

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 28th September 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Chris Kane in the Chair

Councillors Derek Adams, Allan Bailey, Nick Clarke and Duncan McGregor.

Officers:- Sarah Kay (Planning Manager – Development Control), Jenny Owen (Legal Executive), Chris McKinney (Interim Planning Policy Manager), Julie-Ann Middleditch (Principal Planning Policy Officer), Jonathan Gaynor (Principal Enforcement Officer), Daniel Oakley (Community Arts Development Officer), Matthew Connley (Special Projects Officer (from minute number PL27-22/23) and Hannah Douthwaite (Governance and Civic Officer).

PL19 – 22/23. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Jim Clifton and Tom Munro.

PL20 – 22/23. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL21 – 22/23. DECLARATIONS OF INTEREST

As a Shirebrook Town Councillor, Councillor Chris Kane declared a non pecuniary interest in Agenda Item 6 – 22/00323/FUL – Proposed new crematorium, and would leave the meeting at the relevant time.

PL22 – 22/23. MINUTES – 3RD AUGUST 2022

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the Minutes of a Planning Committee meeting held on 3rd August 2022 be approved as a correct record.

PLANNING COMMITTEE

PL23 – 22/23. 21/00506/FUL – CHANGE OF USE TO DRIVE THRU COFFEE SHOP – THE PLUG AND FEATHERS, THE HILL GLAPWELL, CHESTERFIELD

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

The application was seeking approval for the change of use of a vacant public house to a coffee shop with drive-through facility. The application had been referred to the Committee by the Planning Manager given the concerns of local residents about the impact of the development on road safety in the area.

The building was no longer viable to be run as a public house and had closed prior to the Covid-19 pandemic. There had also been little interest in using the business as a convenience store since the planning application had been approved earlier in the year.

The report advised of consultations which had taken place, and it was noted that Derbyshire County Council (Highways) had raised no objections to the amended plans.

Derbyshire Wildlife Trust had identified that bats had been found following a recent survey, however, within the application there were no proposed works to the roof of the building or the eaves.

Further to Glapwell Parish Council's serious concerns regarding road safety and the entry and exit to the proposed development, and also the opening times of the coffee shop and associated noise levels, it was confirmed that an acoustic fence would be installed to help mitigate any increased level of noise. However, it wasn't expected for many extra vehicles to use the road as the appeal would be to those already passing the site.

It was noted that some Members had raised concern in relation to traffic and highways safety when undertaking their site visit. Committee was advised that there were already solid white lines in place on The Hill to discourage parking and it was also unlikely for any HGV's to stop and use the coffee shop due to blocking driveways if they were to pull over.

Mr Daren Burney (applicant) attended the meeting and spoke for the application.

Moved by Councillor Duncan McGregor and seconded by Councillor Nick Clarke **RESOLVED** that the application be granted, 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 the plan numbers:
 - 4167_PL05H
 - 4167_PL06
 - 4167_PL07
 - 4167_PL09B
 - 001_10REV A
 - 001_19 REV B
 - 001_27 REV A

PLANNING COMMITTEE

3. Before development starts on site, tree protection measures must be provided on site in accordance with the method statement for tree protection measures, diagram 1 and appendix 5 of the Arboricultural report dated 27th July 2021 and must be maintained throughout the construction period on site unless otherwise agreed in writing by the Local Planning Authority.
4. Before the development hereby approved is first brought into use, full details including size, species, location and planting timetable for the replacement trees to replace the 6 trees removed as part of this application must be submitted to and approved in writing by the Local Planning Authority. The trees must be planted in accordance with the approved details.
5. Before the development hereby approved is first brought into use, The Jakoustic acoustic fence, details of which were submitted to the Local Planning Authority via email on 23rd September 2021 must be installed on site in the position shown on plan number 4167_PL05H and must be maintained as such thereafter.
6. Before the development hereby approved is first brought into use, the access, parking, drive through lane and delivery bay must be provided on site, marked out in accordance with the approved plan number 4167_PL05H and must be maintained as thereafter.
7. Prior to the commencement of any works on site (including any works affecting the main building or outbuilding, removal of trees, installation of permanent or temporary lighting and installation of scaffolding) a Non-licensed Method Statement providing full details of mitigation measures to safeguard bats at the site must be submitted to and approved in writing by the Local Planning Authority. These measures must expand upon those detailed in Section 4.1 of the Bat Activity Survey report (Morph Ecological Consultants, July 2022) and include a bat monitoring protocol. The protocol must include the requirement for remedial measures if a) the Non-licensed Method Statement is not complied with and / or b) adverse impacts to the roosts are identified. The results of all monitoring must be submitted to the Local Planning Authority for approval. The approved measures must be fully communicated to site staff and implemented in full in accordance with the approved details and maintained as such thereafter.
8. Prior to the installation of any lighting fixtures, a detailed Lighting Strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard known bat roosts at the site. This document must be cohesive with the Non-licensed Method Statement submitted under condition 7. The hours of operation of the lighting must be stated and the strategy must provide details of the chosen luminaires, their locations and any mitigating features such as building canopies, lighting baffles/shields, dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to roost access points and surrounding habitats. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures must be implemented on site in full and in accordance with the approved details and maintained as such thereafter.
9. Before any works to the outbuilding or bin store commence on site, full details including type, size, position and timetable for installation of the swallow nesting

PLANNING COMMITTEE

boxes to be installed on site must be submitted to and approved in writing by the Local Planning Authority. The boxes must be provided on site in accordance with the approved scheme and must be maintained as such thereafter.

10. No stripping, demolition works or vegetation clearance must 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 must be implemented and monitored until the chicks have fledged. No works must be undertaken within exclusion zones whilst nesting birds are present.

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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe, or
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

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')

PLANNING COMMITTEE

human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

Councillor Derek Adams requested that his vote against the application be recorded.

Having previously declared his non pecuniary interest in the following item of business, Councillor Chris Kane left the meeting.

Nominations for a Chair was sought.

Moved by Councillor Derek Adams and seconded by Councillor Nick Clarke
RESOLVED that Councillor Duncan McGregor be appointed as Chair for item 6.

Councillor Duncan McGregor in the Chair.

**PL24 – 22/23. 22/00323/FUL – PROPOSED MEW CREMATORIUM, INCLUDING
A WAKE FACILITY, ADMINISTRATION, MEMORIAL GARDEN,
CAR PARK AND LANDSCAPING – LAND ADJACENT
SHIREBROOK CEMETERY, COMMON LANE, SHIREBROOK**

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

The application was for a proposed new crematorium, including a wake facility, administration, memorial garden, car park and landscaping and had been referred to Planning Committee as it had been submitted on behalf of Bolsover District Council.

It was noted that there were no material planning considerations that would outweigh the social, economic or environmental benefits of the proposal.

It was also noted that during the consultation process, no significant areas of concern had been raised and no objections in principle were received. Further, no letters of representation had been received following on from the publicity of the proposed application.

Mr Ben Copeland (agent) attended the meeting and spoke for the application.

Members noted that there was a significant need for the crematorium within the local area as other sites in the area were either close to being or were over capacity.

Moved by Councillor Derek Adams and seconded by Councillor Nick Clarke
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.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANNING COMMITTEE

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless specifically stated otherwise in the conditions below:

- Location Plan – Drawing No. D200020-CDS-EX-ZZ-DR-Y-002-000 Rev 01
- Existing Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0001
- Proposed Block Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0002 (Rev 01 – 02/08/2022)
- General Site Layout Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-L-01 (Rev 01 – 01/08/2022)
- Utilities Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-003
- Vehicle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-004 (Rev 01 – 01/08/2022)
- Pedestrian and Cycle Access Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-005 (Rev 01 – 01/08/2022)
- Boundary Treatment Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-006
- Street Furniture Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-Y-007
- Drainage Layout – Drawing No. 203810-SWH-ZZ-XX-DR-D-0500 (Rev P02)
- Crematorium GA Floor Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0030
- Crematorium GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0032
- Crematorium GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0040
- Wake GA Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0050
- Wake GA Roof Plan – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0051
- Wake GA Elevations and Sections – Drawing No. D2000020-CDS-EN-ZZ-DR-A-0060

Soft Landscaping

- Trees and Native Hedgerows Plan 1 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-020
- Front and Rear of Building Plan 2 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-021
- Car Park and Adj Borders Plan 3 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-022
- Tranquillity Garden, Wake Facility and Memorial Garden Plan 4 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-023
- Bulb Planting 1 of 2 Plan 5 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-024
- Bulb Planting 2 of 2 Plan 6 of 6 – Drawing No. D2000020-CDS-EN-ZZ-DR-L-025
- Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028
- Hard Landscaping Materials Schedule dated May 2022
- Topographical Survey – 22558Y Drawing No. 01
- Vehicle Tracking Plans (Car, Hearse, 3 Axle Refuse Vehicle)
- Air Quality Assessment prepared by DM Ltd dated 03 May 2022

PLANNING COMMITTEE

- Alternative Site Assessment Report prepared by The CDS Group dated April 2022
- Archaeological Evaluation Report V1 prepared by Oxford Archaeology dated July 2022
- Archaeological Written Scheme of Investigation V2 prepared by Oxford Archaeology dated May 2022
- Archaeological Geophysical Survey Report by Magnitude Surveys dated May 2022
- Design and Access Statement prepared by The CDS Group dated May 2022 (Rev 01 – 01/08/2022)
- Ecological Appraisal V2 prepared by RPS Group dated 26 May 2022
- Biodiversity Net Gain Assessment V1 prepared by RPS Group dated 01 June 2022
- Energy and Sustainability Statement prepared by ESP dated 27 May 2022
- External Lighting Strategy prepared by ESP dated 10 June 2022
- Flood Risk Assessment prepared by Scott White and Hookins LLP dated May 2022 (Rev 01)
- Landscape and Visual Impact Assessment prepared by The CDS Group dated May 2022 (Rev 01 – June 2022)
- Noise Impact Assessment prepared by Cass Allen dated 26 May 2022
- Odour Assessment prepared by Air Quality Consultants Ltd dated May 2022
- Phase II Geoenvironmental and Geotechnical Report prepared by The CDS Group dated 15 February 2022
- Planning and Need Assessment Report prepared by The CDS Group dated May 2022
- Preliminary Assessment of Land Contamination prepared by The CDS Group dated 20 December 2021
- Preliminary Unexploded Ordnance Risk Assessment prepared by MACC International Ltd dated 17 December 2021
- Statement of Community Involvement prepared by The CDS Group dated May 2022
- Supporting Planning Policy Statement prepared by The CDS Group dated May 2022
- Transport Statement prepared by Alpha Consultants dated May 2022
- Tree Survey Report prepared by RGS Arboricultural Consultants dated May 2022

Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.

3. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

PLANNING COMMITTEE

Reason: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.

Highways

4. Before any other operations commence the existing vehicular access onto Common Lane shall be improved. The junction shall be laid out in accordance with the approved plan(s), constructed to base level, drained and visibility sightlines of 215m measured in each direction to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

5. The proposed parking shall be provided in accordance with the application drawing for a vehicle to be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the site.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

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

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

8. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

PLANNING COMMITTEE

Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.

Drainage

9. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Scott White and Hookins. (25 - May 2022) FRA & Drainage Strategy Report. 203810/Revision 1
 - b. Scott White and Hookins. (26 - May 2022) Drainage Layout. 203810-SWH-ZZ-XX-DR-D-0500-P02
 - c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

10. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.

11. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off

PLANNING COMMITTEE

from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

12. The Geocellular tank should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:

- “Drainage Layout” referenced 203810-SWH-ZZ-XX-DR-D-0500-P02 (dated 26 May 2022 by Scott White and Hookins.),

and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.

Ecology

14. No construction work, soil stripping, demolition works or vegetation clearance shall 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.

PLANNING COMMITTEE

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), based on the measures identified in section 5.2 of the Ecological Appraisal prepared by RPS May 2022 and the Tree Survey Report prepared by RGS Arboricultural Consultants May 2022, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for amphibians, reptiles, bats and badger).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

16. A Landscape and Biodiversity Enhancement Plan (LBEP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The LBEP should be in accordance with the Biodiversity Enhancement Strategy set out in section 3 of the Biodiversity Net Gain Assessment prepared by RPS June 2022. It shall be suitable to provide to the management body responsible for the site and shall include the following:-
- a. Description and location of features to be retained, created, enhanced and managed
 - b. Aims and objectives of management.
 - c. Appropriate management methods and practices to achieve aims and objectives.
 - d. Prescriptions for management actions.

PLANNING COMMITTEE

- e. Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f. Details of the body or organization responsible for implementation of the plan.
- g. A monitoring schedule to assess the success of the enhancement measures
- h. A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i. Habitat enhancements for roosting bats and nesting birds
- j. Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEP shall also include details of the legal and funding mechanism(s) by which the 30-year implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In order to mitigate the biodiversity impacts of the development and to ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

17. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reason: To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(d, h and i), SC3(a, b, e, and i), SC9 and SC10 of the Local Plan for Bolsover District.

18. Prior to the installation of lighting fixtures a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, 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 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

19. Development shall be completed in accordance with the details on the Hard Landscaping Plan - Drawing No. D2000020-CDS-EN-ZZ-DR-L-028 and the Hard Landscaping Materials Schedule dated May 2022 prior to the site being bought

PLANNING COMMITTEE

into first use. The details thereafter shall be maintained throughout the life of the development as approved.

Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

Contamination / Noise

20. If during the development, any contamination is identified that has not been considered in the Phase II Geoenvironmental and Geotechnical Report, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement for the site.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

21. Prior to first operation of the development an independent validation report must be submitted demonstrating that any remediation works carried out under condition 20 above have been carried out satisfactorily and remediation targets have been achieved and this report shall have been produced by a suitably qualified independent body. The report shall provide verification that the remediation works have been carried out in accordance with the approved Remediation Method Statement(s) and post remediation and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

Reason: To protect future occupiers / users of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

22. Prior to the development being brought into operation, a further noise report validating that the development will achieve the operational noise levels as set out in Table 2 of the Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development use shall only commence upon agreed of the validation report and measures deployed to achieve operational noise levels as agreed shall be retained and maintained throughout the lifetime of the development.

Reason: To protect the amenity of future operators and nearby residential neighbours of the development in compliance with Policies SC3 and SC11 of the Local Plan for Bolsover District.

23. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

PLANNING COMMITTEE

Reason: To maximise potential local skills, training and employment opportunities and to accord with policy II2 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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe, or
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

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 Chris Kane re-entered the meeting.

PLANNING COMMITTEE

Councillor Chris Kane in the Chair.

PL25 – 22/23. ENFORCEMENT REPORT UPDATE

The Principal Enforcement Officer updated the Committee on the service targets as set out in the Local Enforcement Plan from 1st January 2022 – 30th June 2022 and also provided an update on ongoing historic cases.

The report detailed that high priority cases would be visited on the same day that the suspected planning breach had been identified, medium priority cases would be visited within two weeks and low priority would be visited within six weeks.

During the period 1st January 2022 – 30th June 2022 152 unauthorised activity enquiries were received. Out of these 4 were considered to be high priority, 14 medium priority and 134 low priority. A total of 97% of these cases began investigation within the target time. The report also detailed the number of cases that had closed and the remainder that were still pending consideration.

Members thanked the team for their hard work as the team had been down to just two officers since the end of 2021.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that:

1. the report be noted,
2. the Planning departments performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

PL26 – 22/23. SECTION 106 AGREEMENT MONITORING PROCEDURE

The Principal Planning Policy Officer presented Members with the revised Section 106 Agreement Monitoring Procedure. Section 106 agreements are usually completed alongside applications for planning permission. These agreements are usually time bound and require completing in a timely manner, failing to complete the project in the time allocated could mean that the developer is entitled to request the money back. To manage and mitigate this risk the Council approved a procedure for recording and monitoring Section 106 agreements in January 2019.

In May an internal Audit review was undertaken on the monitoring processes and controls. This review confirmed that all previous recommendations had been implemented and concluded that no significant concerns had been found and the reliability of the controls were assessed as substantial.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the Planning Committee approve the Section 106 Agreement Monitoring Procedure (attached as Appendix B to the report).

PLANNING COMMITTEE

PL27 – 22/23. QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Special Projects Officer entered the meeting.

The Principle Planning Policy Officers provided the Committee with a progress report in respect of the monitoring of Section 106 Agreements, this gave Members the opportunity to assess the effectiveness of the Council's monitoring procedures.

Since the previous update no further sums had been highlighted as needing to be spent in the next 12 months. In the report there was a breakdown of each project and details of action updates for those sums needing to be spent in the next 12 months.

Members discussed each project individually seeking clarification from the lead Officer for a more detailed update where appropriate.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the Planning Committee noted the contents of the report.

The meeting concluded at 11:21 hours.