

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 29<sup>th</sup> November 2023 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody (to Minute No PL40 – 23/24), Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait, and Carol Wood.

Officers: Sarah Kay (Assistant Director of Planning and Planning Policy), Steve Phillipson (Principal Planner), Jenny Owen (Chartered Legal Executive), Neil Oxby (Principal Planning Policy Officer), Chris McKinney (Interim Head of Planning Policy), Julie-Anne Middleditch (Principal Planning Officer) Dan Oakley (Community Arts Development Officer (for minute number PL42 – 23/24), Matthew Connley (Leisure Special Projects Officer (for minute number PL42 – 23/24), and Alison Bluff (Governance).

### **PL1-22/23            APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor Rob Hiney-Saunders.

### **PL2-22/23            URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **PL3-22/23            DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **PL4-22/23            MINUTES**

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie  
**RESOLVED** that the Minutes of a Planning Committee held on 1st November 2023 be approved as a correct record.

### **PL5-22/23            22/00229/FUL - CHANGE OF USE OF FORMER CARE HOME TO 10 RESIDENTIAL UNITS AND ERECTION OF TWO FURTHER RESIDENTIAL UNITS AND ASSOCIATED DEVELOPMENT - TOTAL OF 12 RESIDENTIAL UNITS (USE CLASS C3) - AMBERLEIGH MANOR, PRIMROSE HILL, BLACKWELL ALFRETON**

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

The application had been deferred from the Planning Committee meeting held on 1<sup>st</sup> November 2023 as the viability document had not been made available in the public

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domain.

The application had been referred to the Planning Committee for determination because the development was unable to comply with S106 contribution policies for viability reasons.

The application sought approval to change the use of the vacant Amberleigh Manor Care Home (C2), to create 10 no. two storey residential dwellings and the erection of two no. two storey residential dwellings attached to the eastern side of the building (C3). Some single storey outbuildings to the rear were proposed to be demolished. The proposed development was known as Phase II for the re-development of the care home site. It was the applicant's intention that the submission of this phase would complete the site's development for residential dwellinghouse purposes. The proposal included the provision of private rear garden areas and off-road parking spaces with electric vehicle charging points.

Phase one of the site had been granted planning permission in April 2021.

Following on from the consultation, nine representations had been received and these were summarised in the report. A further representation received after the agenda was published was included in the update report, however, no additional points were raised that required a separate or additional response.

The key issue for Members consideration related to viability and that the development could not meet its triggered S106 obligations. The scheme had been independently appraised by CP Viability with phase 1 and 2 being taken into consideration. CP Viability had confirmed that the development as a whole was unable to make the contributions required due to overriding development constraints and cost associated with the proposal. The balance to this, as set out in the officer's report, was that there was overriding public benefits of the scheme which outweighed the potential shortfall in the planning obligations which were required.

The site had been vacant for a period of time and was currently subject to antisocial behaviour issues, it was therefore recommended for approval, subject to conditions.

Following observations made during the committee site visit, it was proposed that the wording of condition 20 be amended to give assurance that the boundary treatment detail reserved by condition that were still to be approved shall include details of any new features, as well as details to repair / make good any existing ones;

*20. Prior to first occupation, a detailed scheme of works to all boundary treatments (that shall include details of those to be retained / made good and any new boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those details approved in writing shall be implemented in full and the agreed boundary treatment scheme shall then be maintained in perpetuity.*

Mr Ranjit Sagoo attended the meeting and spoke for the application.

A Member queried the sizes of the gardens as there had been a slight difference between the application and what was detailed within the officer report. The Assistant Director of Planning and Planning Policy clarified that the applicant had submitted a detailed plan of

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garden sizes and the ones detailed within the supplementary report were the most accurate.

Mrs Alison Butterworth attended the meeting and spoke against the application.

In response to a query raised by the speaker the Assistant Director of Planning and Planning Policy advised that a lengthy discussion had taken place on the site visit in relation to the boundary wall and this formed the change of condition 20 that was detailed within the update report as noted above. It was also noted that the Council were not aware of who would occupy the houses.

Some Members raised their concern that the development was unable to comply with S106 contribution policies. Another Member stated that there had been public concern as to what would happen to the site, and he saw no future for the land other than the presented application.

The Assistant Director of Planning and Planning Policy referred Members back to the independent Viability Expert's report and that the Local Plan also allowed for taking into account and to consider viability positions if there were public benefits which outweighed the loss of S106 contributions.

A Member noted that market forces changed quickly, and suggested that the site be reassessed for S106 contributions at the time the properties came to market. The Assistant Director of Planning and Planning Policy, and the Chartered Legal Executive, jointly advised that this action could not be justified on a small development such as this.

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

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
  - Revised Site Location Plan and Block Plan - drg no 1624-10 Revision D dated April 2019 (Revised August 2023)
  - Refuse Vehicle Tracking Layout - drawing 1D dated 24/02/2021
  - Site Access General Arrangement Layout - drawing 2A dated 24/02/2021
  - Revised Elevations (plots 1-12) drg no 1624-04 Rev A dated December 2021 (Revised March 2023)
  - Revised Floor Plans (plots 1-12) drg no 1624-03 Rev A dated December 2021 (Revised April 2023)
  - Tree Constraints Plan dated 01/05/2023 - Project No 200

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- Tree Protection Plan - dated 01/05/2023 - Project No 200
  - Proposed Drainage Strategy - Drawing Number DS001 Rev D dated 06.07.2020 (Revised August 2023)
  - Land Survey - Drg no 19-1618-1A dated October 2020
3. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The agreed drainage scheme shall then be implemented fully in accordance with the approved details prior to the first occupation of the development and be maintained in perpetuity thereafter.
  4. All construction works must be undertaken only between 07:30am and 6pm Monday to Friday and between 7:30am to 1pm Saturday. No construction work activity on site or deliveries to or from the site shall take place on Sundays and Public Holidays.
  5. Before any other operations are commenced the site access shall be modified, laid out and constructed in accordance with a detailed design first submitted to, and approved in writing by the Local Planning Authority. The access shall include proposed passing places as detailed in the application submission, be constructed to base level, and be provided with visibility sightlines of 2.4m x 43m in both directions. Prior to the first occupation of any dwelling on site, the permanent new access shall be laid out as approved and the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
  6. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling fully in accordance with the approved plans. Once provided the car parking spaces shall be maintained in perpetuity for the lifetime of the development free from any impediment to their designated parking uses.
  7. At the commencement of operations on site, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking, and manoeuvring of site operatives and visitors vehicles, laid out and constructed fully in accordance with detailed designs to be first submitted in advance to the Local Planning Authority for written approval. The site compound shall be maintained throughout the entire contract period in accordance with the approved designs free from any impediment to its designated use.
  8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the parking spaces to be provided in connection with the development shall not be used other than for the parking of vehicles.
  9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending, or re-

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enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

10. No development shall be commenced until details of the future maintenance of the residential access driveways and any footways (including maintenance and management of layout, levels, gradients, construction, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. The driveways shall thereafter be managed and maintained fully in accordance with the approved management and maintenance details for the lifetime of the development.
11. Prior to first occupation of the development, two no. Schwegler bat boxes and two no. bird boxes must be installed in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority, with photographs of the boxes in situ provided to the Local Planning Authority to discharge the condition. The agreed bat and bird boxes shall then be maintained in perpetuity.
12. Prior to the first occupation of the hereby approved development any made ground on the site shall be removed, or a contamination investigation and risk assessment of that part of the site shall be undertaken by a competent person in accordance with current guidance and in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority. Where the site investigation and risk assessment show that contamination remediation is required, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Any approved remediation scheme shall be implemented fully in accordance with the approved scheme and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwellings hereby approved.
13. Where any further suspected areas of contamination are discovered during the development process of the site, the process of site investigation and risk assessment, remediation and verification as described in condition 12 above shall be carried out by a competent person fully in accordance with current guidance and in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
14. In the event that it is necessary to import soil onto the application site in connection with the development, prior to any importation soil shall be sampled at source; analysed in a laboratory which is accredited under the MCERTS Chemical Testing of Soil Scheme, and the results submitted to and approved in writing by the Local Planning Authority. Any soil imported into the application site shall then be fully in accordance with the agreed soil scheme.
15. Prior to first occupation of plots 1 and 12, the east facing first-floor secondary windows serving plot 12 and the west facing first-floor secondary windows serving plot 1 shall be glazed with highly obscure non-opening glass and any opening shall be top-only and a minimum of 1.7m above internal finished floor level. Once installed the obscure glazing and opening method shall be maintained in perpetuity.

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16. Notwithstanding the provisions of Part 1 Class A, AA, B, C, D, E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development as may otherwise be permitted by Class A, AA, B, C, D, E of the Order shall be carried out on the dwellinghouses hereby permitted.
17. Prior to occupation of the development, a lighting scheme, to include details of location, type, height, and specification, shall be submitted to and approved in writing by the Local Planning Authority. The agreed lighting scheme shall then be implemented on site fully in accordance with the approved scheme and made available for use prior to occupation of the first dwelling.
18. Prior to any works taking place to the external elevations and roof of the development, the precise external materials to be used in the construction of the development shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then proceed fully in accordance with the agreed external materials and then maintained in perpetuity.
19. Prior to first occupation of the development a scheme of hard and soft landscaping, to include proposed trees within the development, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
20. Prior to first occupation, a detailed scheme of works to all boundary treatments (that shall include details of those to be retained / made good and any new boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those details approved in writing shall be implemented in full and the agreed boundary treatment scheme shall then be maintained in perpetuity.
21. Prior to the first occupation of the development, details confirming arrangements to allow access on to the new estate road for refuse vehicles (bin lorries), to enable properties to have their bins collected from within the site, shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the first dwelling and be maintained in perpetuity.
22. Before works commence on site details to upgrade the private access road from Primrose Hill to the application building, to bring the private access road in accordance with the Derbyshire County Council's Design 6C's Guide, shall be submitted to and approved in writing by the Local Planning Authority. The agreed private access road improvement scheme shall be completed in full prior to occupation of the first dwelling and be maintained in perpetuity thereafter.
23. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in

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accordance with the principles outlined within:

- a) Halas Design Ltd. (August 2023). Block/Location Plans. Rev. D.
- b) HSP Consulting. (21.08.2023). Drainage Strategy. Rev. D. Drawing No. DS001.
- c) HSP Consulting. (25.11.2022). Drainage strategy Technical Memorandum. Rev. C. Ref. C3352/TM001. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.
- d) 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.

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

The assessment must demonstrate, with appropriate evidence, that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

25. Prior to commencement of development, details demonstrating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

26. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved in writing 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).

27. The hereby approved development shall be undertaken fully in accordance with the Arboricultural Report, Impact Assessment & Protection Method Statement,

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Tree Protection Plan and Tree Constraints Plan prepared by Crawshore Arborcare Ltd dated Monday 1st May 2023.

### **Statement of Decision Process**

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

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

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

The pre-commencement of development conditions has been agreed with the applicant's planning agent.

### **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.

**PL6-22/23**

**22/00583/FUL - INSTALLATION AND OPERATION OF A SOLAR FARM RENEWABLE ENERGY GENERATING STATION COMPRISING: GROUND-MOUNTED PHOTOVOLTAIC SOLAR**



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### **ARRAYS, SUBSTATION, INVERTER/TRANSFORMER UNITS, SITE ACCESS, INTERNAL ACCESS TRACKS, SECURITY MEASURES, ACCESS GATES, OTHER ANCILLARY INFRASTRUCTURE AND LANDSCAPING AND BIODIVERSITY ENHANCEMENTS - LAND TO SOUTH OF FRITHWOOD FARM COTTAGE, FRITHWOOD LANE, ELMTON**

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

The application was for a relatively large scale solar farm between Whaley and Creswell. Whilst the application had been significantly amended by negotiation to omit the area which contained the highest concentration of best and most versatile agricultural land (BVAL) it still contained about 10ha of it.

Local plan policy SC6 'Renewable Energy and Low Carbon Energy' was fundamental to this decision. SC6 allowed solar farm development on agricultural land, but only allowed large scale solar farms (BVAL) under 'exceptional circumstances'.

The application had been brought to Planning Committee as there was a need to decide whether or not this bar had been met and so whether or not the proposal complied with the local plan. The officer recommendation was that it had, due to the lack of alternative grid connection points in the District with capacity for this scale of solar farm and because most of the land within range of the connection point was also BVAL. Other impacts had been assessed but none of these warranted the refusal of planning permission because the harms identified were outweighed by the benefits of renewable energy and the need to tackle the climate emergency.

The site was comprised of approximately 46ha of arable agricultural land and located approximately 1km to the south of Creswell. The closest dwellings to the site were the small group of properties associated with the former Frithwood Farm and Frithwood Farm Cottage adjacent to the northern site boundary.

The area of the site proposed to be developed with solar panels had been reduced during the course of the planning application to omit the two fields at the east side of the site.

Further information was contained in the update report on the following matters where additional information was awaited at the time of writing the report:-

- Additional noise modelling;
- A revised Landscape Masterplan which responds to Landscape Officer comments;
- A revised Biodiversity Net Gain Assessment relating to the reduced site area.

The update report also noted an additional condition be applied to any consent to deal with noise mitigation for the inverters:

"Prior to the commencement of development, a scheme of noise mitigation measures to deal with noise from the inverters, must have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Officer. The approved mitigation measures must be

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implemented and maintained whilst the solar farm is operational.”

Responses from neighbouring properties were set out in the report. A number of objections had been against the principal of developing a solar farm in this location and that brownfield sites should be used instead. Another concern was the size of the proposed development.

A late representation had been received and was read out by the Principal Planner.

The key issues in the determination of the application were:

- the principle of the development including loss or agricultural land and benefits of renewable energy;
- the impacts on the conservation area and heritage assets;
- the landscape and visual impact of the proposed development;
- impacts on the amenity of users of public footpaths/bridleways;
- the impacts on residential amenity;
- traffic impacts and highway safety;
- impacts on biodiversity.

Richard Boother and Michelle Howley attended the meeting on behalf of the applicant and spoke for the application.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

**RESOLVED** that the application be APPROVED subject to the following conditions (subject to minor wording revision being delegated to the Assistant Director of Planning and Planning Policy):

1. Time Period for Commencement

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

2. List of approved plans

including, inter alia, Revised Site Layout Plan 1146 - WHALEY 004 REV A.

3. Temporary Permission

Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme).

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### 4. Decommissioning Scheme

A Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, any foundations, inverter housings and all associated structures, underground cabling, storage facilities and fencing and security measures. The decommissioning shall be carried out strictly in accordance with the approved scheme.

### 5. Early Decommissioning

In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 4 and the decommissioning shall be carried out strictly in accordance with the approved scheme.

### 6. Updated Badger Survey

Prior to the commencement of development, including other intrusive site surveys and preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken and the results and any appropriate mitigation/licensing requirements and programme of implementation shall be submitted to the Local Planning Authority for consideration and approval. Such approved measures must be implemented in full.

### 7. Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery, and materials) 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 be based on the recommendations in the Ecological Appraisal (RPS, June 2022 - but as relevant to the amended development area on the revised site layout plan 1146 - WHALEY 004 REV A) and 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 and cable laying to habitats and protected species, including trees, hedgerows, badger, bats, brown hare, nesting birds and herpetofauna.
- 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.

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- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

### 8. LBEMP

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (RPS 21/11/22 - but as relevant to the amended development area on the revised site layout plan 1146 - WHALEY 004 REV A) and to achieve no less than a +230.83 % net gain (subject to amendment for revised site area). The LBEMP shall combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 40-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 15, 20, 25, 30, 35 and 40 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Details of habitat enhancements for wildlife, including bat and bird boxes.
- j) A clear plan of fencing gaps for badger and brown hare.
- k) A clear plan of skylark plots and mitigation measures.

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- l) Requirement for a statement of compliance upon completion of initial 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 must be implemented in accordance with the approved details.

### 9. Archaeology

a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1) The programme and methodology of site investigation and recording
- 2) The programme for post investigation assessment
- 3) Provision to be made for analysis of the site investigation and recording
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

### 10. Glint and Glare

Prior to the commencement of development, a Glint and Glare Assessment shall be undertaken by an appropriately qualified/experienced person, to assess the impacts of solar glint and glare on the amenity of nearby dwellings and on aircraft, and shall have been submitted to the local planning authority for consideration and approval. The assessment shall include any mitigation measures necessary to deal with any unacceptable adverse impacts identified. Any mitigation measures included in the approved assessment shall be implemented prior to installation of the relevant arrays and shall thereafter be maintained.

### 11. Construction Management Plan (Amenity)

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Prior to the start of construction, a construction management plan must have been submitted to and approved in writing by the Local Planning Authority. This must address:-

- Noise, dust, and vibration management (with appropriate mitigation measures and monitoring regime);
- Working hours for noise generating activities;
- Locations of any stockpiles, storage compounds, unloading areas and areas for parking of site operatives;
- Method of prevention of debris being carried onto highway including wheel wash facility.

The approved plan must then be implemented throughout the construction of the development.

### 12. Construction Working Hours

For the duration of the construction and decommissioning periods, noise generating construction and deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800- and 1800-hours Monday to Friday, 0800- and 1330-hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the local planning authority.

### 13. Drainage Conditions

1. 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. RPS, Revised FRA and Sustainable Drainage Strategy, ref: HLEF82417, ver-3, 27- March 2023 and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

b. 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.

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

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

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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.

4. Prior to the commencement of the development, a soil management plan must be submitted to and approved by the Local Planning Authority. Soil infiltration rates can vary widely depending on ground conditions such as soil compaction and ground cover. A soil management plan must demonstrate how damage to soil horizons and ground cover will be mitigated and remediated during and after construction and for future decommissioning.

5. Before the development is brought into use, 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).

### 14. Highways

The development hereby approved shall not be brought into use until the site access, access track, parking and turning facilities have been provided, all as shown on the approved drawings contained within the Transport Assessment and the Construction Traffic Management Plan.

### 15. Construction Traffic

All construction traffic shall use the agreed route 1 option identified in the Construction Traffic Management Plan and Transport Assessment and all measures identified within the Construction Traffic Management Plan to mitigate the impact of construction traffic on the highway network shall be implemented. Written records must be kept to evidence compliance with the Construction Traffic Management Plan which must be made available to the Local Planning Authority on request.

### 16. External Materials

Unless a dark green external finish is proposed, prior to their provision on site, the details of the external colour(s) of all buildings including the inverter/transformer stations, substation, string combiner boxes and any storage units and other any ancillary equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented and maintained.

### 17. CCTV and Security

Fully details of the CCTV cameras and security measures for the site shall have been submitted to and approved in writing by the Local Planning Authority before the solar farm is brought into use. Thereafter the approved security measures shall be implemented. The CCTV security cameras to be used on site must be infra-red cameras as proposed and there must be no standard lighting within the site at night-time unless an exception to this has been approved in writing by the local planning authority and fully justified by details of luminance and fields of illumination.

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### **18. Screen Planting**

Before the development is brought into use, the screen planting shown on the approved site layout plan 1146-WHALEY-004 Rev A, shall have been implemented and shall be maintained thereafter for the life of the development.

### **19. Cabling**

All cabling (with the exception of that connecting between solar arrays) shall be installed underground.

### **20. Noise Mitigation**

Prior to the commencement of development, a scheme of noise mitigation measures to deal with noise from the inverters, must have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Officer. The approved mitigation measures must be implemented and maintained whilst the solar farm is operational.

## **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.

*Councillor Justin Gilbody left the meeting.*

**PL7-22/23**

**LOCAL PLANNING AUTHORITY MONITORING REPORT 2022/23**

Committee considered a report which provided an update to Members on the Local Planning Authorities Monitoring report for the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.



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The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended) required local planning authorities to publish information about progress with local plan preparation, housing targets, made neighbourhood development plans and orders, any activity relating to the duty to cooperate, and any information collected which related to indicators in the development plan.

Overall, the Monitoring Report, which was attached as an appendix to the report, found that the Council's Local Plan for Bolsover District was performing well with few areas of concern. Where indicators had been found to not be performing as intended, this was largely due to circumstances outside the Council's control and beyond the general policy steer of the Council's Local Plan. However, areas of concern would be followed up to establish what action, if any, could be taken to correct undesirable trends.

Following this meeting of Planning Committee, the Monitoring Report would be published on the Council's website.

Members welcomed the report and noted it was an excellent report.

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Monitoring Report 2022/23 be noted and published on the Council's website.

### **PL8-22/23                    FIVE-YEAR HOUSING LAND SUPPLY - ANNUAL POSITION STATEMENT 2023**

Committee considered a detailed report which provided an update to Members on the housing land supply. The report also sought Member's approval for the publication of the Council's Annual Position Statement on the Five-Year Housing Land Supply for 2023.

To support the Government's objective of significantly boosting the supply of homes, councils were required to plan to meet their local housing need through their local plans and to monitor the delivery of their housing land supply.

The Council was currently in a good position as it was meeting requirements. Table 1 in the report showed the number of houses completed against the 272 requirement over the last few years as set out in the Local Plan. This table also identified that between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2023, the number of housing completions, i.e. those that had reached the 'ready for occupation' stage, had exceeded the annual requirement by 912 dwellings.

The Council had no record of under delivery over the monitoring period. Furthermore, the Council had passed the Housing Delivery Test each year since its introduction in 2018 and consequently, in accordance with existing Government guidance, the Council only needed to apply a 5% buffer to its housing requirement to ensure choice and competition in the market for land.

Moved by Councillor John Ritchie and seconded by Councillor Tom Munro  
**RESOLVED** that;

- 1) the detailed issues set out in the report, be noted;

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- 2) the assessment of the Council's Annual Position Statement of Five-Year Housing Land Supply 2023 as set out at Appendix A, to the report, be approved;
- 3) the Annual Position Statement of Five-Year Housing Land Supply (Appendix A) and List of Major Development Sites and their contribution to the Council's Five Year Housing Land Supply (Appendix B), be published on the Council's website; and
- 4) delegated authority be given to the Assistant Director of Planning and Planning Policy, in consultation with the Chair and Vice Chair of Planning Committee, to make any minor changes to the text or information prior to publication.

*The Community Arts Development Officer and the Leisure Special Projects Officer entered the meeting.*

### **PL9-22/23            QUARTERLY    UPDATE    ON    SECTION    106    AGREEMENT MONITORING**

Committee considered a detailed report which provided progress in respect of the monitoring of Section 106 Agreements in order to give Members the opportunity to assess the effectiveness of the Council's monitoring procedures.

Section 106 agreements were a legal agreement between the Council and landowners / developers that were often completed alongside applications for planning permission for major developments. They were needed to deal with the additional pressures on infrastructure which resulted from new developments. They were only required where the effects of the development would otherwise be unacceptable in planning terms, and where they could not be dealt with by conditions of the planning permission.

If the Council failed to spend monies provided through Section 106 Agreements within a set period, often within 5-years of entering into the agreement, there was a risk to the Council that the developer would be entitled to request the money back. As of the Monitoring Group meeting held on 24<sup>th</sup> October 2023, there were eight sums within their 24-month deadlines and details of these were provided in the report.

#### Spa Croft, Tibshelf

An extension to the deadline had been agreed by all parties as being 31<sup>st</sup> March 2026.

#### Rosewood Lodge Farm

The Parish Council had confirmed that they would be claiming for the cost of a new canopy on their insurance further to the previous one being vandalised shortly after installation.

Further monies from the Rosewood Lodge Farm development for health infrastructure was now within its 6 months spend deadline. Since the last update to Members, the Integrated Care Board had agreed to utilise this allocation along with the allocation from Thornhill Drive, South Normanton, to pay for the internal reconfiguration of the Limes Medical Centre. This redevelopment would allow them to cater for a wider range of medical appointments.

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Members raised concern that the redevelopment of The Limes Surgery fell outside of the District as it was located within Alfreton. The Interim Head of Planning Policy advised that it had previously been explored whether the surgery in South Normanton could be expanded, however, this wasn't possible currently. It may be that moving forward more residents would use the facilities at Alfreton as more appointments became available. It was also suggested that the money would be better spent in Tibshelf to improve the facilities available.

### Mansfield Road, Tibshelf

Members had been advised at the last update that the Leisure Special Projects Officer was working with the Parish Council to look at potential alternative projects as the time remaining to spend the money for outdoor sport was approximately 12 months. Three potential projects had been discussed including an extension to the current pavilion, pitch improvements and the instillation of a multi-use games area (MUGA).

The Parish Council had also consulted with their local community to see how else the money could be utilised and as a result, a large number of projects had been suggested, with a skate park being the most popular.

Following consideration from the Section 106 working group, a number of smaller projects were put forward to the Parish Council and these were approved at their meeting held on the 21<sup>st</sup> November:

- A zip wire;
- Small skate park;
- Improved play area for younger children;
- Basketball area;
- Climbing net; and
- A path extension to access the facilities at the Shetland Road site.

The Leisure Special Projects Officer has met with a potential play equipment supplier and further quotes would be obtained in early 2024 and it was hoped the equipment would be installed in the late spring / early summer.

### Oxcroft Lane, Bolsover

As noted at the last meeting, the Outdoor Sport Infrastructure currently had around 15 months left before the money needed to be spent. This money would be allocated to a new skate park at Hornscliff Park. A contractor had now been appointed and the planning application submitted. Subject to approval work should be able to start in early 2024.

### Station Road, Langwith Junction

This had approximately 14 months left before the spend deadline. The Leisure Special Projects Officer was awaiting an invoice from the Parish Council so that the money could go towards the installation of a new bench.

### High Ash Farm, Clowne

There was approximately 15 months before this amount needed to be spent. Since the last meeting a number of sites had been discussed with the Parish Council Clerk. Further to this the money could potentially be spent on replacing the bridge on Linear Park which

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had fallen into disrepair. Currently, local Members and the Parish Council favoured improving the land in front of Domino's and Ashgate Hospice Charity Shop.

### Station Road, Langwith Junction

There was currently around 13 months left to spend the money allocated towards improving the health infrastructure. The Integrated Care Board had advised that they were in discussions with Langwith Medical Centre to agree a suitable scheme and had agreed that they would be able to spend the monies before the deadline.

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

The meeting closed at 12:03 hours.