

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 19th February 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders, John Ritchie, Phil Smith, Janet Tait, Deborah Watson and Carol Wood.

Officers:- Matt Connley (Leisure Facilities Planning & Development Manager), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Sarah Kay (Assistant Director of Planning and Planning Policy), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Dan Oakley (Community Arts Development Officer), Neil Oxby (Principal Planning Policy Officer), Chris Whitmore (Development Management and Land Charges Manager) and Matthew Kerry (Governance and Civic Officer).

PL143-23/24 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Chris Kane and Duncan McGregor.

PL144-23/24 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered

PL145-23/24 DECLARATIONS OF INTEREST

There were no declarations made.

PL146-23/24 MINUTES

An updated set of minutes was provided as a handout at the Committee. Officer revisions included:

- **PL133-24/25** – 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.
- **PL133-24/25** – 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

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proposed, then the application would be referred back to Planning Committee.

- **PL134-24/25** – 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.
- **PL135-24/25** – It was confirmed that any delegated approval to officers would be subject to an acceptable drainage strategy being received.
- **PL135-24/25** – 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.

Moved by Councillor John Ritchie and seconded by Councillor Deborah Watson

RESOLVED that the updated minutes of a meeting of the Planning Committee held on 22nd January 2025 be approved as a true and correct record.

PL147-23/24 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 Management 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.

The application had been deferred from the previous meeting to enable a site visit by Members.

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

Mr. M. Prothero (the applicant) spoke in support of the application.

Mr. S. Clarke spoke in support of the application.

In answer to a question, Mr. S. Clarke stated loaded trailers would be reversed into intended holding areas (along with railway maintenance equipment) to be stored securely.

To statements made, the Development Management and Land Charges Manager confirmed that the 2016 application had been refused on residential amenity grounds. However, it was explained that this application sought permission for a building that was 8.3 metres high to ridge in close proximity to the eastern boundary. The application before Committee sought permission for buildings that were 4.6 metres high to eaves (5.8 metres to ridge) and would be set 2-4 metres in from boundaries.

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Moved by Councillor John Ritchie and seconded by Councillor Carol Wood

RESOLVED that current application be **APPROVED** subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the following plans submitted with the application:
 - Revised 'UNIT C1 – Proposed Elevation and Floor Layout' plans received on the 1st November 2024.
 - Revised 'UNIT C2 – Proposed Elevations and Floor Layout' plans received on the 1st November 2024.
 - 'Cross Sections through the Site' plans received on the 1st November 2024.
 - Revised 'Block Plan' received on the 1st November 2024.
3. No development must take place until details of the materials to be used in construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.
4. The two buildings hereby approved must only be used for storage purposes in association with the primary use of the site and not for other industrial manufacturing or industrial operations.
5. Prior to the commencement of the development (excluding demolition of existing structures and site clearance):
 - a) scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and,
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is 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.
6. Prior to the buildings hereby by approved being brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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7. Prior to the commencement of the buildings hereby approved:

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

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

8. Prior to the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site 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.

The developer shall give at least 14 days' notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

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9. No buildings hereby approved shall be brought into use until:
- a) The approved remediation works required by 8 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, 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. The suspect material shall be re-evaluated through the process described in 7b to 8 above and satisfy 9a above.
 - c) Upon completion of the remediation works required by 8 and 9a 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 standard, together with the necessary waste management documentation shall be included.

Notes to Applicant:

1. **Ground Investigations:**
Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
2. **Shallow coal seams:**
In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
3. **Requirement for Incidental Coal Agreements:**
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations,

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an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here – <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreement>

Statement of Decision Process:

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

Equalities Statement:

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement:

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

PL148-23/24 APPLICATION NO. 24/00551/FUL - SINGLE STOREY EXTENSIONS TO FRONT AND REAR AT 57A ALFRETON ROAD, NEWTON

Committee considered a detailed report in relation to the above application presented by the Development Management 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 single storey extensions to the front and rear of the property.

The applicant was employed by a Council owned company, and for transparency purposes brought before Committee.

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Members raised concerns with regards the exclusion of the garage from the provided documentation and subsequent access issues to the rear if garage ultimately retained. The Development Management and Land Charges Manager informed the intended retention of the garage had not been necessary for the application as it was a building regulation issue and not a Planning one.

The Development Management and Land Charges Manager advised that the application sought permission for the extensions only and that the plans showed the garage to be demolished. It was pointed out that the applicant had suggested to Members on site that the garage could be retained. If the garage was retained this would result in a different scheme, requiring elevational changes.

Members agreed to add a footnote for clarity stating that if the approved development did not include the retention of the existing garage and that should the garage be retained, this would result in elevational changes to the rear extension that would require consideration as part of a new planning application.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

RESOLVED that the application be **APPROVED** subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the plans received on the 28th November 2024.
3. The external wall and roof materials used in both the front and rear extensions, must be of the same type, colour and texture as those used in the existing building.
4. If the approved development did not include the retention of the existing garage and that should the garage be retained, this would result in elevational changes to the rear extension that would require consideration as part of a new planning application.

Reasons for Conditions:

1. To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning of the local area.
3. To ensure a satisfactory standard of external appearance and in compliance with policies SC2 and SC3 of the Local Plan for Bolsover District.

Statement of Decision Process:

1. 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

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by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement:

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement:

The specific Articles of the European Commission on Human Rights (“the ECHR”) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

PL149-23/24 QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

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

The Council’s Section 106 Agreement Monitoring Procedure required sums within 24 months of their deadline to be highlighted for Member’s attention.

The report detailed action plan spending deadlines for 30th December 2026.

The items listed in the report were presented, with the Community Arts Development Officer and Leisure Facilities Planning & Development Manager providing further information where applicable.

Members raised concerns about Section 106 monies for health improvements being spent outside the District. It was noted these would serve the needs of some of the District’s residents due to general practice catchment areas.

Members stated that funds for health services should always be prioritised in the communities where the developments took place and remained in the District wherever

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possible. The Principal Planning Policy Officer advised that a good working relationship with staff at the Integrated Care Board had developed but noted it may prove helpful to engage with local practices in certain cases to ensure timely delivery.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed Members that regard would be provided to the Integrated Care Authority's role as co-ordinator on matters of spending on health-related infrastructure. However, Officers would explore if wider discussions would help ensure Section 106 funding was spent in a timely manner and within the District.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing noted this was the first quarterly update on Section 106 Agreement Monitoring recently where there were no Section 106 sums with spending deadlines within 1 year from the meeting date.

It was added that prior to the change to the Council's procedure in September 2022 to extend the monitoring reporting window to 2 years, this situation would mean Officers had no items to report.

Whilst the intention to have all Section 106 sums be spent in a swift and timely manner, the current situation still represented progress. This was due to the good work of the Principal Planning Policy Officer, the Community Arts Development Officer and the Leisure Facilities Planning & Development Manager.

The Chair echoed the above, telling Officers to keep up the good work.

PL150-23/24 LOCAL PLAN FOR BOLSOVER DISTRICT (MARCH 2020) - FIRST FIVE YEAR REVIEW REPORT

The Principal Planning Policy Officer presented the report to the Committee as updated by the Supplementary Update Report provided.

The Council was required to review its Local Plan (the 'Review') within 5 years of adoption. As the Local Plan had been adopted 4th March 2020, Officers had programmed work on the Review exercise to be completed before 4th March 2025.

The Principal Planning Policy Officer advised that the Review had been undertaken in accordance with national planning practice guidance and had utilised the Planning Advisory Services Local Plan Toolkit.

Prior to 12th December 2024, the Review had indicated that the strategic policies in the Local Plan could be carried forward for a further 5 years. However, after this date changes were introduced to the National Planning Policy Framework (NPPF) and planning practice guidance on the standard method of calculating local housing need.

This resulted in the housing requirement rising to 353 dwellings per annum. Whilst the Council could demonstrate it could meet this new requirement, this national change was still considered to be a significant change. The NPPF had also introduced substantial changes to the approach to the Green Belt, which was not reflected in the Local Plan SS10 Development In the Green Belt – this was again considered to be a significant change.

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As a result of the changes, an update of the Local Plan was required.

However, based on the current positive delivery position, it was considered that the current Local Plan (and Tibshelf Neighbourhood Plan) still provided a robust statutory development plan for the District.

Considering the Government's request for all local planning authorities to publish updated Local Development Schemes, the Principal Planning Policy Officer advised the timetable for the new Local Plan would be considered by the Committee in a future report.

Members thanked Officers for their work on completing the Review process and agreed with its conclusions.

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

RESOLVED that the Planning Committee: 1) Notes the detailed issues set out in the report and the analysis set out in the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document (Appendix A).

- 2) Authorises the publication of the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document on the Council's website.
- 3) 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 2) prior to publication.
- 4) Notes that a further report on the Local Development Scheme, which will set out the format and timetable for the preparation of an updated Local Plan, will be prepared and brought forward for consideration.

Approved by the Portfolio Holder for Growth

The meeting concluded at 11:16 hours.