

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 21st December 2022 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Sarah Kay (Planning Manager – Development Control), Jim Fieldsend (Assistant Director – Monitoring Officer), Chris McKinney (Interim Planning Policy Manager) Julie-Ann Middleditch (Principal Planning Policy Officer), Jon Hendy (Senior Planning Officer), Matthew Connley (Leisure Special Projects Officer (from minute number PL41-22/23)), Daniel Oakley (Community Arts Development Officer (from minute number PL41-22/23)) and Hannah Douthwaite (Governance and Civic Officer).

PL34-22/23. APOLOGIES FOR ABSENCE

No apologies for absence had been received.

PL35-22/23. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL36-22/23. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PL37-22/23. MINUTES – 26TH OCTOBER 2022

Moved by Councillor Nick Clarke and seconded by Councillor Duncan McGregor **RESOLVED** that the Minutes of a Planning Committee held on 26th October 2022 be approved as a true and correct record.

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PL38-22/23. 22/00333/FUL - ERECTION OF 2 MARQUEE'S AND TOILETS RE-SURFACING OF EXISTING ACCESS LANE IN ASSOCIATION WITH MIXED USE OF THE SITE AND AN EXTENSION OF THE FAMILY FARM FOR THE KEEPING OF ANIMALS - WILLOW TREE FARM, LANGWITH ROAD, SHIREBROOK

The Planning Manager presented a detailed report in relation to the above application. The application had been referred to the Planning Committee by the Planning Manager as the Environmental Health Officer had recommended that the application be refused.

Due to the nature of the application a temporary, two year planning permission had been recommended for approval to allow the impacts of the proposal to be fully assessed.

Letters of both support and objection had been received following public consultation and were detailed within the report.

The Environmental Health Officer had recommended that the application be refused, even if acoustic linings were installed in the marquee, additional mitigation measures would mean that the music levels would still need to be low and would not be suitable for the intended use.

Sports England had also objected to the application as it does not accord with any of the exceptions set out in Sports England's playing fields policy, paragraph 99 of the National Planning Policy Framework or Policy ITCR7 of the Local Plan as the proposal would result in the loss of a playing field.

The Highway Authority had submitted no objections for the application to be granted for the temporary two year period as this would allow them to fully assess any highway concerns that may arise.

Mr Adam Hind (applicant) attended the meeting and spoke for the application.

Councillor Brian Murray-Carr attended the meeting and spoke against the application.

Mr Andrew hay attended the meeting and spoke against the application on behalf of Mr Basil Hill.

Moved by Councillor Duncan McGregor and seconded by Councillor Natalie Hoy
RESOLVED that the application be **REFUSED**

Reasons for Refusal

1. The proposal does not accord with any of the exceptions to Sport England's playing fields policy or with paragraph 99 of the National Planning Policy Framework or Policy ITCR7 (Playing Pitches) in the Local Plan for Bolsover District (2020). As a result the proposal will lead to the loss of an allocated

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playing field known as the Shirebrook Recreation Ground, contrary to the provisions of the development plan.

2. The noise report submitted with the application recognises there could be issues if the event plays music at the levels found typically with this sort of venue, and it proposes very low internal maximum noise limits, which are unlikely to make the venue viable for the proposed use. There is also no consideration of the noise levels from guests singing and shouting at the venue, only raised voices has been assessed. This is a significant source of noise at entertainment venues, and it is one that is not possible to reasonably mitigate given the nature of the venue. It is not considered possible to use reasonable and enforceable planning conditions that would safeguard neighbouring amenity and the proposal is therefore contrary to the requirements of Policy SC1 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 policies of the National Planning Policy Framework. The issues were balanced and the application was referred for a decision by Planning Committee as a result of the outstanding objections of Sport England and the Environmental Health Officer. The application was recommended for approval but Planning Committee determined that the harm to amenity from potential noise nuisance arising from the use of the marque structures and the loss of the allocated playing pitches were not outweighed by other material considerations. Therefore Planning Committee resolved to refuse planning permission in accordance with the development plan and national planning policy.

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).

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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.

PL39-22/23. PROPOSED CONSERVATION AREA FOR OXCROFT SETTLEMENT

The Planning Manager presented a detailed report in relation to the proposed Conservation Area for the Oxcroft Settlement.

The Oxcroft Settlers Association submitted a proposal for a designated conservation area for Oxcroft Settlement to the Council. An appraisal of the area/proposal was subsequently undertaken by the Conservation Manager and details of this were detailed within the report and associated appendices.

The proposed area included the original 18th and 19th century farmsteads, the Oxcroft Settlers' cottages from the 1930's and 40's and the areas of land that were the Settlement allotments. Although much of the fabric of the Settlement had changed over the years, Oxcroft has historic significance as a national heritage asset.

Members thanked the officers for the work they had undertaken so far on the proposal.

Moved by Councillor and seconded by Councillor

RESOLVED that the draft Conservation Area Appraisal for Oxcroft Settlement as detailed in Appendix 1 to the report be approved for public consultation.

PL40-22/23. STATEMENT OF COMMUNITY INVOLVEMENT

The Senior Planning Officer presented the report which was seeking approval of the Council's Statement of Community Involvement.

Work commenced on the review of the Statement of Community Involvement in February 2022 and at its meeting in April the Planning Committee approved a 6 week public consultation exercise on a prepared draft Statement of Community Involvement.

During the consultation exercise 209 responses were received, 201 of which were made using the prepared online survey with a further 8 written submissions. The full set of responses were detailed within Appendix A to the report.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

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RESOLVED that the new Statement of Community Involvement as attached at Appendix B to the report be approved and subsequently published.

PL41-22/23. QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Community Arts Development Officer and the Leisure Special Projects Officer entered the meeting.

The Principal Planning Policy Officer presented the quarterly progress report in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24 months.

In the last update to the Planning Committee it was identified that there were 6 sums within the 12 month spend period, since this meeting that number had now reduced to 5 as the Thurgaton Way project had now been handed over to the CCG.

It was noted that a hand over event was currently being planned for the 31st March 2023 for the Art work project at The Brambles Doe Lea. Currently, the Parish Council had advised that they were in discussions with high level management at several energy companies to push the agenda for the unmetered supply to the site. It was expected that the Council may end up taking on the supply and would then invoice the Parish Council.

The Carter Lane West project had progressed and officers were currently waiting for invoices to be received.

A Working Group meeting had been scheduled for early 2023 to progress the Spa Croft project further so more information would be provided within the next update.

The report also detailed the 9 sums that were within their 24 month spend period and a detailed breakdown was provided for each, with Members given the opportunity to ask the lead officer questions.

Moved by Councillor Duncan McGregor and seconded by Councillor Natalie Hoy **RESOLVED** that the update report be noted.

The meeting closed at 11:12 hours.