

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 4<sup>th</sup> September 2024 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders (left during minute number PL98-24/25), Chris Kane, Duncan McGregor (left during minute number PL98-24/25), John Ritchie, Janet Tait, Deborah Watson, Jen Wilson and Carol Wood.

Officers:- Sarah Kay (Assistant Director of Planning and Planning Policy), Jim Fieldsend (Monitoring Officer), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Neil Oxby (Principal Planning Policy Officer), Matthew Connley (Leisure Special Projects Officer (from minute number PL99-24/25)), Dan Oakley (Community Arts Development Officer (from minute number PL99-24/25)), Amy Bryan (Governance and Civic Manager) and Hannah Douthwaite (Governance and Civic Officer) .

### **PL91-24/25      APOLOGIES FOR ABSENCE**

An apology for absence had been received on behalf of Councillor Phil Smith.

### **PL92-24/25      URGENT ITEMS OF BUSINESS**

There were no Urgent Items of Business considered at the meeting.

### **PL93-24/25      DECLARATIONS OF INTEREST**

<b>Minute No.</b>	<b>Member</b>	<b>Level of Interest</b>
PL96-23/24	Councillor John Ritchie	As a member of the Planning Committee, Councillor Ritchie would not take part in the discussion or vote on the item.

### **PL94-24/25      MINUTES - 19TH JUNE 2024**

The minutes of a Planning Committee meeting held on 19<sup>th</sup> June 2024 had been circulated to Members prior to the start of the meeting and were also available to the public on the Council's website.

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Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane

**RESOLVED** that the minutes of a meeting of the Planning Committee held on Wednesday 19<sup>th</sup> June 2024 be approved as a true and correct record.

### PL95-24/25          MINUTES - 17<sup>TH</sup> JULY 2024

Moved by Councillor Duncan McGregor and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that the minutes of the last meeting held on Wednesday 17<sup>th</sup> July 2024 be approved as a true and correct record.

*Having previously declared his interest in the following item of business, Councillor Ritchie moved into the public gallery for the following item of business and did not partake in the vote.*

### PL96-24/25          24/00183/FUL - CHANGE OF USE FROM Paddock TO GARDEN AREA (INCLUSIVE OF BOUNDARY GATE, OUTBUILDINGS & PLANTING) & ERECTION OF DOUBLE GARAGE - THE OLD DAIRY, BATLEY LANE, PLEASLEY, MANSFIELD

Committee considered a detailed report in relation to the above application, presented by the Development Management and Land Charges Manager.

The application had been called in to Planning Committee by Councillor John Ritchie as he had been supporting the applicant.

The application sought approval for the material change of use of land designated as countryside to be incorporated as a domestic garden. The land was already in use as domestic curtilage and included two hard surfaced areas with associated outbuildings and landscaping used for outdoor seating. Consent was sought retrospectively for the retention of boundary treatment and gates.

The application was also proposing a single storey double garage outside of the garden curtilage to the rear of The Old Dairy. The garage was the only part of the development for which retrospective consent was not sought.

Councillor John Ritchie spoke for the application.

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

A Member queried if the paddock was approved as use as a garden if it would remain as greenbelt or change to be classified as brownfield making it easier to be developed on in the future.

The Development Management and Land Charges Manager advised that the application sought permission for development / the change of use of the land and that the extent of the previously approved garden was detailed on screen.

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Land in built up areas such as residential gardens was excluded from the definition of previously developed land.

Another Member noted the amount of work which had been undertaken by the applicant, however, when taking into consideration material planning considerations the application went against policy.

Moved by Councillor Duncan McGregor and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that the application be **REFUSED**.

*Councillor John Ritchie left the public gallery and took his seat back on the Committee.*

### **PL97-24/25          21/00331/FUL - FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT - OPEN SPACE EAST OF DAHLIA AVENUE, SOUTH NORMANTON**

Committee considered a detailed report in relation to the above application, presented by the Development Management and Land Charges Manager.

The application was initially referred to Committee on 10<sup>th</sup> April 2024 due to financial viability issues, meaning normal S106 contributions were not able to be offered. It was now being presented to Committee for consideration in light of proposed changes to the biodiversity mitigation measures as set out in the ecology and biodiversity considerations section of the report. The Council's scheme of delegation required applications which proposed significant changes to the size, scale or nature of proposals previously approved by the Committee that were more than non-material to be determined by the Planning Committee and not under delegation to officers.

Moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson  
**RESOLVED** that the application be **APPROVED** subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A.      Limitation over the occupation of the dwellings to affordable housing.
- B.      A contribution of £81,000 to be used by the Council for the provision for off-site biodiversity mitigation measures, including mechanisms for initial investigations, provision, and long-term management and maintenance.

AND subject to the conditions listed in the supplementary report at Appendix B, except for: -

- the amended 16 shown in Appendix C, as resolved at the earlier Committee meeting; and
- revised condition 23 to reflect the revised information submitted as follows: -
  - 23. Off-site condition for management and Enhancement Plan (Condition 27)  
A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the plan is to provide details for the creation, enhancement and management of habitats and species off-site post development to provide a biodiversity net gain. The plan shall be suitable to

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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.
- b) Details for the enhancement of modified grassland including the results of soil analysis.
- c) Aims and objectives of management, in line with desired habitat conditions for grassland types as per Defra's biodiversity metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) 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 will be implemented in accordance with the approved details.

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### **PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM - OPEN CONSULTATION**

The Assistant Director of Planning and Planning Policy provided Members with a summary of the open consultation for the proposed reforms to the National Planning Policy Framework and other changes to the planning system, published on 30<sup>th</sup> July 2024.

The consultation principally related to the supply of land to boost housing, but it also sought views on a series of wider interventions relating to planning fees, local plan interventions, and thresholds for Nationally Significant Infrastructure Projects (NSIPs).

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The consultation comprised of 106 questions in total (listed in Appendix 1 to the report) and would close on the 24<sup>th</sup> September 2024. The consultation reaffirmed the Government objective to significantly boost the supply of homes.

The implication for Bolsover District Council was that the current standard method resulted in a requirement for 195 dwellings per annum, which would rise to 404 dwellings per annum as a result of the new standard method formula. This was significantly above the Local Plan requirement of 272 dwellings per annum.

The consultation also considered a number of changes to greenbelt, including the introduction of 'grey belt' (by definition), and a compulsory review of greenbelt to become necessary if identified housing, commercial and other needs could not be met.

Members raised concern in regard to finding the required tradesmen to carry out the work on new houses and requested that this be highlighted within the consultation response.

*Councillors Rob Hiney-Saunders and Duncan McGregor left the meeting.*

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

**RESOLVED that** final agreement of the detailed response be delegated to the Assistant Director of Planning and Planning Policy, in consultation with the Chair of Planning Committee and the Portfolio Holder for Growth.

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

### PL99-24/25      QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Principal Planning Policy Officer provided a progress update on the monitoring of Section 106 Agreements.

As 18<sup>th</sup> July 2024 there were currently nine sums within their 24 month spend date.

The sum of £10,184.39 from the High Ash Farm, Clowne development as reported at the last meeting had been removed from the list of sums needing to be spent.

Since the last Planning Committee four further sums had come within the 2 year spend threshold – these were all in relation to the development at Thornhill Drive, South Normanton and were to contribute towards a range of infrastructure.

Moved by Councillor John Ritchie and seconded by Councillor Deborah Watson

**RESOLVED** that the update be noted.

The meeting concluded at 11:40 hours.