

PLANNING COMMITTEE

Minutes of a meeting of a Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 6th September 2023 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait, and Carol Wood.

Officers:- Sarah Kay (Interim Head of Development Management), Jenny Owen (Chartered Legal Executive), Chris McKinney (Interim Head of Planning Policy), Julie-Ann Middleditch (Principal Planning Policy Officer), Jonathan Gaynor (Principal Enforcement Officer), Daniel Oakley (Community Arts Development Officer (from Minute No. PL21-23/24)), Matthew Connley (Leisure Special Projects Officer (from Minute No.PL21-23/24)) and Hannah Douthwaite (Governance and Civic Officer).

PL13 – 23/24. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Rob Hiney-Saunders.

PL14 – 23/24. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL15 – 23/24. DECLARATIONS OF INTEREST

Minute Number	Member	Level of Interest
PL18 – 23/24	Councillor Carol Wood	Pecuniary Interest

PL16 – 23/24. MINUTES – 5TH JULY 2023

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor
RESOLVED that the Minutes of a Planning Committee held on 5th July 2023 be approved as a correct record.

It was agreed that item 7 – 23/00122/FUL – 46 Brookhill Road, Pinxton, be considered as the first application due to members of the public wishing to speak on this application only.

PLANNING COMMITTEE

PL17 – 23/24. 23/00122/FUL - RAISE THE ROOF BY 3M, CLADDING TO ELEVATIONS AND SOLAR PANELS TO SOUTH-EAST SIDE OF ROOF - 46 BROOKHILL ROAD, PINXTON, NOTTINGHAM, NG16 6LE

Committee considered a detailed report in relation to the above application, which had been referred to Planning Committee by Councillor Mary Dooley due to concerns regarding noise impacts on neighbouring residential properties.

The application was seeking approval to replace and raise the roof of an industrial building by 3m at 46 Brookhill Road, Pinxton. The primary purpose of the application was to replace the dated asbestos roof and create additional internal storage space without the need to add any additional floor space.

The application site was currently occupied by four entities with the use of the units mostly being for storage and manufacturing. There were also residential gardens of substantial length that back onto the boundary of the site.

Claire Kasro attended the meeting and spoke against the application.

Derbyshire County Council – Highways Authority had confirmed that the proposal would have no detrimental highway impact and therefore raised no objections.

Derbyshire Wildlife Trust had requested the submission of a Preliminary Roost Assessment prior to the determination of the application. Following this it was highlighted that that the building had negligible potential to support roosting bats and no further surveys were required.

The Principal Environmental Health Officer had no objections to the proposal and noted that the replacement roof may offer a betterment in terms of noise breakout and reduce impacts on neighbours.

One representation objecting to the development had been received following site notices and neighbour notification letters, this was detailed within the officer report.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith
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 development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions of this consent:
 - Site Location Plan and Block Plan received 9th March 2023
 - Revised Proposed Elevations and Roof Plan with area of Solar Panels - drg no DF/NS/PE2 received 20th April 2023
 - Existing and Proposed Ground Floor Plan - drg no DF/NS/F1
 - Proposed Ground Floor - drg DF/NS/PF2
 - Solar Panel Specification by QCells received 20th April 2023

PLANNING COMMITTEE

- Cladding Specification received 20th April 2023
3. The external elevations and roof of the development shall be clad with the cladding specification by Tata steel in black and off-white and with the solar modules specification received 20th April 2023. Any variation to the external materials shall be first submitted to and approved in writing by the Local Planning Authority prior to installation and then installed fully in accordance with the approved details. Once installed the external materials shall be maintained in perpetuity.
 4. Prior to commencement of use of the hereby approved development, evidence that an integrated or external universal bird box / brick has been provided as a form of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Once installed the approved bird box / brick shall be maintained in perpetuity.
 5. The hereby approved development shall be undertaken fully in accordance with the tree protection measures contained in the Arboricultural Implication Study and Method Statement, Tree Constraints and Protection Plan prepared by J.A.G. Arboricultural Consultancy dated June 2023.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant which has been demonstrated through agreeing necessary extension of time agreements to secure amended plans and enabling the submission of additional information including an arboricultural report and preliminary roost assessment. The proposal has been considered against the policies and guidelines adopted by the Council in the Adopted Local Plan 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).

PLANNING COMMITTEE

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.

Having previously declared her interest in the following item of business, Councillor Carol Wood left the meeting.

PL18 – 23/24. 23/00356/FUL - 21M LONG X 2M WIDE X 2M HIGH GROUND MOUNTED SOLAR ARRAY. SINGLE ROW OF 18 PANELS IN PORTRAIT, ROUGHLY SOUTH FACING ALONG LINE OF GARDEN FENCE, BACK EDGE 3M FROM FENCE. 2M FROM EXISTING SHED. 6M FROM BOTTOM BOUNDARY - 18 WEST VIEW, HILLSTOWN, BOLSOVER, CHESTERFIELD

Committee considered a detailed report in relation to the above application, which was seeking approval for the erection of a ground mounted solar array consisting of eighteen panels. The application was to be determined by Planning Committee due to the applicant being a Councillor for Bolsover District Council.

The site was located at the western end of a cul-de-sac which was predominantly made up of semi-detached dwellings.

The panels measured 2.06m in height and 2m in width, with the cumulative length being 21m, and would be located towards the northern boundary of the rear amenity space - the panels would have a 30-degree tilt facing the south of the site.

Members were asked to note that on page 12 of the agenda pack under key issues, the last point was irrelevant to this application and should be disregarded.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor **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 development must be carried out in accordance with the plans ('new plan' & 1199-RWA-001) received on the 6th July 2023.

Statement of Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

PLANNING COMMITTEE

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 Carol Wood returned to the meeting.

**PL19 – 23/24. 23/00365/FUL - REPLACEMENT OF EXISTING SHOP FRONT -
160 STATION ROAD, SHIREBROOK, MANSFIELD, NG20 8UG**

Committee considered a detailed report in relation to the above application, which required determination by Planning Committee as the application related to a site which was owned by Councillor Steve Fritchley, Leader of Bolsover District Council.

The proposed development was considered to have an acceptable appearance which would improve the design of the shop front and was recommended for approval.

The proposal would have no impact on highway safety or local residential amenities.

Moved by Councillor Tom Munro and seconded by Councillor Chris Kane
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 development must be carried out in accordance with the approved plans submitted with the application.

PLANNING COMMITTEE

3. The development must be finished in accordance with the schedule of materials submitted with the application unless otherwise approved in writing by the Local Planning Authority.

Statement of Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy 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.

PL20 – 23/24. APPEAL DECISIONS: JANUARY – JUNE 2023

The Interim Head of Planning Development provided the Committee with an update in relation to the Planning Service’s performance against the Government’s quality of decision-making targets.

Since January 2019, appeal decisions had been reported to the Planning Committee every 6 months, both to update Members and also as a way of reflecting which could be used for ongoing learning and development.

From January 2023 – June 2023 (the ninth monitoring period) the Council had no appeals on major applications. The Council did, however, have two appeals on non major planning applications both of which were allowed. This was only 1.17% of the number of non-major applications determined within that period and therefore the Council was still exceeding its appeal decision targets.

PLANNING COMMITTEE

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

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie

RESOLVED that (1) the 6 monthly report be noted,

(2) the Planning Service continue to report appeal decisions to Planning Committee every 6 months.

PL21 – 23/24. ENFORCEMENT UPDATE

The Principal Enforcement Officer updated the Committee on the service targets set out in the Local Enforcement Plan (Planning) from 1st January 2023 – 30th June 2023, and also provided an update on historic enforcement cases that were still ongoing.

All high priority cases would be visited on the same day a suspected breach of planning control had been identified wherever possible, but if not, within one working day. Following this, a decision of what action would be taken next would be required within 24 hours of a visit being undertaken.

A medium priority case would be visited within two weeks of the the suspected breach being identified and a further decision of what action to be taken would be provided in the following four weeks. An example of a medium priority case would be an unauthorised development that significantly impacted on public safety or resulted in the harm of a conservation area or setting of a listed building.

Low priority cases would be visited within six weeks with a decision on action being made within six weeks of the site visit. An example of this would be someone running a small business from a residential property or unauthorised advertisements.

During the period 1st January 2023 – 30th June 2023, there were 142 unauthorised activity enquiries received. Out of these, 3 were considered high priority, 17 medium priority and 122 low priority. A total of 98% of cases began investigation within the target time.

Out of the 3 high priority cases, 2 were pending consideration and 1 had been closed. Out of the 17 medium priority cases, 6 were pending consideration and 11 had been closed. Out of the 122 low priority cases, 32 were currently pending consideration and 90 had been closed. Investigations began on 120 out of the 122 cases within 6 weeks (98%).

Since the end of 2021, the Planning Enforcement team had operated with two dedicated officers instead of three.

The oldest enforcement case still open was from 2015, however, historic cases now only made up 4.3% of open cases which was detailed in the graph at paragraph 2.7 of the report. A summary of these cases was detailed in paragraph 2.8 of the report.

Councillors thanked the Principal Enforcement Officer for his work and dedication and wished him luck in his new job.

PLANNING COMMITTEE

Moved by Councillor Tom Munro and seconded by Councillor Chris Kane

RESOLVED that (1) the report be noted,

(2) the Planning department's 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.

PL22 – 23/24. QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Principal Planning Policy Officer updated Members on the progress in respect of the monitoring of Section 106 agreements.

Section 106 agreements were a type of legal agreement between the Council and landowners / developers that were commonly completed alongside applications for planning permission for major developments. They were needed to deal with the additional pressures on infrastructure that resulted from new developments. They were only required where the development would otherwise be unacceptable in planning terms and where they could not be dealt with by conditions of the planning permission.

If the Council failed to spend the monies provided through a section 106 agreement within a set period, often 5 years, there would be a risk that the developer would be entitled to request the money back.

The Council's Section 106 agreement monitoring procedure required sums within 24 months of their deadline be brought to Members attention.

In the previous update, 8 sums were within their 24 month deadline as at 17th April 2023. Currently, there were still 8 sums within their 24 month deadline which were detailed in paragraph 2.3 of the report.

Since the update presented to Planning Committee in June, £3,360 for Outdoor Sport from the Meridian Close development in Bolsover had now been spent. In addition, there had been significant progress with regard to the £52,000 sum for the Open Space from the Station Road Development in Langwith Junction, with the majority of the monies now spent. There were plans in place for the remaining £64.23 to be used towards the cost of park benches.

Spa Croft, Tibshelf; the Chartered Legal Executive was currently preparing the Section 106 extension documents for formal agreement to extend the project by two years. Councillor Justin Gilbody advised that as a Tibshelf Parish Councillor, he would be happy to liaise with them if required.

Rosewood Lodge Farm – Outdoor Sport; some of the money had now been spent and there was a plan to spend the remainder. There was, however, an ongoing issue due to vandalism of the structure that had been recently erected and now needed to be replaced. As this was an unusual and complex matter it may incur a delay whilst it was dealt with by the insurers.

PLANNING COMMITTEE

Rosewood Lodge Farm – Health; the Integrated Care Board (ICB) were currently formulating a detailed plan to provide additional health facilities in the vicinity of the development. It was confirmed that they had been reminded of the spend deadline.

Mansfield Road, Tibshelf - Outdoor Sport; the Leisure Special Projects Officer advised Committee that there hadn't been much progress made on the 3G FTP proposal for Shetland Road due to an issue relating to ownership of the site. Alternate projects were currently being looked at such as a multi-use games area (MUGA) as Tibshelf was one of the few settlements without one.

Station Road, Langwith – Health; the Integrated Care Board (ICB) had been notified that it was within the 2 year spend period and suitable schemes were now being looked at.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro
RESOLVED that the report be noted.

The meeting concluded at 11:47 hours.