders

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

3.8 Some community organisations can develop a Community Right to Build Order in an area. A Community Right to Build Order is a form of NDO that can be created by a local community organisation, and so not restricted to a Town or Parish Council or neighbourhood forum and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

3.9 The process of developing a NDO is set out in Appendix F.

3.10 You can also contact your Town or Parish Council and ask them about their views on preparing a Neighbourhood Plan or a Neighbourhood Development Order for your area.

3.11 You may also have other ideas that you want to suggest about how we can better engage with you about neighbourhood planning and if so please let us know what they are.

Planning Applications

Introduction

- 4.1** This section covers how you can get involved in development management cases and outlines –
- The Development Management process
 - How we consult?
 - Who we consult?
 - How to comment?
 - Decisions on Planning Applications
 - Planning appeals
 - S.106 Planning Obligations
 - Pre – application advice
 - Planning Enforcement
 - Complaints

The Development Management Process

- 4.2** We manage development in the local area including:
- Dealing with planning applications, (including changes to your home; new houses and businesses or changing the use of land and buildings);
 - Planning enforcement (dealing with alleged breaches of planning legislation); and
 - Planning Appeals.
- 4.3** We are not responsible for most schools, roads, paths and infrastructure, nor are we responsible for [National Significant Infrastructure Projects](#) such as changes to the motorway.
- 4.4** The Development Management team is responsible for assessing planning applications in accordance with the [Adopted Local Plan for Bolsover District \(2020\)](#), the [National Planning Policy Framework \(NPPF\)](#), [Planning Practice Guidance \(PPG\)](#) and [other](#)

[material considerations](#) that include consultation responses. The team also defends the Council's decisions on planning applications at appeal and investigates and enforces against breaches of planning control. If you are unsure about whether you need planning permission please email dev.control@bolsover.gov.uk

- 4.5** We receive several categories of planning application. The most common are:
- Major Application (10 or more homes or 1,000 m² non-residential floorspace);
 - Minor Applications (up to 9 homes) or up to 999 m² non-residential floorspace);
 - Other Applications (includes household extensions, advertisements, and Listed Building Consent).

The Planning Application process is shown in Appendix G.

How we consult

- 4.6** We will carry out consultation on planning applications in the following ways.

Email Alerts

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

Neighbour Notification Letter

- 4.8** We will send a notification by letter to properties adjacent to the boundary of

the application site where we consider they may be affected. Application plans and documents will be available to see on our website and we will also make plans available to view at home on request for infirm or disabled neighbours without internet access.

Site Notice

4.9 Depending on the type of application we will display a notice at the application site in a place that is visible to members of the public. For all major applications we will display at least 1 site notice for a minimum of 21 days (a copy of a typical notice is attached at Appendix H). We have a system for checking the notices and replacing any that are taken down during the 21 day period. Environmental Impact Assessment (EIA) planning applications and accompanying Environmental Statements must be [publicised](#) for 30 days.

Press Notice

4.10 We will publicise all major planning applications in accordance with national requirements which currently

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

Website

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

Applications Weekly List

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



Planning Consultation Response Guidance Note

4.13 We publish Planning Consultation Response Guidance Notes that set out the type of comments that are appropriate to the consultation so that the public are encouraged to comment about matters that can be taken into account and made aware of the type of comments that will not be taken into account.

Use of QR codes

4.14 We will publish QR codes on letters, posters and Site notices to enable ease of access to consultation material using mobile phones.

Who we consult on Planning Applications

4.15 The Planning Practice Guidance on Consultation and pre-decision matters sets out the process for efficient and inclusive consultation of planning applications. Statutory bodies will be consulted on planning applications for certain types of development in accordance with relevant regulations. Consultation with these bodies will vary depending on the type of development proposed / and or location.

4.16 We also consult neighbours and town or parish councils. Councillors will be sent a copy of the weekly list. Members of the public can find out about applications through the methods in the 'How we consult' section.

How to comment

4.17 We can only accept comments in writing. We ask that all comments are made via our website in the first instance but we also accept emails and letters.

4.18 When commenting on an application, it is important to provide:

- Planning application reference number
- Address of the site

- Your name and address

4.19 Your comments will appear publicly on the planning application's webpage. All personal information such as telephone numbers, emails and signatures will be redacted, however addresses and names will be shown for transparency purposes. If we receive a petition we will not publish the names, addresses or other personal information of signatories but we will publish the quantity of signatures.

4.20 Comments made on a planning application are not transferred to a subsequent consultation or to a new planning application (although if an amendment is made to a current application, comments originally submitted are taken into account and do not need to be made again). However, if a new planning application is submitted on the same application site as a previous application, you will need to resubmit your comments for consideration. Please note that we don't acknowledge or respond to comments directly, due to the high numbers we receive.

4.21 When commenting on planning applications, it is important to comment on issues which are [material planning considerations](#) as we can only take those into account. These are more likely to help shape the outcome of the application. Examples of material considerations are shown in Appendix I.

4.22 In accordance with our Customer Service Standards and Equality Policy, we will not tolerate comments that contain abusive, offensive or derogatory language, or those related to a personal circumstance not directly related to the application. Any comments submitted to us in this manner will not be published nor considered.

4.23 Once a planning application is registered and allocated to a planning officer, the application will be publicised online and appropriate parties will be notified.

Parties have a minimum of [21 days](#) to comment (30 days for an Environmental Impact Assessment application accompanied by an Environmental Statement. All comments must be made in writing, preferably through our website, or by email, or if this is not possible then by letter, within:

- 21 days from the date of our notification letter, or
- 21 days from the date of a press notice or site notice appearing.

4.24 Due to the volume of correspondence we receive, it is not possible to respond to or discuss individual comments that we receive on planning applications, however a summary of these and the officers' responses are provided in the officer report, published on the relevant planning application page.

Decisions on planning applications

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

4.26 The constitution sets out how we operate, how decisions are made and the procedures that are followed to ensure that we are efficient, transparent and accountable.

4.27 [Time periods for determination are set out in law](#) but the time limit is usually:

- 8 weeks for most planning applications
- 13 weeks for 'major' (larger) developments
- 16 weeks for applications that need an Environmental Impact Assessment.

4.28 If more time is needed to determine an application, an 'extension of time' can be agreed between the planning officer and the applicant.

Planning Committees

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

Speaking at Planning Committee

4.30 If an application that you have commented on is due to go to a planning committee for a decision, we will write to you and invite you to speak or submit a statement for the meeting in line with our [Speaking at Planning Committee Guidelines](#) Each speaker, or group of speakers, can speak for up to five minutes on each application site.

4.31 Agenda papers are published on our website five working days before the committee meeting. If you wish to speak or submit a statement at the meeting, please contact the Democratic Services Officer using the contact details provided or alternatively you can complete the online [self serve form](#).

Planning Appeals

4.32 If a planning application is refused, the applicant can either re-apply for planning permission with an alternative scheme, or they can appeal against the decision. Applicants also have the right to appeal against non-determination, if we have not determined the application within the statutory time limits. It is also

possible to appeal against any planning condition imposed on a planning permission. Appeals are made to the Government's Planning Inspectorate (PINS).

4.33 Only the person who applied for planning permission, or was served with an enforcement notice, has a legal right to appeal (known as the appellant). There is no right of appeal for interested people or organisations (known as third parties). However, the lawfulness of a decision can be challenged via Judicial Review.

4.34 There is [planning practice guidance on appeals](#) available online that provides useful information about the appeals process.

4.35 If an appeal is made, we will notify the interested parties of the appeal and provide information on how and when to respond to the Planning Inspectorate. You can view current appeals on the Planning Inspectorate's Appeals Casework Portal.

Section 106 (Planning Obligations)

4.36 A Section 106 is a legal agreement between us and developer(s) and / or landowner(s) to raise money to provide affordable housing or to fund infrastructure if it is needed to support development.

4.37 We draw up a Section 106 agreement before we grant planning permission, so the developer is legally bound to deliver the affordable housing or other infrastructure we have agreed.



Money is collected from the developer or works are provided on site once the planning permission is implemented and when certain points in the agreement have been met.

4.38 We do not consult on Section 106 agreements. However, we work with Town and Parish Councils and local district councillors as well as other technical consultees, to find out which community facilities may be impacted by new development or that require investment as a result of the development. We also publish an Annual Infrastructure Funding Statement.

Pre-application advice

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

4.40 On significant proposals developers are asked to:

- i. Submit a consultation programme at pre-application discussions with us. The programme will show who will be consulted, and how they will be consulted, together with full details of the meetings/events proposed;
- ii. Notify neighbours of the site of the proposal;
- iii. Carry out the agreed consultation programme prior to submitting the planning application;
- iv. Submit a Public Consultation Statement at the same time as the planning application. The statement will set out the results of the agreed consultation;
- v. Notify all of those engaged in the pre-submission process of the submission of the application;

- vi. Certify that they have notified people; and
- vii. Advise people involved in pre-submission process of any significant changes made between proposals put forward at the pre-application stage and the submitted application.

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

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

Planning Enforcement

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

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

4.44 If no application is made and the breach is deemed to be harmful in planning terms, then formal action will be considered. We have several tools we can use including enforcement notices and high court injunctions. However, our action needs to be proportionate to the breach that has taken place and formal action is a last resort. Further details on

[our approach to addressing planning enforcement matters](#) can be found on our website where you can report a suspected unauthorised development or breach of planning permission.

Complaints

4.45 Should customers wish to make a complaint, in the first instance they are encouraged to talk to the officer concerned, or failing this, the Planning Manager (Development Management). If you are still unhappy, then we have a corporate complaints procedure which can be used. Information is available on our website, and you should visit [Compliments, comments and complaints](#).

4.46 [The Local Government Ombudsman](#) investigates complaints of injustice arising from maladministration. They can investigate complaints about how we have done something, but cannot question what we have done simply because someone does not agree with it. You must give us an opportunity to deal with a complaint against it first (see above). If you are unhappy with the action we take then you can write to the Ombudsman.

4.47 You may also have other ideas that you want to suggest about how we can better engage with you in respect of planning applications and if so please let us know what they are.



Appendices

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

Appendix A – Full list of SCBs

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

*Relevant authorities include:

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

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

Appendix B

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

DETAILED STAGES OF PLAN DEVELOPMENT AND COMMUNITY INVOLVEMENT IN RESPECT OF LOCAL PLANS

Stage 1 – Early Community Engagement and Evidence Gathering

We will:

- Undertake an Initial Consultation Exercise in accordance with Paragraphs 2.19 to 2.20 of this document. At this stage we will be asking what topics/issues you think the plan should address.
- Collect information, including recent studies to create an up to date evidence base.

You can:

- Contact us to discuss any issues before responding.
- Let us know your views.
- Ask to be added to our Local Plan consultation database to be notified of future consultation by contacting the Planning Policy team.

Stage 2 – Preparation of Local Plan Documents

We will:

- Record all representations made during the previous consultation exercise and consider them carefully and take them into account in the preparation of the Local Plan.
- Publish summaries of the representations and responses on our website.
- Between consultation exercises we will prepare the next version of the plan, including: a submission policies map if a new one is needed; a Sustainability Appraisal; and a statement setting out full details of consultation undertaken so far, and our response(s).

You can:

- See our response to representations.
- See what other representations have been made, and our initial response(s).
- Ask to meet Planning Policy Officers.

Stage 3 – Publication of Draft Local Plan Documents

We will:

- Undertake Consultation Exercises in not less than 6 weeks in accordance with Paragraphs 2.19 to 2.20 of this document.
- Collect information, including recent studies to create an up to date evidence base.

You can:

- Contact us to discuss any issues before responding.
- Let us know your views.
- Ask to be added to our Local Plan consultation database to be notified of future consultation by contacting the Planning Policy team.

Stage 4 – Publication of Final Local Plan Documents

We will:

- Undertake a consultation exercise in not less than 6 weeks in accordance with Paragraphs 2.19 to 2.20 of this document.

You can:

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

Stage 5 – Consideration of the points made in representations

We will:

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

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

Stage 6 – Submission to the Secretary of State

We will:

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

Stage 7 – Independent Examination and Public Hearing

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

We will:

- Publish on our website, and make available at our main offices; customer contact centres; and libraries; details of the date, time, and place of the Hearing, together with the name of the Inspector.

- Notify anyone who made representations under Stage 4 and has not withdrawn them of details of the examination.

You can:

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

Stage 8 – Following the Hearing

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

We will:

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

You can:

- View the Inspector’s recommendations.

Stage 9 – Adoption

We will consider the Inspector’s recommendations and make any appropriate changes.

We will:

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

You can:

- View the adopted plan and associated documents.

Stage 10 – Review

We will:

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

You can:

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

Appendix C

Key stages of SPD preparation

STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN SUPPLEMENTARY PLANNING DOCUMENTS (SPD)

Stage 1 – Early Community Engagement and Evidence Gathering

We will:

- Undertake a consultation exercise in accordance with Paragraphs 2.19 and 2.20 of this document as applicable.
- Collect information, including recent studies to create an up to date evidence base.

You can:

- Let us know your views.
- Ask to be notified of future consultations on this topic by contacting the planning policy team.

Stage 2 – Preparation of a draft Supplementary Planning Document

We will:

- Prepare a draft version of the SPD using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the SPD.

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

Stage 3 – Consultation on the draft Supplementary Planning Document

We will:

- Undertake a consultation exercise in not less than 4 weeks in accordance with Paragraphs 2.19 and 2.20 of this document as applicable.

You can:

- Write or e-mail, and let us know your views.

Stage 4 – Consideration of the points made in representations

We will:

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

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

Stage 5 – Adoption

We will:

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

Appendix D

Key stages of Growth Plan preparation

STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN GROWTH PLANS

Stage 1 – Early Community Engagement and Evidence Gathering

We will:

- Undertake a consultation exercise in accordance with Paragraphs 2.19 and 2.20 of this document as applicable.
- Collect information, including recent studies to create an up to date evidence base on the topic.

You can:

- Let us know your views.

Ask to be notified of future consultations on this topic by contacting the Planning Policy team.

Stage 2 – Preparation of a draft Growth Plan

We will:

- Prepare a draft version of the Growth Plan using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the preparation of the draft Growth Plan.

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

Stage 3 – Consultation on the draft Growth Plan

We will:

- Hold a formal public consultation of a minimum of 4 weeks.
- Make the draft Growth Plan and any associated documents available to view and comment on via the Council's website, and at the Council's main office; customer contact centres; and, libraries.
- Write to or email people with an interest in the preparation of the Growth Plan.
- Listen to the comments you make.

You can:

- Write or email, and let us know your views.

Stage 4 – Consideration of the points made in representations

We will:

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

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

Stage 5 – Adoption

We will:

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

Appendix – E

Key stages in preparing a Neighbourhood Plan

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

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

2. Pre – submission Consultation (Regulation 14)

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

3. Publication of Neighbourhood Plan (Regulation 16)

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

4. Examination of the Neighbourhood Plan

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

5. Referendum on the Neighbourhood Plan

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

Appendix F

Key Stages in preparing a Neighbourhood Development Order

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

Minimum 6 week consultation on the Draft Order

2. Publication of Order (Regulation 23)

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

3. Examination of the Order

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

4. Referendum on the Order

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

Appendix G

The Planning Application Process

STEP 1 – REGISTRATION AND ALLOCATION

The Application has been validated, registered and allocated to a case officer.

STEP 2 – CONSULTATION

A letter is sent to neighbouring properties who share a boundary with the application site. We also inform the town or parish council, and any relevant consultees. A statutory notice is displayed at the site, where required. We also publicise the application on <https://planning.bolsover.gov.uk/online-applications/>

STEP 3 – SITE VISIT

We usually visit the application site without an appointment, and it is at our discretion whether we need to access neighbouring land or property to view the proposal.

STEP 4 – OFFICER ASSESSMENT

Once the consultation deadline has expired we will assess the planning merits of the application

STEP 5 – NEGOTIATION AND RE-CONSULTATION

If the application is formally amended, because we are unable to support it as originally submitted we may re-consult and this may mean consulting new neighbours if we consider that the changes may affect them.

STEP 6 – RECOMMENDATION AND DECISION

Most application decisions are made under delegated powers. However, large and complicated applications can be brought before our Planning Committee that is made up of elected councillors.

Appendix H

PUBLIC NOTICE

Concerning the development of land or buildings.

All correspondence to The Planning Department.

Notice is hereby given that Bolsover District Council has received details of the following proposal:

Application No:

Application Type:

Proposal:

Location:

Applicant:

The relevant details and plans submitted in connection with the above application are available for inspection on the Council's website <https://planning.bolsover.gov.uk/online-applications/> or at the Council's offices.

If for any reason the Council offices are closed and you are unable to view the details online please telephone The Arc on 01246 242424 during normal office hours and ask for a message to be passed to development control enquiries. A member of the contact centre staff will take your contact details and a member of the planning department will contact you directly to make alternative arrangements for you to see the details and plans for the application.

Anyone who wishes to make comments about this proposal, please send them via the application pages on the web site or by email to dev.control@bolsover.gov.uk and this would be the preferred way of submitting your comments. However, if you are unable to make your comments online or via email you can make your comments in writing to the Planning Department, Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY quoting the above application number.

All correspondence should be received by the Council within the period specified above which begins with the date of this notice. All correspondence received will be made available for inspection by the applicant and the public and will be posted to the website, and will remain available for public inspection for 4 years after the decision has been made.

Signed:

Planning Manager

SNSTD

Date:

Appendix I

Material Considerations

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

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

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

Appendix J

Newspaper coverage of the district

Mansfield Chad – (Wednesday)

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

Worksop Guardian – (Friday)

Covering: – Elmton with Creswell, Whitwell, Belph, Bakestone Moor, Hodthorpe and Steetly.

Derbyshire Times - (Thursday)

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



Bolsover District Council

Meeting of the Planning Committee on 21st December 2022

Report of the Interim Planning Policy Manager

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 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. The most recent version of this was approved by Planning Committee in September 2022 and it governs the work of the Council's cross-departmental Section 106 Monitoring Group.
- 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 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 29th October 2022.

2. Details of Proposal or Information

- 2.1 The Council's new Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member's attention.
- 2.2 Members will recall that at the meeting in August, six sums were identified as being within their 12 month deadline. One of these, the Thurgaton Way health contribution, has now been transferred to the CCG as per the previously reported timetable, reducing that number to five.
- 2.3 However, as of the Monitoring Group meeting on 29th October 2022 there are nine sums within their 24 month deadlines (details below).

Spend Date within 24 months (by 27th October 2024)

Action Plan	Finance Spread sheet line	Site	Infrastructure	Amount	Spend Date
Item 1	Line 47	The Brambles Doe Lee	Art	£2,361.11	Expired
Item 9	Line 66	Carter Lane West	Art	£4,828.14 Reduced by £337.06	07.12.22
Item 8	Line 68	Carter Lane West	Informal POS	£12,767.09	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	£4,366.79 Reduced by £12,294.58	22.12.22
Item 11	Line 84	Spa Croft Tibshelf	Art	£10,176.20	22.03.24

Item 17	Line 84	Spa Croft Tibshelf	Informal POS	£26,650	22.03.24
Item 18	Line 85	Rosewood Lodge Farm South Normanton	Outdoor Sport	£34,584.85	21.05.24
Item 19	Line 85	Rosewood Lodge Farm South Normanton	Health	£80,141.59	21.05.24

2.4 As can be seen, there has been a reduction of approximately **£12,500** in the money being held on these items which is welcome.

2.5 The updates for the above items as recorded at the Section 106 Monitoring Group or as updated where relevant are set out below for Member's information.
(CADO = Community Arts Development Officer; LSPO = Leisure Special Projects Officer; PPO = Principal Planning Policy Officer; IPPM = Interim Planning Policy Manager)

1	<p>Art work underspend at The Brambles, Doe Lea (Financial spreadsheet line 47)</p> <p><u>Previous Action</u> 2 weekly email exchange on progress.</p> <p><u>Update since S106 Monitoring Group</u> 24.11.22 Email from CADO: Parish Council have advised that they are in discussions with high level management at several energy companies to push the agenda for the unmetered supply to the site. CADO Proposing 31st Dec 2022 cut-off date for action from Parish on supply and to action an unmetered supply hosted by Bolsover District Council. Likely that BDC will need to invoice the Parish directly on a yearly/quarterly basis (TBC) to ensure a launch can happen before the end of Winter 2022/23.</p> <p><u>New Action</u> Two weekly email exchange on progress.</p>	<p>Action owners</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>
8	<p>Carter Lane West - Informal POS £12,766.86 by 07.12.22 (Financial spreadsheet line 68)</p> <p><u>Previous Action</u> Tender out for mid-August. 2 weekly email exchange on progress.</p> <p><u>Update since S106 Monitoring Group</u> 2.11.22 Email from LSPO: Skate park refurbishment at South Street Recreation Ground – procurement exercise completed and contract awarded. Order to be placed w/c</p>	<p>LSPO</p> <p>LSPO/PPPO</p>

	<p>1 November 2022 (approx. £9,500). That leaves approximately £4,500 from CLP (to be spent on cricket pitch improvements) and approximately £2,500 from Carter Lane West (to be used as a contribution to a youth shelter at South Street Rec.).</p> <p><u>New Action</u> Update on progress prior to Planning Committee. Completed as above.</p>	LSPO
9	<p>Carter Lane West - Art £5,165.20 by 07.12.22 (Financial spreadsheet line 66)</p> <p><u>Action</u> 2 weekly email exchange on progress.</p> <p><u>Update since Monitoring Group Meeting</u> 24.11.22 Email from CADO: Initial works on public consultation and community arts work have been ongoing both onsite and with artist. Work has been created on a virtual exhibit of art works / recordings / projection clips to be exhibited on site on or around evening of 30th November 2022. Project is due to be completed by 30th Nov 2022 and funds will be expended (or in the system for expenditure) by the 4th Dec 2022. All project works will be collated in Dec 2022 for exhibition online where possible.</p> <p><u>New Action</u> PPPO to contact CADO and update regarding the impending written agreement between the Council and the Artist. Action completed as above.</p>	<p>CADO</p> <p>CADO</p> <p>CADO/PPPO</p>
10	<p>Meridian Close - Informal POS £27,475.69 by 22.12.22 and Outdoor Sport £24,547.95 by 22.12.22 (Financial spreadsheet lines 81 & 82)</p> <p><u>Action</u> 2 weekly email exchange on progress.</p> <p><u>Update since Monitoring Group</u> 2.11.22 Email from LSPO: Informal: New play equipment at King George's Field – start date scheduled for 14 November 2022, pre-start meeting scheduled for 9 November. Formal: Castle Leisure Park lighting enhancements – works completed 25 October 2022 (approx. £7,500).</p> <p><u>New Action</u> Update on status of remaining monies prior to reporting to next Planning Committee. Action completed as above.</p>	<p>LSPO</p> <p>LSPO/PPPO</p> <p>LSPO</p>

11	<p>Spa Croft, Tibshelf – Art £10,176.20</p> <p><u>Action</u> Update at the meeting on 27 October 2022.</p> <p><u>Update at Monitoring Group</u> CADO: Initial discussions have taken place with Councillor Deborah Watson around convening a working group in Early 2023 concerning this project. Consisting of residents, local community groups and exiting partners in activity in the parish of Tibshelf. Updates to be ongoing.</p> <p><u>New Actions</u> PPPO contact CADO for update on this and all other Arts Actions for an update to be circulated prior to the next meeting in lieu of a verbal update at the meeting. Action completed as above.</p>	<p>CADO</p> <p>CADO</p> <p>PPPO/CADO</p>
17	<p>Spa Croft Tibshelf – Informal Public Open Space £26,650 by 22.03.24</p> <p><u>Action</u> Potential project to be discussed at meeting.</p> <p><u>Update at Monitoring Group</u> LSPO: Most of the money was spent on the playground with money still to spend. Projects being looked at presently including a new link to the school.</p> <p><u>New Action</u> Update at next meeting.</p>	<p>LSPO</p> <p>LSPO</p> <p>LSPO</p>
18	<p>Rosewood Lodge Farm – Outdoor Sport £34,584.85 by 21.05.25 Sum within 2 years spend threshold.</p> <p><u>Action</u> To be discussed at meeting.</p> <p><u>Update at Monitoring Group</u> LSPO: Dealing on the projects that need to be spent by December as a priority, before moving on to the next batch.</p> <p><u>New Action</u> Update at next meeting.</p>	<p>LSPO</p> <p>LSPO</p> <p>LSPO</p>

19	Rosewood Lodge Farm – Health £80,141.59 by 21.05.24 Sum within 2 years spend threshold.	
	<u>Action</u> To be discussed at meeting.	IPPM
	<u>Update since Monitoring Group</u> IPPM: The CCG has made contact about this sum and they are drawing up plans for its spend in advance of the deadline.	
	<u>New Action</u> Update at next meeting.	IPPM

2.6 In line with the new S106 Monitoring Procedure the relevant Spending Officers will be in attendance at the Committee to answer any questions to Members on the above Action Plan items.

2.7 In addition to these time sensitive items, the new Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24 month period. Based on the position at the end of Quarter 2 (30 Sept 2022), the following ‘summary of sums’ can be 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	£88,496.24 (of which, no clawback against £39,772.71)
Green Space	£62,184.39	£56,606.98	£116,794.50
Health	£83,056	£11,784.56	£48,039.70
Highways	Nil	Nil	£569,000.00 (no clawback)
Biodiversity	Nil	Nil	£14,679.46
	£436,684.39	£117,031.69	£849,612.12

2.8 The spend profiles for Art, Green Space, Highways and Biodiversity remain the same as for the previous financial quarter. The sums for year 5 and beyond have increased against Outdoor Sport, with an additional £29,697.04 from the Alfreton Road development at Pinxton and against Health, with an additional £48,039.70 from the Skinner Street development at Creswell.

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 Council McGregor, 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

Environment: Yes No

Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.

Details: Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.

Staffing: Yes No

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Ambition: Customers, Economy and Environment.

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

DOCUMENT INFORMATION

Appendix No	Title
Background Papers	
<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>	