

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 13th October 2021 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Jim Clifton, Paul Cooper, Chris Kane and Duncan McGregor.

Officers:- Chris Fridlington (Assistant Director – Development), Jenny Owen (Legal Executive) and Alison Bluff (Governance Officer).

Also sat in the public gallery observing was Richard Scott (Enforcement Officer) and Kay Gregory (Planning Officer).

PL15-21/22. APOLOGIES

There were no apologies for absence.

PL16-21/22. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL17-21/22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL18-21/22. MINUTES – 15th SEPTEMBER 2021

Moved by Councillor Derek Adams and seconded by Councillor Duncan McGregor
RESOLVED that the Minutes of a Planning Committee held on 15th September 2021 be approved as a correct record.

PL19-21/22. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

20/00499/DETA2R – Change of use of agricultural buildings to granny flat and two holiday lets at Mill Pond House, Whaley Road, Langwith, Mansfield, NG20 9HS.

Committee considered a report presented by the Assistant Director - Development in relation to the above application.

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Officers had referred the application to Planning Committee to allow Members the opportunity to consider any potential flood risk issues associated with the site and proposed development given an outstanding Environment Agency objection.

The report provided details of the application and highlighted the key issues, and noted that the Local Planning Authority had worked proactively with the applicant for several months during processing of the application but had not been able to overcome the fundamental issues associated with the sites location in an area that was at risk of flooding.

The Supplementary Report noted at the time of the committee agenda publication there was an outstanding consultation response from the Environment Agency (EA). Following an email sent to them on the 21st September 2021, querying whether the EA would support the Council's decision should the application be refused and subsequently appealed, the EA had provided a response on 11th October 2021, confirming that they maintained their objection on the basis that the applicant had failed to provide sufficient information to enable the EA to confirm that the site would be safe in a flood event, and would support, provide guidance and comments to Bolsover District Council should the application be taken to appeal.

Mr Timothy Barker (Applicant) attended the meeting and spoke for the application.

It was noted by Members that the Environment Agency had not visited the site further to requests from the applicant.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane
RESOLVED that the Application be REFUSED

Reason for Refusal

1. Part Q.2 (1) of Class Q, Part 3, Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 as amended, requires that where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to 'flood risks on the site' (sub section d).

The building proposed for conversion, along with the site access and part of the driveway is sited within Flood Zones 2 and 3. The submitted Flood Risk Assessment which is deemed to be inadequate by the Environment Agency, does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance, and therefore fails to adequately assess the flood risks posed by the development. Without the submission of necessary information by the applicant, the proposal is considered to be contrary to the provision of Class Q as potential flood depths are at this location are unknown.

Statement of Decision Process

The case officer has worked proactively with the applicant during processing of the application to try and overcome issues associated with the proposal. Whilst highway issues have been resolved, the applicant has not submitted adequate information to overcome the fundamental objection from the Environment Agency, with regards to

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potential flood risk issues, and as such the Local Planning Authority had no other option than to recommend the application for refusal.

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.

(Planning Manager)

The meeting concluded at 1035 hours.