

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 18<sup>th</sup> March 2026 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor John Ritchie in the Chair

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

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Sarah Kay (Interim Strategic Director of Economic Growth), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Coby Bunyan (Scrutiny Officer) and Matthew Kerry (Governance and Civic Officer).

### **PL76-25/26 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Rob Hiney-Saunders and Sally Renshaw.

### **PL77-25/26 URGENT ITEMS OF BUSINESS**

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

### **PL78-25/26 DECLARATIONS OF INTEREST**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

### **PL79-25/26 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 18<sup>th</sup> February 2026 be approved as a true and correct record.

*Councillor John Ritchie left the meeting at 10:04 hours.*

Councillor Catherine Tite in the Chair

## PLANNING COMMITTEE

PL80-25/26

### APPLICATION NO. 25/00454/OUT - LAND AT HILL TOP FARM, CHESTERFIELD ROAD, NEW HOUGHTON

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 application sought approval for the erection of 6 dwellings. The application had originally been referred to the Committee by Councillor John Ritchie for reasons outlined in the report.

At the Committee's January 2026 meeting, Members were minded to approve the application (contrary to officer recommendation) and resolved that delegated approval be given to the Development Management and Land Charges Manager and Principal Planners to grant planning permission with conditions to cover all matters raised, and conditions recommended by consultees, following advertisement of the application in the press as a departure from the development plan and subject to no further comments being received.

The application had been advertised by a press notice, and 1 representation had been received from Councillor Tom Kirkham. The application was therefore referred back to the Committee for consideration and determination.

Stuart Hill (the applicant) spoke in favour of the application.

Members had no further questions of Stuart Hill nor the Development Management and Land Charges Manager.

Members maintained that the development would not detract from the openness, character and appearance of this part of the countryside, having regard to the remnants of a farmstead, including a dwelling that had occupied the site and resolved to grant planning permission subject to conditions recommended by consultees, contrary to the officer recommendation.

6 in favour

1 abstention

Moved by Councillor Phil Smith and seconded by Councillor Steve Fritchley

**RESOLVED** that planning application no. 25/00454/OUT be **APPROVED** subject to the following planning conditions:

1. Application of the details of layout, appearance, landscaping, and scale (hereinafter called 'the reserved matters') must be obtained from the Local Planning Authority, in writing, before the development is commenced.
2. Application for the approval of the reserved matters must 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 must be begun before either, 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 land of the reserved matters to be approved, whichever is the later.

## PLANNING COMMITTEE

3. The development hereby approved must be carried out in accordance with the following approved plans:
    - Site Location Plan - Drawing 2025-845-000 dated October 2025;
    - Access Plan - Drawing 2025-845-002 dated October 2025.
  4. No part of the development hereby approved shall be occupied until the access has been provided as shown on drawing 2025-845-002 dated October 2025.
  5. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
  6. No tree, scrub or hedgerow clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> 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.
  7. As part of any reserved matters application, updated badger surveys shall be undertaken and submitted in line with recommendations set out in the Preliminary Ecological Appraisal (Fenland Ecology, October 2025). The surveys shall be carried out at a suitable time of year by a suitably qualified ecologist, following standard methodology. A Badger Mitigation Strategy shall then be submitted to the Local Planning Authority for approval in writing with any reserved matters application. The Strategy shall include:
    - The status of badger setts within 30m of the site boundary;
    - An impact assessment of proposals;
    - A rationale for the site layout and how this has been informed by the badger survey results;
    - Any requirement for a licence from Natural England;
    - Details of mitigation, including buffer zones, timing of works, lighting, landscaping, boundary treatments etc.
- Any approved mitigation shall be provided in full prior to the first occupation of the development and be maintained thereafter.
8. Site clearance shall be undertaken in a manner by which to safeguard common amphibians, reptiles and hedgehogs. All rubble piles, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). Where wildlife is encountered during clearance, it shall either be allowed to move away of its own volition or it shall be moved

## PLANNING COMMITTEE

carefully and immediately with gloved hands and clean container to an area of shelter, such as adjacent woodland or scrub. A short statement of compliance shall be submitted to the Local Planning Authority for approval in writing upon completion of clearance works to discharge this condition, including records of any wildlife encountered.

9. Prior to the installation of any external lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to avoid lightspill to active badger setts and the offsite northern woodland. This will provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. The approved external lighting scheme shall then be implemented in full and then maintained thereafter.
10. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
  - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
  - integrated bat boxes in 3No. dwellings;
  - insect bricks in 3No. dwellings and / or towers in public open space;
  - habitat piles or hibernacula, where appropriate for the site layout.

A statement of good practice including photographs shall be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the approved enhancements have been selected and installed in full.

11. Prior to the commencement of the development a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by the Local Planning Authority. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not.
12. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
  - a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b. The contaminated land 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;

## PLANNING COMMITTEE

- 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 shall be submitted to the local planning authority for approval.

### 13. Before 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 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 Division) prior to commencing works in connection with the remediation scheme.

### 14. No dwelling hereby approved shall be occupied until:

- a. The approved remediation works required by 13 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 1b to 2 above and satisfy 3a above;
- c. Upon completion of the remediation works required by 13 and 14a 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

## PLANNING COMMITTEE

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.

*Councillor Janet Tait left the meeting and Councillor John Ritchie returned to the meeting at 10:12 hours.*

Councillor John Ritchie in the Chair

**PL81-25/26          APPLICATION NO. 25/00446/FUL - 8 MAIN STREET,  
SHIREBROOK, MANSFIELD, NG20 8AW**

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 application sought approval for the change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bedroom house in multiple occupation (HMO) which falls within use class C4. The application had been referred to the Committee by Councillor Jane Yates for the reason outlined in the report.

Parish Councillor Andrew Stevens spoke against the application on behalf of Shirebrook Town Council.

A statement on the application was read out on behalf of Councillor Jane Yates.

Rayan Qureshi (the applicant) spoke in favour of the application.

To a question on parking, Rayan Qureshi informed 1 parking space remained available with the other 2 having been offered freely for public use.

In answer to a question, Rayan Qureshi informed work on the property's exterior envelope would include insulation, the replacement of the roof and the improvement of the frontage.

The number of en-suite bedrooms intended was confirmed.

The Development Management and Land Charges Manager informed, if approval was given, subsequent building regulation requirements would ensure all safety (including fire safety), energy efficiency and sanitary standards were met.

Members acknowledged the concerns raised on the concentration of the District's HMOs in Shirebrook.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing reported the current numbers of Licensed and non-licensed HMOs in Shirebrook and data on the number of enquiries, complaints and investigations relating to HMOs across the District as provided by the Joint Environmental Health Team, the Council's core service relating to HMOs. This information highlighted that the small number of complaints received for

## PLANNING COMMITTEE

2025, less than one a month, reflected that based on available evidence the scale of reported registered remained low.

It was added that despite this low level of complaints, the Council took the disturbance that could be created by residential and commercial properties seriously and that the Council would be promoting the services of its Joint Environmental Health Team to ensure that members of the public were aware of how to report any problems to the Council.

All reports were treated seriously and would be investigated and responded to by the Joint Environmental Health Team.

A clarification was sought on the access points of the property. Access to the HMO would be via the front and rear doors serving the ground floor takeaway use.

The Development Management and Land Charges Manager reassured that, as detailed in the list of recommendations, a management plan for the accommodation (which must include the vetting of occupants, day-to-day management of the site and methods for dealing with and reporting of incidents of anti-social behaviour) would need to be submitted to the Council before any first occupation.

5 in favour  
2 against

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that planning application no. 25/00446/FUL be **APPROVED** subject to the following planning 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 and details submitted with the application:
  - Existing / Proposed Site Plan (KAP-SITE-001);
  - Existing Elevations (No External Changes) (KAP-EX-002);
  - Proposed Floor Plans (KAP-PRO-001);
  - Noise Impact Assessment;
  - Odour Impact Assessment received on the 28<sup>th</sup> January 2026.
3. Prior to the commencement of development, a scheme of extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented in full prior to the occupation of the development hereby approved and must be permanently retained as such thereafter.
4. Notwithstanding the existing noise mitigation measures, prior to the occupation of the development hereby permitted, the mitigation measures recommended in noise assessment project number NALPRO241125.01 must be implemented in full. The extraction unit must be maintained to ensure that at no time noise from the system exceeds the internal plant noise levels provided in table 4.

## **PLANNING COMMITTEE**

5. Prior to the first occupation of the HMO accommodation hereby approved, a management plan for the accommodation which must include the vetting of occupants, day-to-day management of the site and methods for dealing with and reporting of incidents of anti-social behaviour must be submitted to and approved in writing by the Local Planning Authority. The accommodation must thereafter be managed in accordance with the approved details in perpetuity.

### **Reasons for Conditions:**

1. To comply with the requirements 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 acceptable amenity impacts for existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.
4. To ensure acceptable amenity impacts on existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.
5. In order to reduce incidences of anti-social behaviour and to ensure appropriate management of the HMO.

### **Advisory Note:**

1. The applicant is reminded that the granting of planning permission for the house in multiple occupation (Use class C4) permits the use of the property by not more than six residents. Should the number of residents exceed six, this would constitute a breach in planning control.
2. It is advised that the applicants seek advice from other statutory bodies such as Building Control and Derbyshire Fire and Rescue Service, to determine whether other permissions or consents are required to operate the HMO.

### **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 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.*

## PLANNING COMMITTEE

### 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 Janet Tait returned to the meeting at 10:55 hours.*

### **PL82-25/26            APPLICATION NO. 25/00329/FUL - LAND AND BUILDINGS TO THE REAR OF 41 APPLETREE ROAD, STANFREE**

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 application sought approval for the erection of 4 dwellings: 2 single-storey detached dwellings; and 1 pair of semi-detached two-storey dwellings. The proposal was outside the development envelope and within an area of open countryside. Judgement was therefore necessary on the planning balance having regard to the issues related to the development.

8 in favour  
0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith

**RESOLVED** that planning application no. 25/00329/FUL be **APPROVED** subject to the following planning conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development (including finished ground and floor levels) must be carried out in accordance with the plan number:
  - SLH-1-15-07-2025: Proposed floor plans and elevations;
  - SLH-2-15-07-2025: Proposed floor plans and elevations;
  - SLH-3-15-07-2025: Proposed floor plans and elevations;
  - SLH-4A-15-07-2025: Proposed block plan.
3. Before any other operations are commenced, space must be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and

## PLANNING COMMITTEE

visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

4. Before the construction of the dwelling above foundation level, samples of the materials to be used in all external wall and roof areas must be submitted to and approved in writing by the Local Planning Authority. The dwellings must be constructed in the approved materials and must be maintained as such thereafter.
5. Before the dwellings hereby approved are first occupied, a scheme for the boundary treatments within and around the site must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments must be provided on site in accordance with the approved scheme before the dwellings are first occupied and must be maintained as such thereafter.
6. Prior to occupation of each of the dwellings hereby approved, the two parking spaces for that dwelling shown on the approved plans must be provided on site in accordance with the approved plans and must be maintained available for parking thereafter.
7. Before development first commences on site, a landscaping scheme including a programme of implementation and details of the maintenance and management of the landscaping (including any on site habitat creation) for a 30-year period must be submitted to the Local Planning Authority for approval. The landscaping scheme must be provided and maintained on site in accordance with the approved scheme.
8. Before any dwelling on the site is first occupied, the access and turning area shown on the approved plans must be provided on site in accordance with those plans and must be maintained as such thereafter.
9. Before any dwelling is first occupied, the site frontage must be made clear of obstruction over 1m in height for the first 2m back from the highway boundary. This area must be maintained free from obstruction over 1m in height thereafter.
10. Before any of the dwellings hereby approved are first occupied, details of arrangements for storage of bins and collection of waste must be submitted to and approved by the Local Planning Authority. The approved arrangements must be implemented on site before the dwellings are first occupied and the facilities retained for the designated purposes at all times thereafter.
11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The approved enhancements must be implemented in full before the dwelling hereby approved is first occupied and must be maintained as such thereafter.
12. Prior to the installation of any external lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers,

## PLANNING COMMITTEE

PIR sensors and timers. The lighting scheme must be installed in accordance with the approved details and must be maintained as such thereafter.

13. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:

- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The contaminated land 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 shall be submitted to the local planning authority for approval.

14. Before 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 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 Division) prior to commencing works in connection with the remediation scheme.

15. No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by 14 above have been carried out in full in compliance with the approved methodology and best practice.

## PLANNING COMMITTEE

- 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 condition 13b to 14 above and satisfy 15a above.
- c) Upon completion of the remediation works required by conditions 14 and 15a, 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

1. BNG 1
2. All works should be undertaken in a manner by which to safeguard common reptiles, amphibians, nesting birds and hedgehogs. Immediately prior to commencement, the footprint of works should be checked for any wildlife. If any active bird nest is discovered, works must be delayed until chicks have fledged. Active nests are protected by law. Any scrub or shrubs requiring removal should be cut by hand to ground level and removed from the footprint of works so as not to create habitat piles. If common amphibians or reptiles are discovered, they should be allowed to move away freely or can be carefully collected with gloved hand and clean container and moved to an area of safety. Should great crested newt be found at any point during construction works, works must cease immediately, and an ecologist will be sought. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter by hedgehogs shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance should be provided.
3. 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.
4. The applicant is advised that no demolition of buildings or structures should 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 should be implemented and monitored until the chicks have fledged. No works should be

## PLANNING COMMITTEE

undertaken within exclusion zones whilst nesting birds are present.

5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
6. The applicant is advised that no building demolition works should 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. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised that the biodiversity enhancement scheme submitted under condition 11 should include a Plan which clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
  - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
  - integrated bat boxes (as stipulated within anticipated mitigation licence);
  - insect bricks / towers;
  - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs;
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

8. The applicant is advised that, dependent on the scale of proposed lighting, details submitted to discharge condition 12 above, may need to include 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).
9. The applicant is advised they should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works.
10. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health service.

## PLANNING COMMITTEE

11. The applicant is advised that to protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. The applicant is also advised to seek approval for any proposed piling operations.
12. The applicant is advised that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

### **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.*

## **PL83-25/26      REVIEW OF PROCEDURE FOR PUBLISHING DETAILS OF PLANNING APPLICATIONS RECEIVED IN THE PRESS**

The Development Management and Land Charges Manager presented the report to the Committee to set out the Planning Team's intention to review the procedure for publishing details of planning applications received in the press.

## PLANNING COMMITTEE

A Member thanked Councillor Deborah Watson for raising the issue at the previous meeting and highlighting the requirement for a review.

The Development Management and Land Charges Manager advised that a review and any recommendations on changes to current practice would be presented to the Committee for consideration and that Members were welcome to share their views with the Planning Team in the interim.

8 in favour

0 against

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that it be noted that a review of the procedure for publishing details of planning applications received in the press will be undertaken within the next 3 months and that any changes will be reported to a future Planning Committee meeting.

The Chair thanked all those present for their attendance.

The meeting concluded at 11:04 hours.