

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 11<sup>th</sup> June 2025 at 10:00 hours.

### PRESENT:-

Members:-

Councillor John Ritchie in the Chair

Councillors Catherine Tite (Vice-Chair), Steve Fritchley, Chris Kane, Tom Munro, Sally Renshaw, Phil Smith, Janet Tait and Deborah Watson.

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

### PL1-25/26 APOLOGIES FOR ABSENCE

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

### PL2-25/26 URGENT ITEMS OF BUSINESS

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

### PL3-25/26 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL5-25/26	Councillor John Ritchie	As a Member of the Planning Committee, Councillor Ritchie declared an interest in Item 5 due to involvement in the previous application related to the same site / applicant in September 2024.

### PL4-25/26 MINUTES

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 14<sup>th</sup> May 2025 be approved as a true and correct record.

*Councillor John Ritchie left the meeting at 10:03 hours having previously declared an interest in the following item.*

## **PLANNING COMMITTEE**

Councillor Catherine Tite in the Chair

**PL5-25/26**

### **APPLICATION NO. 25/00084/FUL - THE OLD DAIRY BATLEY LANE, PLEASLEY, MANSFIELD**

Committee considered a 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 incorporation of land into garden space, the erection of an outbuilding for domestic storage, the retention of a pergola and gates, the removal of sheds and a green house, and the installation of a boundary fence.

It was noted that Councillors Catherine Tite, Tom Munro and Phil Smith had attended the site visit on 6<sup>th</sup> June 2025.

At 15:19 hours on the 9<sup>th</sup> June, the Council had received further correspondence from the occupant of a neighbouring property who had already made representations on the application that were referenced and considered in the officer's report. In the further representations received the neighbour had emphasised that care was taken when converting the range of former farm buildings to protect and enhance the countryside and these principles should not just be in a 'one off' but in perpetuity.

They had advised that garages were specifically excluded, and areas of hardstanding were detailed for vehicles at each property and boundary fences kept at a height and nature that deer can jump. It was considered that the revised proposal far exceeded the original submission, and, in the way they had been presented (whether intended or not), if accepted would aid further changes in the future – with particular reference to the proposed garage being suitable for conversion.

Andrew Clarke spoke in favour of the application (the applicant).

A Member sought further guidance regarding Biodiversity Net Gain (BNG). The Development Management and Land Charges Manager informed the application was exempt from the 10% BNG requirement. The garage was to be built on an existing area of hardstanding. The use of the paddock as garden and new planting would ensure no net biodiversity loss to satisfy development plan policy.

To a statement on the existing buildings, the Development Management and Land Charges Manager referred the Committee to Condition 5 which stated that within 90 days from the date of permission being granted the existing greenhouse and shed structures on the land (shown in the report within the blue line on the approved block plan) had to be permanently removed from the site.

To a question on a concern from the objector, the Development Management and Land Charges Manager explained that the area of land to be used as garden had been reduced so as to not extend beyond existing development to the south and that the garage building had been purposely designed to be a simple utilitarian building that would be closely associated with the main dwelling. The policy relating to changes of use of buildings and land in the countryside was also referred to.

A Member thanked officers for their response.

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Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that application no. 25/00084/FUL be **APPROVED** subject to the following conditions:

1. The construction of the outbuilding hereby approved must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates, namely:
  - Drawing numbered: 33-76077-SHEET2 Rev A received by the Council on the 17<sup>th</sup> of March 2025
  - Block Plan received by the Council on the 7<sup>th</sup> of April 2025 showing the extent of land to be included as garden.
3. Before the construction of the outbuilding hereby approved commences on site, details of the external wall and roof materials, including the finish of the wall cladding, must be submitted to and approved in writing by the Local Planning Authority. The outbuilding must be constructed in the approved materials with the approved finish to the cladding and must be maintained as such thereafter.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the extended garden area hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.
5. Within 90 days of the date of this permission the existing greenhouse and shed structures on the land within the blue line on the approved block plan must be permanently removed from the site and the use of the land within the blue line on the approved block plan as garden must cease.
6. Notwithstanding the submitted details, within the first planting and seeding season following the date of this permission a physical/planted barrier must be formed along the boundary between the land within the red and blue lines on the approved block plan, details of which must have first received written approval from the local planning authority beforehand. The approved barrier must be retained on site thereafter.

Reasons:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission and for the avoidance of doubt, and to ensure a satisfactory standard of external appearance in compliance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
3. To ensure a satisfactory external appearance to comply with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.

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4. To enable the Local Planning Authority to retain control over future development in accordance with policy SC8 of the Local Plan for Bolsover District.
5. To secure the removal of unauthorised domestic structures in the countryside to comply with policy SC8 of the Local Plan for Bolsover District.
6. To protect and prevent unacceptable encroachment in the countryside to comply with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.

### **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.

*Councillor John Ritchie returned to the meeting at 10:21 hours.*

Councillor John Ritchie in the Chair

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PL6-25/26

### APPLICATION NO. 25/00153/FUL - THE CROFT OLD SCHOOL LANE, PLEASLEY, MANSFIELD

Committee considered a 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 single front and side extensions.

This planning application had been referred to the Committee as the occupier of the dwelling (and applicant of the proposal) was a Member of the Council. This was to ensure that any decision taken was fully transparent.

It was noted that Councillors Catherine Tite, Tom Munro and Phil Smith had attended the site visit on 6<sup>th</sup> June 2025.

A Member noted this was a straightforward application. A Member agreed, stating this was not a Planning concern.

To a question on the established biodiversity on site with regards the intended erection of a 2 metre high fence, the Development Management and Land Charges Manager noted some existing hedge and young trees / shrubs could be affected by the proposal and the Committee could encourage the retention of existing vegetation within an informative.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

**RESOLVED** that application no. 25/00153/FUL be **APPROVED** subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with revised drawings received by the council on 7<sup>th</sup> April 2025.
3. The external wall and roof materials used in the development must be of the same type, texture, and colour as those used in the existing building unless otherwise approved in writing by the local authority.

#### **Reasons for Conditions:**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission and for the avoidance of doubt, and to ensure a satisfactory standard of external appearance in compliance with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.
3. To ensure a satisfactory standard of external appearance in compliance with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.

#### **Notes to the Applicant:**

1. The sewer records do not show any public sewers within the curtilage of the site.

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However, the applicant should be made aware of 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 Severn Trent Water in order to determine their responsibilities under the relevant legislation.

2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
3. This application is considered to be one which will not require the approval of a biodiversity gain plan before development is begun, because one or more of the statutory exemptions or transitional arrangements are considered to apply. However, you are still required to observe the statutory requirements of the Biodiversity Net Gain Plan Advice Note provided below.

### **Statement of Decision Process**

The proposal complies with the adopted policies and guidance documents of Bolsover District Council. The decision has been taken in accordance with those documents and the objectives 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.

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### PL7-25/26      QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Principal Planning Policy Officer presented the report to the Committee to inform Members on the progress of the spending of Section 106 contributions for financial Quarter 4 2024/25 and enable Members to assess the effectiveness of the Council's spending and monitoring activities.

In addition to the updates from the Principal Planning Policy Officer, the Community Arts Development Officer and Leisure Facilities Planning & Development Manager were present to provide additional information and answer questions.

A Member thanked officers for the report.

Members raised questions on the spending of the sums relating to Art from the Spa Croft, Tibshelf site and to Outdoor Sport from the Creswell Road, Clowne site within time, the requirement of planning permission (if required), and sought additional information on some of the projects listed.

Reassurances were sought from relevant spending officers that the S.106 monies would be spent within time. The Community Arts Development Officer shared confidence that the sums of several of the items discussed within his remit would be spent within time.

With regards Item 20 and the Land at Thornhill Drive, South Normanton, the Principal Planning Policy Officer informed that an urgent meeting had been requested with the Integrated Care Board (ICB), including Councillor Phil Smith, to discuss the spending of sums on the GP Surgery within the allotted time.

Due to the nature of small developments outside the main urban areas of the District, sums provided tended to be small and fragmented (when compared to a major development). A Member informed the Committee these small funds were not ideal when renovating or building existing / new facilities for residents.

It was proposed that if sums could not be spent on large improvements such as facilities, future S.106 agreement sums in smaller, less urban areas could be used for other essentials such as equipment. This could be investigated.

The Chair thanked the officers for the report and answering all questions of the Committee.

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that the Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

## **PLANNING COMMITTEE**

**PL8-25/26**

### **OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSED IMPLEMENTATION OF A PRE-APPLICATION (PLANNING) ADVICE CHARGING SCHEDULE / SERVICE; AND RECOMMENDATION TO COUNCIL ON THE ADOPTION AND INTRODUCTION OF A CHARGING SCHEDULE FOR PRE-APPLICATION (PLANNING) ADVICE**

The Assistant Director of Planning & Planning Policy presented the report to the Committee to inform on the outcome of the 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.

The report presented at the Committee's meeting in April 2025 had sought approval to open a public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service. Accompanying that report (and the public consultation that subsequently followed) had been a draft schedule of charges. This draft was attached at Appendix 1.

The public consultation exercise had run from 22<sup>nd</sup> April 2025 to the 21<sup>st</sup> May 2025 (4 weeks) – 11 representations had been received in that time, summarised at Table 1 of the report.

While engagement was low, the comments received had produced balanced opinions to the proposal.

In analysing the comments received, the most outstanding contributed theme was the opposition to the introduction of a fee for householder / domestic types of planning enquiry.

Furthermore, the themes raised related to challenges levying a fee for areas affected by Article 4's (which would be predominantly householder / domestic types properties), properties that were listed buildings, and smaller scale commercial / single properties.

Three neutral contributors were noted in the report, along with two overall supporting contributors.

In a challenging economic climate, the Council had to explore alternatives to maintain the current level of services offered – cost recovery of discretionary services was one of those avenues.

The Planning Team was fully resourced and able to offer a discretionary service without any detriment to delivery of statutory planning services. However, it was well known that there was a national resourcing crisis that could affect the service in the future.

On that basis, future proofing the service should be considered.

A balanced recommendation arising from the initial market research and outcome of the public consultation exercise was that a charge be introduced for the Pre-Application (Planning) service, but that charge exclude the development types affecting householder / domestic properties.

The revised draft of the Pre-Application (Planning) Charging Schedule / Service guidance note had been prepared and was attached at Appendix 2.



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A question was raised on the previous quoted incomes in the April 2025 report (from charging for all services being £20,000 per annum) and the June 2025 report (for charging only for larger applications / complex case services being £30,000 per annum). The Assistant Director of Planning & Planning Policy informed in the April 2025 report the quoted income had been a rough estimate. However, on closer inspection charging for larger applications / complex cases only would bring in the higher quoted figure in the report (based on the number of applications received in the previous year).

To a question on the utilisation of Artificial Intelligence (AI) for assisting officers in their work and providing answers to enquiring applicants, the Assistant Director of Planning & Planning Policy informed the use of AI had been trialled in consultation but proved it was still in the development stage – while a possible option in the future, it was not yet ready for providing quality assistance / advice.

The Committee was informed AI could successfully answer basic enquiries, but for complex case advice / support, the use of AI was not (currently) a viable option.

A Member stated, with the recent changes to apprenticeship funding, Pre-Application (Planning) Charging could help support the Council with regards continued inhouse training and officer development.

A Member added it appeared to be common practice for other local authorities to charge for such services. The Council's Planning Team were also known outside the organisation to provide high quality services – Pre-Application (Planning) Charging would ensure this continued.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

**RESOLVED** that the Committee: 1) note the outcome of the public consultation exercise undertaken on the proposed introduction of a pre-application (planning) advice charging schedule;

- 1) agree to the proposed amendment to the draft pre-application (planning) advice charging schedule / service to exclude householder / domestic developments; and,
- 2) recommend to Full Council that the draft pre-application (planning) advice charging schedule / service be accepted, with targeted implementation on the 1<sup>st</sup> September 2025.

In favour of the recommendation: 7

Against the recommendation: 1

The meeting concluded at 11:09 hours.