

## **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 8<sup>th</sup> June 2022 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Nick Clarke, Jim Clifton, Chris Kane and Duncan McGregor.

Officers:- Sarah Kay (Planning Manager), Chris Fridlington (Assistant Director - Development), Jim Fieldsend (Solicitor to the Council & Monitoring Officer), Chris McKinney (Interim Planning Policy Manager), Julie-Ann Middleditch (Conservation Officer), Alison Bluff (Senior Governance Officer (acting)) and Hannah Douthwaite (Governance Officer).

### **PL1 – 22/23. APOLOGIES**

No apologies for absence had been received for this meeting.

### **PL2 – 22/23. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **PL3 – 22/23. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **PL4 – 22/23. MINUTES – 27<sup>TH</sup> APRIL 2022**

Moved by Councillor Derek Adams and seconded by Councillor Chris Kane  
**RESOLVED** that the Minutes of a Planning Committee meeting held on 27<sup>th</sup> April 2022 be approved as a correct record.

### **PL5 – 22/23. CHANGE OF USE OF AGRICULTURAL LAND TO EQUINE USE AND THE ERECTION OF TWO STABLES/FIELD SHELTERS – LAND EAST OF APRIL COTTAGE, THE SQUARE ELMTON.**

Committee considered a detailed report presented by the Planning Manager in relation to the above application.

The application was seeking permission to change the use of agricultural land to equine use and the erection of two stables/field shelters. The application had been called in to Planning Committee by Councillor Jim Clifton due to concerns raised by local residents regarding the impact of the development on the character and appearance of the conservation area.

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Further detail could be found in the Supplementary Report, which noted that the application had been amended since its original submission following concerns expressed by the Conservation Manager, and also that a further four letters of objection had been received since the publication of the agenda.

Further, in relation to lights on the site, if these were required and if planning permission was granted, a condition that they be turned off when not in use would also be added.

Mr Jonathan Parish attended the meeting and spoke against the application.

Dr Geoff Cutts attended the meeting and spoke against the application.

Mr Mark Highfield had been unable to attend the meeting but had submitted a written response against the application which was read to the meeting by the Planning Manager.

Ms. Tracey Scrimshaw (applicant) attended the meeting and spoke for the application.

A Member raised concern that part of the application was being made retrospectively. The Assistant Director of Development advised the meeting that Committee only needed to consider the amended scheme as presented and that it was not necessary for Members to take into account historical events.

The Planning Manager noted that additional conditions could be imposed in relation to conditions 1 and 2 as set out in the report, that if these conditions were not carried out within the 56 day timeframe, the use of the site would cease and the development taken off the site.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the application be granted with conditions as follows:

### **Conditions:**

1. Within 56 days of the date of this permission the field shelters must be moved to the new position shown on the revised plan received via email on 9th May 2022 and must be maintained as such thereafter. If the shelters are not moved within this time period, the use of the site must cease and the buildings and equipment brought onto the land for the purposes of that use must be removed until such time as the field shelters can be placed in the position shown on the approved plan.
2. Within 56 days of the date of this decision the field shelters must be painted dark green and must be maintained as such thereafter. If the shelters are not painted dark green within this time period, the use of the site must cease and the buildings and equipment brought onto the land for the purposes of that use must be removed until such time as the field shelters can be painted dark green.
3. The stable block and shelter marked building 1 on the revised plan submitted via email on 9<sup>th</sup> May 2022 must be stained dark brown and must be maintained as such thereafter.

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4. The use of the land and buildings must be for the keeping of horses for private use only and no trade, business or commercial use in connection with the keeping of horses must be carried out.
5. The lights to the stables will only be on when the occupier of the site is on site and requires light to carry out yard/horse care duties and will be turned off at all other times.

### **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.

(Planning Manager)

Councillor Jim Clifton requested that his vote against the application be recorded in the Minutes.

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**PL6 – 22/23. CHANGE OF USE OF THE PREMISES AS A SINGLE DWELLING HOUSE AND ASSOCIATED DOMESTIC CURTILAGE – FORMER STAINSBY CENTRE AND BADEN POWELL SCOUTS CENTRE, HAWKING LANE, STAINSBY.**

Committee considered a detailed report presented by the Planning Manager in relation to the above application.

The application had been referred to the Planning Committee because the proposal was contrary to the Local Plan for Bolsover District as it involved the loss of a community facility. The application was recommended for approval as the proposal was to bring a vacant traditional building back into use that had fallen into disrepair. This would enhance the conservation area and outweigh the harm of its loss as a community facility.

Further detail could be found in the Supplementary Report which advised of a further two letters of objection received after the publication of the agenda.

One of the objections was from Ault Hucknall parish council raising concern that further to an Ecologist visit to the site in October 2021, evidence of a brown long-eared bat roost had been found in the property and works on the building should stop until an assessment was submitted, as protected species were a material planning consideration. However, Committee was advised that as no works or alterations were being undertaken to the roof of the building which required planning permission, officers felt that a bat survey was not necessary or that the recommendation be changed. Nonetheless, the applicant had a duty to protect bats if they were present in the building under the Wildlife Act and they would be informed of this.

Moved by Councillor Duncan McGregor and seconded by Jim Clifton

**RESOLVED** that the application 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 repairs to the exterior of the building must be carried out in accordance with repair schedule and costing submitted via the Planning Portal on 12<sup>th</sup> May 2022 within 12 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F & G of Part 1 and Class C of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwelling/house hereby permitted and its curtilage and adjoining non-curtilage land shall take place unless authorised by an express grant of planning permission.

(Planning Manager)

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### **PL7 – 22/23. MAY 2022 LOCAL ENFORCEMENT PLAN (PLANNING) – REVIEW**

Committee considered a detailed report presented by the Planning Manager which provided an update on the overall performance against the Local Enforcement Plan (Planning) since its original adoption in March 2019 – April 2022. Members' approval was also sought to agree the adoption of the May 2022 review of the Local Enforcement Plan (Planning).

The 2019 Plan committed to a 6 monthly reporting cycle to Planning Committee against performance targets set, and a review of the entire Plan after 3 years.

The 6 monthly reporting cycle to Planning Committee had largely been followed with the exception of 2020, where meetings had been cancelled due to the Covid pandemic. Since the last update to Members, no cases had been reported to the Local Government Ombudsman.

Alongside a collaborative review of the last 3 years performance figures, the review of the Local Enforcement Plan (Planning) for Bolsover District May 2022 was included at Appendix 1 to the report.

Having regard to the background data as presented, it was considered that there was little reason to amend or change the targets and priorities set out in the Local Enforcement Plan (Planning) review. It was therefore proposed that the same targets and priorities were maintained alongside the 6 monthly report of performance to Planning Committee. The review of the document had allowed its branding and appearance to be refreshed and it had also been published in an 'accessible' format to ensure it was accessible to all users of the service as part of its publication on the Council's website.

If Members approved the document, it would be promoted amongst parish council's, Contact Centres and on Bolsover TV / Bolsover News outlets.

Members expressed their thanks to the Planning Enforcement Team for the work they had undertaken on the Plan.

A Member queried what action could be taken against a developer on any future planning application(s) they made to the Council, where they had destroyed a hedgerow(s) that they had committed to retaining on a previously approved planning application.

The Planning Manager advised the meeting that a developers' proposal for replacement planting of the hedgerow would be stringently assessed for comparable biodiversity credits and any future applications they made would also be assessed for risk of a repeat occurrence. However, going forward, biodiversity net gain would be immense in terms of planning decisions, and establishing a base line for the conditions of a site before a planning decision was made was something developers would have to do. If a developer accounted retaining hedgerows towards biodiversity credits or assessment and then destroyed them, there would be a greater onus and emphasis on what they had to do to secure biodiversity net gain credit on any future applications.

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The Monitoring Officer added that the removal of a hedgerow, depending on its status, could be a criminal offence and criminal proceedings may be taken.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

**RESOLVED** that (1) the overall performance against the Local Enforcement Plan since its adoption be noted,

(2) the review of the Local Enforcement Plan (Planning) be adopted.

(Planning Manager)

### **PL8 – 22/23. QUARTERLY UPDATE ON S106 AGREEMENT MONITORING**

The Interim Planning Policy Manager provided a progress report in respect of the monitoring of Section 106 Agreements.

At the Planning Committee held in April, Members would recall that seven sums of money were identified as being within their 12 month deadline for spending. The report provided a detailed update and/or new actions in relation to progress on these sums.

A Member noted a lack of progress in relation to some of the sums and requested that officers who dealt with these also attend future Planning Committee meetings to be able to answer Members' concerns.

Members expressed their thanks for the work carried out by staff in resolving Members' concerns raised at the meeting in April in relation to these sums.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams

**RESOLVED** that (1) the report be noted,

(2) the relevant officers attend future Planning Committee meetings to answer Members' questions and concerns in relation to Section 106 monitoring.

(Interim Planning Policy Manager)

### **PL9 – 22/23. ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/21 AND 2021/22**

Committee considered a detailed report in relation to Annual Infrastructure Funding Statement 2020/21 and 2021/22.

The Council was required to prepare and publish an Annual Infrastructure Funding Statement each year from the financial year 2019/20 onwards. The Conservation Officer presented the update which sought Members' approval for the Annual Infrastructure Funding Statements for 2020/21 and 2021/22.

The report detailed a breakdown of newly secured money, money held by the Council and also money spent by the Council.

It was noted that in the 2020/21 financial year there had been the significant disruption of the Covid pandemic on the construction industry and the consequential reduction on

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the number of submitted planning applications. This most likely accounted for the significant drop in S106 money secured through new planning applications.

A Member requested that future information be presented to Committee by way of a traffic light system.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

**RESOLVED** that (1) the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements be noted,

(2) the format and content of the Annual Infrastructure Funding Statement 2020/21 Summary Report and Annual Infrastructure Funding Statement 2021/22 Summary Report and the decision to publish them to comply with the regulations be approved.

(Assistant Director of Development)

The meeting concluded at 11:47 hours