

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 22 January 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane (Vice-Chair), Duncan McGregor, John Ritchie, Phil Smith, Deborah Watson and Carol Wood.

Officers:- .

Also in attendance at the meeting to Minute No XXX were Councillors .

PL128-24/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rob Hiney-Saunders, Janet Tait and Jen Wilson.

PL129-24/25 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

PL130-24/25 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL135-24/25 PL136-24/25	Councillor Deborah Watson	As a Member on the Planning Committee, Councillor Watson declared an interest in agenda items 8 and 9 as a Dragonfly Board Member and left the meeting during discussion of these items.
PL135-24/25 PL136-24/25	Councillor Carol Wood	As a Member on the Planning Committee, Councillor Wood declared an interest in agenda items 8 and 9 as a Dragonfly Board Member and left the meeting during discussion of these items.

PL131-24/25 MINUTES

Moved by Councillor Carol Duncan McGregor and seconded by Councillor Phil Smith

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RESOLVED that the minutes of a meeting of the Planning Committee held on 27 November 2024 be approved as a true and correct record.

PL132-24/25 APPLICATION NO. 24/00318/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT FOR UP TO FIVE DWELLINGS - LAND TO THE REAR OF 20 TO 26 AND NORTH OF 28 CHURCH ROAD, STANFREE

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues.

This application was a resubmission of application reference 20/00465/OUT which was granted but had now lapsed. This application sought approval for outline planning permission for a residential development of up to 5 dwellings, with all matters reserved.

In response to Councillor Carol Wood's question relating to whether access to horse paddock would be retained, the Development and Land Charges Manager stated this level of detail would be included at the next stage when more detailed information would be provided.

Mr S Haslam (agent) attended the meeting and spoke in support of the application

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie and following a unanimous vote in favour of the application

RESOLVED that application be approved subject to the following conditions and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

01. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Church Road (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

03. 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:

- 21/825/1 – Layout
- 21/825/2.A – Sections
- 21/825/3 – Topographical Survey
- 21/825/04 – Block Plan and Levels
- 26228_08_020_01.2 – Vehicle Tracking (Refuse Vehicle)

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- 26228_08_020_01.1 – Site Access and Visibility Extents
- Design & Access Statement (June 2024)
- Coal Mining Risk Assessment (Earth Environmental and Geotechnical, November 2020, Report No. A3827/20)
- Ecological Impact Assessment (LM Ecology, Revision A - September 2024).

Drainage

04. No development shall take place, other than site clearance works, until a detailed design and associated management and maintenance plan of the surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority.

05. No development, other than site clearance works, 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: 056 Reference ID: 7-056-20220825 of the planning practice guidance.

06. Prior to commencement of the development, other than site clearance works, 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 Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

07. 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).

Coal Authority

08. No development shall commence until;

- a) a scheme of intrusive site 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 made safe and stable for the development proposed.

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

09. 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

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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.

Contamination

10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Ecology

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

12. The development shall be carried out in accordance with the mitigation recommendations detailed in Appendix C of the Ecological Impact Assessment (LM-Ecology, September 2024). A short statement of compliance shall be submitted to the LPA to discharge this condition prior to occupation of any of the dwellings hereby approved.

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13. The enhancement recommendations detailed in Section F4 of the Ecological Impact Assessment (LM-Ecology, September 2024) shall be implemented in full. In addition, hedgehog gaps (130 mm x 130 mm) shall be incorporated in all garden fencing. Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development. Measures shall be retained in perpetuity.

Highways

14. 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 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.

15. 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 in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

16. No development consisting of highway construction shall take place until either confirmation has been provided that a Section 38 adoption agreement with the Highway Authority will be completed; or details of the construction and future maintenance of the residential access driveway(s) and footway(s) (including 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. Any such details approved shall be implemented before the first occupation of any dwelling on site and the driveway shall thereafter be maintained in accordance with the approved details.

17. No dwelling shall be occupied until space has been provided within the site curtilage/ plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out and constructed in accordance with the approved drawings. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

18. No dwelling shall be occupied until further details for the arrangements of waste collection from the new dwellings have been submitted to and approved in writing by the Local Planning Authority. Details required shall demonstrate that a Refuse Collection Vehicle with a GVW of 32 tonnes is capable of accessing and turning within the site; or alternatively the design of a presentation / collection point positioned at the site entrance. Details shall be implemented as approved prior to occupation of any dwelling and shall be retained throughout the life of the development free from any impediment to their designated use.

Climate Change

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19. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. Charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing by the local planning authority. All recharging points shall thereafter be retained.

Amenity

20. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 8am and 6pm Monday to Friday, and 8am and 1pm on Saturday, and not at any time on Sundays, Bank or Public Holidays.

PL133-24/25 APPLICATION NO 23/00463/FUL - ERECTION OF 74 DWELLINGS (INCLUDING 7 AFFORDABLE DWELLINGS) AND ASSOCIATED INFRASTRUCTURE INCLUDING STREET LAYOUT, PUBLIC OPEN SPACE AND DRAINAGE AT LAND TO THE REAR OF 57 TO 111 SHUTTLEWOOD ROAD, NORTH OF MILL LANE AND WEST OF NETHER VIEW, BOLSOVER

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval for the erection of 74 dwellings (including 7 affordable dwellings) and associated infrastructure including street layout, public open space and drainage. The Committee was advised of a further representation which had been received from Ms S Nicholls (one of the speakers) which comprised of a photograph and plan copies of which were provided to members.

As a point of clarification the Development and Land Charges Manager advised that a new link road was being provided by the developer on the adjacent Woodhall Homes site. The applicant's commitment to contribute £200,000 to a link road could be used to explore options for a link road to be formed through the site in circumstances where this development did not come forward. If the link road through the adjacent site was to come forward the money would need to be returned to the developer, as it would no longer meet CIL regulation tests.

It was confirmed that any proposed increases to the numbers of affordable properties above 10% was subject to negotiation with developers but could make developments unviable. This application had to be considered on the Development Plan which currently had a 10% affordable properties criteria and any ambitions to increase this to 15% would need to be explored as part of any review.

In response to Councillor Wood's comments that this was an ancient habitat which should be retained, the Development and Land Charges Manager confirmed that the application had been submitted before the biodiversity requirements became law. There would be some loss but there would also be some onsite enhancements and net gains elsewhere.

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Ms S Nicholls attended the meeting and spoke against the application.

Mr G Morris attended the meeting and spoke against the application.

Ms C Stainton (agent) attended the meeting and spoke in support of the application.

Ms Stainton provided the following responses to members' questions:

- in response to Councillor Smith's question whether the number of affordable properties could be rounded up rather than down, Ms Stainton responded that the application was policy compliant and any changes would be subject to negotiation.
- the distance between the speaker's property and the new property was 34 metres which was in excess of the required 12 metres and there had never been any proposal for a bungalow instead of the proposed 4 bedroom property.
- native trees would be planted on the estate as specified by the Derbyshire Wildlife Trust.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith and following a vote

For the motion: 6

Against the motion: 1

It was therefore **RESOLVED** that application be approved subject to the following conditions and prior entry into a Section 106 Agreement, with delegated authority being granted to officers to grant the final decision on completion of a Section 106 Agreement and negotiations which sought to maximise affordable delivery on site. If any revisions to the Section 106 were proposed, then the application would be referred back to Planning Committee.

Conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Except where otherwise stated in the conditions below, the development hereby permitted shall be carried out in accordance with the documents and plans listed below:
 - Revised site location plan – JHY/OLB/PH3/LP/01B; 20 Dec 24.
 - Phase 2 soft landscaping plan general arrangement – 2100 Rev F; 11 Dec 24
 - Phase 2 soft landscaping plan detailed layout 1 of 4 – 4124/2101 Rev F; 11 Dec 24
 - Phase 2 soft landscaping plan detailed layout 2 of 4 – 4124/2102 Rev F; 11 Dec 24
 - Phase 2 Soft Landscaping plan detailed layout 3 of 4 4124/2103 Rev F; 11 Dec 24
 - Phase 2 Soft landscaping plan detailed layout 4 of 4 – 4124/2104 Rev F; 11 Dec 24
 - Proposed phase 2 landscaping metric (for offsite BNG) – Xcel format; 11 Dec 24
 - Transport Assessment (Sanderson Associates); 4 dec 24

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- Travel Plan (Sanderson Associates); 4 Dec 24
- Revised site layout – JHY/OLB3/SL01D; 29 Nov 24
- Ornamental fence detail – ORN/1011; 29 Nov 24
- Soft Landscape plan 1 of 3 – General arrangement – 4131/2100/Rev L; 29 Nov 24
- Landscape plan 2 of 3 – detailed layout – 4131/2101/Rev L; 29 Nov 24
- Landscaping plan 3 of 3 – detailed layout – 4131/2102/Rev L; 29 Nov 24
- Off site Biodiversity Net Gain at Wild Whittington Quote proposal – Wild Solutions and Derbyshire Wildlife Trust (19 November 2024); 28 Nov 24
- Landscape Management Area Plan – 4131/2103/Rev A; 28 Oct 24
- The Banbury House type – plots 319, 324 and 362 – OX/BN/V1 Rev B; 28 Oct 24
- The Banbury house type – plots 341, 366, 367, 374 – OX/BN/V3 Rev B; 28 Oct 24
- The Banbury Opp – plot 312 – OX/BN/V5; 28 Oct 24
- The Banbury house type - plot 318 – OX-BN-V2B; 28 Oct 2024
- The Buckley Corner Turner – plot 306 – OX/BUC/CT/V2/ST Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Street Style A – plots 310, 311, 334, 344, 348 - OX/BUC/V1 Rev A; 28 Oct 24
- The Buckley NDSS Opp Hipped Street Style A – plots 305, 320, 332, 335, 350, 351, 357, 358 – OX/BUC/V2 Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Stone Elevation – plot 345 – OX/BUC/V3 Rev A; 28 Oct 24
- The Bentley Hipped Roof As Street Scene Style C – Plots 303, 307, 309, 317, 327, 337, 342, 352, 355, 363, 373 – OX/BY/V1 Rev B; 28 Oct 24
- The Bentley Gabled Roof Opp Street Scene Style A - Plots 308, 330, 338, 343, 353, 356 – OX/BY/V2 Rev B; 28 Oct 24
- The Bentley - Gabled Roof Street Scene Style C - Plots 328 & 346 – OX/BY/V3 Rev B; 28 Oct 24
- The Bentley Hipped Roof Opp Street Scene Style A - Plots 329,347, 349, 354, 360 – OX/BY/V4 Rev B; 28 Oct 24
- The Handforth NDSS Floor Layout & Elevation – Plots 315, 316, 368-372 – OX/HAND/V1 Rev A; 28 Oct 24
- THE HOLLIN A - PLOT 359 – OX/HN/135 Rev B; 28 Oct 24
- THE HOLLIN A - PLOT 333 – OX/HN/333; 28 Oct 24
- THE HOLLIN A - PLOT 336 – OX/HN/336; 28 Oct 24
- THE HOLLIN B - Plots 304 & 365 – OX/HN/B/V2 Rev B; 28 Oct 24
- The Hollin B - Plot 364 – OX/HN/B/V3 Rev B; 28 Oct 24
- The Keswick NDSS – OX/KES/V1; 28 Oct 24
- Dry Stone Wall Entrance 3 - OX2-DWE-03; 28 Oct 24
- Dry Stone Wall Entrance 4 - OX2-DWE-04; 28 Oct 24
- Biodiversity Metric Calculations; 28 Oct 24
- ADDENDUM TO AES-LTD LETTER 24th JUNE, 2024 - Applied Ecological Services Ltd; 28 Oct 24
- Amended Design and Access Statement; 28 Oct 24
- House Types Materials Schedule; 28 Oct 24
- Arboricultural Impact Assessment – Iain Tavendale; 3 July 24
- Archaeological geophysical survey (Project No. ARC/3604/1410) – Phase Investigations; 3 July 24
- Amended application form; 28 June 24
- Bat Survey Report – Applied Ecological Services; 27 Sept 23
- Breeding Bird Surveys 2022 – Applied Ecological Services; 27 Sept 23

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- Ecological Appraisal – Applied Ecological Services; 27 Sept 23
 - Boundary treatment plan – JHY/SDL 49 Rev D; 7 Sept 23
 - Detached Single Garage Plan - SDL-2022-092 Rev B; 7 Sept 23
 - Detached Double Garage - SDL-2022-094 Rev B; 7 Sept 23
 - Twin Garage – SDL-2022-095B; 7 September 23
 - Brick Boundary wall and Piers with Cast Stone Coping & Frontage Fence – SF13 BOLS; 7 Sept 23
 - Flood Risk Assessment - Fortem Civil Engineering (July 2023); 7 Sept 23
 - Heritage Assessment – Wardell Armstrong; 7 Sept 23
 - Geotechnical And Geo-Environmental Site Investigation – Eastwood and Partners – Issue 1 May 2022; 7 Sept 23
 - Existing site levels; 7 Sept 23
 - Proposed site / finished floor levels – 1088-204; 7 Sept 23
 - Arboricultural Impact Assessment – Iain Tavendale; 7 Sept 23
3. The feature drystone walls shall be provided in accordance with the details submitted on the 29 November 2024 as detailed under condition 2 above, constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with the drystone walls constructed on phase 2.
4. The on-plot boundary fences and walls as detailed in the approved site layout under condition 2 above shall be constructed before the respective dwellings are occupied.
5. Prior to the occupation of plots 307, 308 and 309, the boundary fencing as detailed on the Ornamental fence detail plan ORN/1011, received on the 29 November 2024 shall have been constructed in accordance with the approved details, and retained as such for the life of the development.
6. Notwithstanding the submitted details, details of the vehicle preventative measures to be installed on the pedestrian entrance onto Mill Walk, and a time scale for their implementation shall be submitted to and approved in writing. The measures shall be installed in accordance with the approved details and retained as such for the life of the development.

Archaeology

7. 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
- i). The programme and methodology of site investigation and recording
 - ii). The programme for post investigation assessment
 - iii). Provision to be made for analysis of the site investigation and recording
 - iv). Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v). Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi). Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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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 occupied 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.

Biodiversity

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

9. 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 include the recommendations included in the Ecological Appraisal (AES Ltd., September 2023). It shall be produced by an ecologist and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Translocation methodology for orchids.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) 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.

10. 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 provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric. The LBEMP should 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 (V3d).
- b) Aims and objectives of management, in line with desired habitat conditions detailed in

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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 30-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, 5, 10, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- 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.

11. Prior to the installation of any lighting fixtures in public open spaces, a detailed lighting strategy for the public open space shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

12. Should any hedges proposed for retention become damaged during development, they shall be replaced in the first available planting season, in a double staggered row at 30 cm centres. Thereafter they shall be retained and maintained in accordance with the approved landscaping plans provided in condition 2 above.

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

14. Prior to commencement of development, the developer shall submit evidence to the Local Planning Authority that the Habitat Bank units to compensate for habitat loss on site have been purchased, and the units have been registered to the development hereby approved.

Highways

15. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing JHY/OLB3/SL01D.

16. No individual dwelling in the Development hereby approved shall be occupied until

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sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

17. The Residential Travel Plan hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

18. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

19. No above ground works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed timescale for planting, have been approved in writing by the local planning authority. The approved tree planting shall thereafter be carried out in accordance with those details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

Drainage

20. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' (Rev 2) prepared by Fortem, dated 14/07/23", unless otherwise agreed in writing with the Local Planning Authority.

21. No development shall take place until a detailed design and associated

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management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. FORTEM. (09/11/2023). Flood Risk Assessment. 1088-R003-V3. 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.

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

23. 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 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).

Contamination

24. No dwellings hereby approved shall be occupied until:

The remedial works identified in the report ref 46420 have been undertaken in accordance with a scheme approved by the Local Planning Authority. The works shall ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

a) If during the construction works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. Where the site investigation and risk assessment shows that further remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval, and the approved remediation scheme implemented.

b) Upon completion of the remediation works required above, a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation, together

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with the necessary waste management documentation shall be included.

25. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

Advisory notes

1. This site is subject to a Planning Agreement under the terms of S106 of the Town and Country Planning Act 1990 (As amended), and any developer should be aware of the content of that agreement and the need to meet its requirements in addition to the conditions attached to this permission.
2. In accordance with condition 20 above (Yorkshire Water), If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.
3. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>
4. (a) Subject to acceptance of the SuDS design by DCC (LLFA), the developer shall submit an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services)

(b) The sewer records do not show any public sewers within the curtilage of the site. However, there may be the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.

(c) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.

(d) It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

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5. The developer is advised to work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical, or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media, and Sport.
6. Derbyshire County Council Lead Local Flood Authority has provided a set of advisory notes dated 22 November 2023 which will need to be adhered to, and which can be viewed in full on the Council's website.
7. The Derbyshire County Council Highway Authority has provided a set of advisory notes dated 17 December 2024 which will need to be adhered to, and which can be viewed in full on the Council's website.

PL134-24/25 APPLICATION NO. 24/00361/FUL - ERECTION OF 2 INDUSTRIAL BUILDINGS FOR STORAGE ASSOCIATED WITH EXISTING RAILWAY MAINTENANCE BUSINESS UNIT, 60 BROOKHILL ROAD, PINXTON

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval for the erection of 2 industrial buildings for storage associated with existing railway maintenance business. A video of the site was also shown to members as there had not been a site visit.

Mr D Palos attended the meeting and spoke against the application.

Mr A Redmond (the agent attended the meeting on behalf of the applicant and spoke in support of the application.

Members sought clarity on the location and height of hedging and fencing and proximity to the speaker's property and it was suggested that this application be deferred until a site visit had taken place. Members also encouraged the agent to engage with Mr D Palos to look at ways of minimising the impacts of the development on their residential amenity.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie to defer consideration of this application and following a vote

It was **RESOLVED** that this planning application be deferred to a future meeting.

Councillors Deborah Watson and Carol Wood left the meeting having previously declared interests in the following items.

PL135-24/25 APPLICATION NO. 24/00067/FUL - ERECTION OF 2 INDUSTRIAL UNITS, 22 PARKING SPACES SERVICE YARD FOR THE LOADING AND UNLOADING OF LGV/HGVs AND ALTERATIONS TO THE

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ACCESS AT LAND NORTH OF SOOKHOLME ROAD JUNCTION, PORTLAND DRIVE, SHIREBROOK

Committee considered a detailed report in relation to the above application and supplementary paper which confirmed the response from Natural England as presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval for the erection of 2 industrial units, 22 parking spaces service yard for the loading and unloading of LGV/HGVs and alterations to access.

It was confirmed that any delegated approval to officers would be subject to an acceptable drainage strategy being received.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie and following a unanimous vote

It was **RESOLVED** that delegated authority be given to the Development Management and Land Charges Manager to approve this planning application subject to submission of an acceptable drainage strategy conditions and ratification of this strategy by the Lead Local Flood Authority:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Approved in accordance with the approved plan numbers.
3. Samples of materials to be submitted.
4. Submission, approval and implementation of a Landscaping and Biodiversity Enhancement and Management Plan based on the amended landscaping scheme plan and as described in the small site metric submitted.
5. Submission, approval and implementation of a construction environmental management plan.
6. Access, parking and turning to be provided in accordance with the approved plans before the use is first implemented and maintained as such thereafter.
7. Surface water drainage to be in accordance with the approved scheme and any other associated drainage conditions necessary.
8. Any information and conditions recommended by Natural England.

An adjournment took place from 11.30 am to 11:50 am.

PL136-24/25 APPLICATION NO. 24/00373/FUL - CONSTRUCTION OF 9 NOS DWELLINGS; COMPRISING 2 NO. 1B2P SEMI-DETACHED, 3 NO. 1B2P TERRACED, 2 NO. 2B4P SEMI-DETACHED, 2 NO 3B5P SEMI-DETACHED AT ALDER HOUSE RECREATION ROAD, SHIREBROOK

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Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application which sought approval for the construction of 9 dwellings and highlighted the location, features of the site and any key issues.

Councillor John Ritchie stated that council housing was exactly what was needed.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith and following a unanimous vote

It was **RESOLVED** that application be approved subject to the following conditions and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with plan numbers:
11102 Rev P08: Site plan
10400 Rev P1: 3 Bed semi-detached floor plan
10401 Rev P2: 2 Bed semi-detached floor plan
10402 Rev P2: 1 Bed semi-detached floor plan
10403 Rev P1: 1 Bed terraced floor plan
10600 Rev P1: 1 Bed terraced elevations
10600 Rev P1: 3 Bed semi-detached elevations
10601 Rev P1: 2 Bed semi-detached elevations
10602 Rev P1 1 Bed semi-detached elevations
3. Prior to construction of the walls of any dwelling, samples of the materials to be used for all external wall and roof areas, including windows and external doors must be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved must be constructed in the approved materials and must be maintained as such thereafter.
4. If during the construction works associated with the development hereby approved, any suspected areas of contamination are discovered, then all works must be suspended until the nature and extent of the contamination is assessed and a report is submitted and approved in writing by the Local Planning Authority which addresses the risk identified. The Local Planning Authority must be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Any investigation required must be undertaken in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and must comply with current Government Guidance to achieve the appropriate standard at completion. Upon completion of the remediation works a validation report prepared by a competent person must be submitted to and approved in writing by the Local Planning Authority. The validation report must include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and

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analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation must be included.

5. Before the dwellings hereby approved are first occupied, the boundary treatments for each of the site boundaries must be provided on site in accordance with the approved plans and must be maintained as such thereafter.
6. The accesses and parking spaces shown on the approved plan must be provided on site concurrent with the first occupation of the dwellings hereby approved and must be maintained available for parking thereafter.
7. The following biodiversity enhancement measures must be implemented on site:
 - 4No. dwellings to incorporate an integral bat box at eaves level (favouring southern elevations)
 - Integral universal bird bricks at eaves level (avoiding southern elevations) at a ratio of 1:1 with dwellings, as per British Standard BS: 42021:2022.
 - hedgehog gaps in any new fencing.

Evidence that these measures have been implemented must be submitted to the Local Planning Authority before the dwellings hereby approved are first occupied and these enhancement measures must be maintained on site thereafter.

8. Before any dwelling is first occupied, full details of both hard and soft landscape works including a programme for implementation must be submitted to and approved in writing by the Local Planning Authority. The approved landscaping must be provided on site in accordance with the approved programme of implementation.
9. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Councillors Deborah Watson and Carol Wood returned to the meeting.

PL137-24/25 LOCAL PLANNING AUTHORITY MONITORING REPORT 2023/24

The Principal Planning Policy Officer presented the report to the Committee.

The Monitoring Report 2023/24 covered 1st April 2023 to 31st March 2024, and was attached at Appendix 1. This was the fourth Monitoring Report completed and included performance the classifications of 'Target Met' and 'Target Exceeded' to reflect the progress made.

The preparation of the Shirebrook and Creswell Growth Plans was taking longer than envisaged due to greater public engagement and involvement – they were now classified as ongoing behind target.

Housing permissions had increased steadily, peaking in 2022/23. Although the number

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of permissions had fallen in 2023/24, the total of 194 permissions aligned with the yearly average of 191 permissions during the life of the plan.

Housing completions continued to surpass the Local Plan Target of 272 units per annum, standing at 359 for 2023/24.

Employment permissions had seen the lowest number of employment permissions granted since 2020 – a 31% drop on 2022/23. The hectareage covered by new employment permissions indicated a reduction of over 50%.

The number of completions across the 23 allocated housing sites had not met the predicted numbers since 2020. For 2023/24, the number of completions was 25% lower than 2022/23. However, in 2023/24 the rate of delivery across 3 of the sites remained ahead of both their forecast for the year and their overall trajectory.

The Principal Planning Policy Officer informed the Committee on the Bolsover North and Clowne Garden Village sites. It was noted all projects were performing as intended.

Some areas, such as customer self-build plots, did not have data available but would be reviewed.

Following the meeting, the Authority Monitoring Report would be published on the Council's website.

A Member stated that while the of number of completions with regards construction were not quite delivering, the Council remained in a strong position with spare capacity.

To a question on the supply and demand of properties in the District with regards the number of completions, a Principal Planning Policy Officer stated the analysis in 2023 had to consider the following 3 years of development as established by the UK National Government.

As of October 2023, there remained a surplus of plots available.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing added, in terms of context, some applicants who had registered in the previous year had no serious interest in construction.

The Council needed applicants with genuine interest to realistically meet demand. An exercise to investigate this was required to help better shape the Local Plan Review.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that Planning Committee note the contents of the Authority Monitoring Report 2023/24 and endorse its publication.

PL138-24/25 BROWNFIELD LAND REGISTER 2024

The Senior Planning Policy Officer presented the report to the Committee.

The Town and Country Planning (Brownfield Land Register) Regulations 2017 required

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local planning authorities to prepare and maintain a register of previously developed land within their area annually.

Regulations required this information to be published in a 'spreadsheet' format to provide standardisation across the country and enable easier data analysis. However, this format did not suit easy reading by the public.

Key highlights included:

- 368 dwellings built on brownfield land since 2017;
- 3 new sites added in 2024 which could deliver 15 dwellings on brownfield land; and,
- in total there were now 29 live sites on the register – if developed they could deliver a minimum of 1,060 dwellings on brownfield land.

Former industrial sites had also been brought forward – the Council had taken steps to make use of these.

To comply with regulations, the 2024 report and 'spreadsheet' were published on the Council's website before the end of 2024. It was considered appropriate to formally notify the Committee on the findings of the 2024 update.

A Member commented Officers had done a fantastic job with 1,000 potential homes allocated for the District.

To a question on the illegible item attached at Appendix a, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing confirmed this was the 'spreadsheet' Brownfield Land Register, hence the need to make it accessible for the public to understand.

The Chair stated it was an excellent report.

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

RESOLVED that the Planning Committee notes: 1) the information within the Brownfield Land Register Summary Report and Formal Register Spreadsheet as set out in Appendix A and B respectively; and,

- 2) that the Council's Brownfield Land Register monitoring return was published on its website before the 31st December 2024 deadline.

PL139-24/25 FIVE-YEAR HOUSING LAND SUPPLY - ANNUAL POSITION STATEMENT (2024-2029) UPDATED TO REFLECT THE CHANGES IN THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

The Principal Planning Policy Officer presented the report to the Committee.

The Council's Annual Position Statement on the Five-Year Housing Land Supply for the period 1st April 2024 to 31st March 2029 was approved by the Planning Committee at the meeting of 27th November 2024.

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The local housing need identified by the UK National Government for the District had been approximately 200 new homes a year. The Local Plan had set out 272 new homes a year.

The Council could show 8.35 years of deliverable housing land supply for the period 2024/25 to 2028/29.

Following the UK National Government's consultation in 2024, the figure had been revised to 353 new homes a year without the 5% buffer. With the buffer, this figure would be 371 new homes a year.

This would see a deliverable housing land supply of 6.12 years for the period 2024/25 to 2028/29 (based on the housing monitoring figures at 1st April 2024).

A Member thanked the Planning team for their work – the Council was still in a good position when compared to other local authorities both regionally and nationally. The Chair echoed this sentiment.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing agreed and thanked the Members of the Committee in return – the Council was in a strong position in comparison with other local authorities primarily because of the capability of Members of the Committee.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that the Committee: 1) Notes the detailed issues set out in the report;

- 2) Re-approves the assessment of the Council's Annual Position Statement of Five-Year Housing Land Supply (January 2025) as set out at Appendix A;
- 3) Re-authorises the publication of the Report and 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) on the Council's website; and,
- 4) Gives delegated authority 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 referred to in recommendation 3) prior to publication.

PL140-24/25 PRE-CONSULTATION DRAFT LOCAL NATURE RECOVERY STRATEGY FOR DERBYSHIRE

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing presented the report to the Committee.

Derbyshire County Council was the responsible authority for the preparation of the Local Nature Recovery Strategy (the 'Strategy') for Derbyshire.

The Strategy covered the District and would become a statutory plan FOR THE Council to consider (within its planning function and wider decision-making).

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The initial consultation exercise events held during September 2024 were attached at Appendix A.

In accordance with the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, Derbyshire County Council had to provide the Council, as a 'Supporting Authority', with the proposed consultation draft of the Strategy in advance of formal publication and request their comments.

The proposed consultation draft, received on 6th January 2025, was attached at Appendix B

The Council could raise an objection with the responsible authority about:

- the local nature recovery strategy; or,
- the responsible authority's preparation of the local nature recovery strategy, including the extent to which the responsible authority has involved the supporting authority in that preparation.

The consultation draft of the Strategy was structured in four written sections and accompanied by a mapping GIS website – the District lay primarily on a southern Magnesium Limestone plateau.

A number of habitats lay within the District, including woodlands and green corridors. The Strategy identified that the Character Area of the District was likely to see pressure for new development, and thus may see benefits from Biodiversity Net Gain delivering investment in local nature recovery.

Existing environmental assets could be protected and expanded.

The report detailed the nine priority areas of the Strategy, with the most relevant for the District being: Woodlands and Trees; Grassland; Rivers, river corridors and other watercourses; Farmland; Urban environment and infrastructure; and People and wildlife.

It was noted that when new developments in a future plan were being developed, the Council would be able to deliver Biodiversity Net Gains (BNG).

To a question on BNG, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing explained new sites had to be registered first before they could be utilised, but they could generate significant income for the Council.

The Chair welcomed the update – some Wards would benefit financially and environmentally from the Strategy for BNG development.

A Member noted the site with most opportunity would Pleasley Vale (water credits were worth more).

Moved by Councillor Phil Smith and seconded by Councillor Jeanne Raspin

RESOLVED that the Committee: 1) Notes the update on the preparation of the Local Nature Recovery Strategy for Derbyshire set out in the report; and,
2) Agrees to raise no objection with Derbyshire County Council about:

- a) the proposed consultation draft Local Nature Recovery Strategy for

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Derbyshire; or

- b) their preparation of the proposed consultation draft Local Nature Recovery Strategy for Derbyshire, including the extent to which the responsible authority has involved the supporting authority in that preparation.

PL141-24/25 6 MONTHLY ENFORCEMENT REPORT - JULY 2024 - DECEMBER 2024

The Development Management and Land Charges Manager presented the report to the Committee.

During the period 1st July 2024 – 31st December 2024, 121 unauthorised activity enquiries were received; down 14% on the previous 6 months review period. A graph showing the number of cases visited within target per priority was available in the report.

The Local Enforcement Plan had been last refreshed in May 2022.

The report listed the Enforcement Notices Served over the period 1st July 2024 – 31st December 2024.

It was noted the Development Management team had successfully obtained an Interim Injunction from the High Court relating to a planning matter (breach of contract), which prohibited any additional dwellings being constructed or disposed of on land at Chesterfield Road, Barlborough following non-compliance with obligations contained within s106 legal agreements dated 7th March 2011, 13th December 2016 and 29th January 2020.

Officers considered that the Local Enforcement Plan had worked well, insofar as ensuring that breaches of planning control were investigated in a timely manner in accordance with environmental impacts of any breach.

The Chair asked the Committee's thanks be passed to Officers for their work – the enforcement policy was being well handled.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

RESOLVED that: 1) the report is noted; and,

- 2) The Planning department's performance against the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

PL142-24/25 APPEAL DECISIONS: JULY 2024 - DECEMBER 2024

The Development Management and Land Charges Manager presented the report to the Committee.

During July to December 2024, the Council had received no appeals on major planning

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applications and five appeal decisions on non-major planning applications (two were dismissed, three allowed). However, this only equated to 1.66% of the number of non-major applications determined from July to December 2024.

For the application at 16 The Chine, Broadmeadows, South Normanton, Alfreton, DE55 3AN, Members had gone against the Officer recommendation and refused the application. However, this was successfully upheld at appeal and Members had made the correct decision.

For the application at the land adjacent 1 Park Street, Barlborough, S43 4ES, the main issues were the effect of the development on the setting of nearby heritage assets and the living conditions of future residents. The appeal was allowed subject to conditions relating to: materials of construction; landscaping; ecological enhancements; removal of permitted development rights; widening of the access; parking and garage to be provided and retained for parking; submission of an archaeological written scheme of investigation; and submission of details of windows and doors.

To a question on the South Normanton application setting a precedent for future decisions, the Development Management and Land Charges Manager explained UK National Government policy would take precedence in the future. While the unsuccessful application would provide a case precedent, it would not set a policy precedent. The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing added the inspector would take a decision on existing policy, not on a single case.

To a question on why Officers had recommended the 16 The Chine, Broadmeadows, South Normanton, Alfreton, DE55 3AN application, when the inspector had agreed with Members to refuse during the appeal, the Development Management and Land Charges Manager explained the site had been a sustainable location. However, the inspector had agreed with Members on the lack of available public transport and the need for personal car travel to access the site – this went against the application. However, Officers could consider the inspector's decision in the future.

A Member stated this was one of the reasons Members made the decisions on Planning applications, as they could use their own first-hand knowledge and views of applications like the one above.

Moved by Councillor Deborah Watson and seconded by Councillor Duncan McGregor
RESOLVED that: 1) This report be noted; and,

- 2) Recommend appeal decisions continue to be reported to Committee Members every 6 months

The meeting concluded at 12:41 hours.