

## **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 17<sup>th</sup> January 2024 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Rob Hiney-Saunders, Chris Kane, Duncan McGregor, John Ritchie and Janet Tait.

Officers:- Sarah Kay (Assistant Director of Planning and Planning Policy), Jenny Owen (Chartered Legal Executive), Peter Sawdon (Principal Planner), Neil Oxby (Principal Planning Policy Officer), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Mary McGuire (Senior Urban Design Officer), Julie-Anne Middleditch (Principal Planning Officer) and Hannah Douthwaite (Governance and Civic Officer).

### **PL43 – 23/24. APOLOGIES FOR ABSENCE**

Apologies for absence had been received on behalf of Councillors Phil Smith and Carol Wood.

### **PL44 – 23/24. URGENT ITEM OF BUSINESS**

There were no urgent items of business to consider.

### **PL45 – 23/24. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **PL46 – 23/24. MINUTES – 29<sup>TH</sup> NOVEMBER 2023**

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie  
**RESOLVED** that the Minutes of a Planning Committee held on 29<sup>th</sup> November 2023 be approved as a correct record.

## PLANNING COMMITTEE

**PL47 – 23/24. 22/00485/FUL - RESIDENTIAL DEVELOPMENT COMPRISING 52 NO DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, AMENITY SPACE, BOUNDARY TREATMENTS, LANDSCAPING AND EXTERNAL WORKS - LAND TO THE REAR OF 1 TO 35 RED LANE, SOUTH NORMANTON**

Committee considered a detailed report in relation to the above application.

The application was previously reported to Planning Committee on 1<sup>st</sup> November 2023, when it was resolved to grant planning permission subject to the completion of a S106 Planning Obligation; the S106 agreement had not yet been completed.

It was noted that contributors to the planning application were not given the opportunity to address Planning Committee due to a procedural error.

In light of this, it was necessary for invitations to contributors to address the Planning Committee be offered and in order to do this, it was also necessary for the Planning Committee to reconsider the application.

The original report was included at Appendix 1 to the report with the relevant extract from the supplementary update report included at Appendix 2. The Officer recommendation remained unchanged.

Mark Fitzpatrick (agent) attended the meeting and spoke for the application.

Simon Jaggs attended the meeting and spoke against the application on behalf of local residents.

A Member raised several concerns, one due to pollution from the nearby A38, and highway safety. The Principal Planner advised Committee that both Environmental Health and Derbyshire County Council Highways had been consulted and had not raised any concerns with the proposed development.

Referring to the site visit undertaken by Committee Members on Friday 27<sup>th</sup> October 2023, a Member raised his concern that the site had been found to be water logged, and he questioned what measures would be put in place to prevent flooding if the application was approved. The Principal Planner advised Committee that currently the site was unmanaged and therefore no measures were in place, however, subject to approval this would be managed under the conditions as set out in the report.

Moved by Councillor Duncan McGregor and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that the application be APPROVED subject to prior entry into a Section106 legal agreement containing the following planning obligations:

- 1) Limitation over the occupation of the dwellings to affordable housing,
- 2) Procedures for the transfer and adoption of open areas and play space,
- 3) Maintenance sums for open areas and play space.

AND subject to the following conditions:

## PLANNING COMMITTEE

1. The development shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission:

- Revised drawings submitted 26/06/2023:
  - FP-22001-P-117 REV P0 Revised Walk-Up Apartments (Plot No's 34-41 Inclusive) - Elevations & Floor Plans
  - FP-22001-P-204 REV P0 Revised 2b4p House Types 2d - Elevations & Floor Plans
  - FP-22001-P-206 REV P0 Revised 2b4p House Types 2a & 2d - Elevations & Floor Plans
  - FP-22001-P-207 Revised House Types 3a - Elevations & Floor Plans
  - FP-22001-P-209 Revised House Types 3b(1) - Elevations & Floor Plans
  - FP-22001-P-212 Revised House Types 3c - Elevations & Floor Plans
  - FP-22001-P-214 Revised House Types 3d Feature Building - Elevations & Floor Plans
  - FP-22001-P-215 Revised House Types 3b & 3c - Elevations & Floor Plans
- Revised house type drawings submitted 29/06/2023:
  - FP-22001-P-111 REV P0 Revised 2B4P House Type 2B & 2A\* - Elevation and floor plans
  - FP-22001-P-118 REV P0 Revised 4B8P Detached Houses Type 4A\* & 4A (Plots 14 & 52) - Elevations & Floor plans
  - FP-22001-P211 House Type 3a\* & 3a - Elevations & Floor Plans
- Revised drawings submitted 26/06/2023:  
FP-22001-P101 revised site layout as proposed (52 No. Dwellings)

*To clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by the Department for Communities and Local Government, November 2009.*

3. Before construction commences on the erection of any building or wall, details of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.

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

4. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, proposed formal and informal footpaths, including details for the crossing point for the public footpath where it crosses the proposed highway, public open space and the proposed play facilities,

## PLANNING COMMITTEE

along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved.

*To ensure that satisfactory landscaping is provided within a reasonable period, including appropriate provision for the treatment and safety for users of the public footpath crossing the site, in the interests of visual amenity, public safety and biodiversity interests, and in compliance with Policies SS1(h and i), SC1(a and c), SC2(a, d and i), SC3(a, b, e, f, i, l and n), Policy SC9, SC10 and SC11 of the adopted Local Plan for Bolsover District.*

5. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of any development above foundation level. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric and to achieve no less than a +12.53 % habitat net gain and a +78.57 % hedgerow net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -
  - a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
  - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
  - c) Appropriate management methods and practices to achieve aims and objectives.
  - d) Prescriptions for management actions.
  - e) Preparation of a work schedule (including a 30-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 habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
  - h) Monitoring reports to be sent to the Council at each of the intervals above
  - i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
  - j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
  - k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
  - l) Detailed specifications for flood attenuation basins to provide biodiversity benefits.
  - m) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term 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.

## PLANNING COMMITTEE

*To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.*

6. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery, and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) 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. These shall especially consider reptiles, amphibians, and badgers.
  - 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.

*To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.*

7. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority 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 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

*To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.*

8. No dwelling hereby approved shall be occupied until the access, parking and turning facilities to serve that dwelling have been provided as shown on drawing FP – 22001 -P101 Rev P16.

*To ensure conformity with submitted details and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.*

## PLANNING COMMITTEE

9. Prior to commencement of the development hereby permitted details of a highways construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste, and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

*In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.*

10. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control) constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

*In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.*

11. The development hereby approved shall not commence above foundation level on any dwelling until details of the improvements to the gate at the start of public footpath no.7 at its junction with Red Lane have been submitted to and approved in writing by the Local Planning Authority; and the dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

*In the interests of highway safety and the function and use of the public footpath, and in accordance with the requirements of Policies SC3(e) and ITCTR3 of the adopted Local Plan for Bolsover District.*

12. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to

## PLANNING COMMITTEE

the site outside of these hours, including no work on Sundays or public holidays.

*To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase and in accordance with the requirements of Policies SC1(c), SC2(a, d), SC3(e, l, and n) and SC11 of the adopted Local Plan for Bolsover District.*

13. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to control noise and dust from the site during development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

*To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase and in accordance with the requirements of Policies SC1(c), SC2(a, d), SC3(e, l, and n) and SC11 of the adopted Local Plan for Bolsover District.*

14. Prior to any development commencing above the foundation level of any dwelling hereby approved, a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms	30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
Living/Bedrooms	35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
All Other Habitable Rooms	40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
All Habitable Rooms	45 dB L <sub>Amax</sub> to occur no more than 6 times per night (2300 hrs – 0700 hrs)
Any outdoor amenity areas	55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved must be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority for each dwelling prior to its occupation. The approved scheme must be implemented in full and retained thereafter.

*To protect the aural amenity of future occupiers of the proposed dwellings and in compliance with Policies SS1(h), SC1(a and c), SC2(a and d), SC3(a, l, and n), and SC11 of the adopted Local Plan for Bolsover District.*

15. Before the commencement of the development hereby approved:  
As site investigation reference 211043/1 identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to LCRM and other relevant current

## PLANNING COMMITTEE

guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*To protect future occupiers 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 adopted Local Plan for Bolsover District.*

16. No dwellings hereby approved shall be occupied until:
- a. The approved remediation works required by 1 above have been carried out in full in compliance with the approved methodology and best practice.
  - b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process followed in site investigation reference 211043/1.
  - c. Upon completion of the remediation works required by 2a a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

*To protect future occupiers 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 adopted Local Plan for Bolsover District.*

17. No development shall take place, except for site clearance and enabling works (that must exclude any excavation or concrete works), 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. Banners Gate. (Jun 2023). Land off Red Lane, South Normanton – Flood Risk Assessment. 22105 rev 02. “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

## PLANNING COMMITTEE

- b. 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.

*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 agreed prior to their installation on site and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.*

18. No development shall take place, except for site clearance and enabling works (that must exclude any excavation or concrete works), 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.

*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. 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 in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District*

19. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off 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 Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

*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 in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.*

20. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent 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

## PLANNING COMMITTEE

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).

*To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.*

### **ADVISORY NOTES**

1. This site is subject to a Planning Obligation under the terms of S106 of the Town and Country Planning Act 1990 (As amended), and any developer should be aware of the content of that agreement and the need to meet its requirements in addition to the conditions attached to this permission.
2. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

3. The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

## PLANNING COMMITTEE

4. The application site is affected by the route of a public right of way (public footpath no. 7 in South Normanton Parish) on the Derbyshire Definitive Map. The statutory route of the footpath must be safeguarded at all times to allow the safe and unfettered passage of pedestrians. Any diversions to facilitate the construction of the development will need to be subject to the necessary temporary closure and/or diversion applications/orders.
5. National Highways has advised that in accordance with paragraph 50 of Circular 02/2013, no water run-off that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems. Any change of use to the existing connections to the Highways drainage will be classed as a new connection and therefore will be refused in the first instance as stated within the Circular.
6. The Council's drainage engineer has advised the following: -
  - a. The sewer records show a public sewer within the curtilage of the site (see plan with original consultation response on the Council's website). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
  - b. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
  - c. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
7. In respect of any future submissions under the terms of conditions 17 – 20, the developers must take into account the guidance notes contained in the consultation response from the Lead Local Flood Authority (Derbyshire County Council), received by Bolsover District Council on the 18th September 2023, which can be viewed with the planning application record on the Council's website.
8. The HSE Explosives Directorate has drawn attention to the fact "that the proposed development falls within the SD3 distance of the nearby licensed explosives site, such that buildings should not be a 'vulnerable building'. The following definition of "Vulnerable building" has been provided and it is considered that the proposal complies with these requirements, but this definition is included as an advisory note for the attention of any developer.
  - (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual

## PLANNING COMMITTEE

glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;

(c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

9. The developer is encouraged to make separate enquiries with broadband providers to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical, or economically viable.

More information on how to incorporate broadband services as part of the design of new development is available by following the link below:

<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>

### **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”).

## **PLANNING COMMITTEE**

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.

### **PL48 – 23/24. ENFORCEMENT UPDATE REPORT (JULY-DEC 2023)**

The Assistant Director of Planning and Planning Policy updated the Committee on the service targets set out in the Local Enforcement Plan (Planning) from 1<sup>st</sup> July 2023 – 31<sup>st</sup> December 2023, and also provided an update on historic enforcement cases that were still ongoing.

Wherever possible, all high priority cases would be visited on the same day that a suspected breach of planning control had been identified, and 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 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 and a decision on action would be made within a further six weeks. An example of this would be someone running a small business from a residential property or unauthorised advertisements.

During the period 1<sup>st</sup> July 2023 – 31<sup>st</sup> December 2023, 110 unauthorised activity enquiries were received. Out of these, 1 was considered high priority, 18 medium priority and 90 low priority. As a total, 96% of cases began investigation within the target time.

The 1 high priority case was currently pending consideration. Investigations began within 1 working day (100%). Out of the 18 medium priority cases, 10 were currently pending consideration and 8 had been closed. Investigations began on 18 out of the 18

## PLANNING COMMITTEE

within two weeks (100%). Out of the 90 low priority cases, 43 were currently pending consideration and 47 had been closed. Investigations began on 86 out of the 90 cases within six weeks (96%).

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

**RESOLVED** that (1) the report be noted; and

- (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.

### **PL49 – 23/24. SHIREBROOK GROWTH PLAN - CONSULTATION DRAFT**

Committee was advised that in March 2022, work had commenced on the preparation of a Growth Plan for Shirebrook. Growth Plans were non-statutory planning documents that sat on top of the Local Plan for Bolsover District and directed where additional growth would be acceptable to the Council over and above that planned in the Local Plan.

The preparation of the Shirebrook Growth Plan had undergone two stages of public consultation - the initial consultation exercise in March 2022, and a masterplanning consultation exercise in September 2022.

The draft Shirebrook Growth Plan identified three realistic options for the quantum of growth that could be pursued, and identified the potential development sites that had been promoted to the Council that could deliver these potential options, namely:

- Option A – Limited additional growth
- Option B – Medium additional growth
- Option C – High additional growth

The draft Shirebrook Growth Plan document was contained in Appendix 1 to the report and the next step was to publish it for public consultation.

Subject to approval, it was planned that the 4 week consultation exercise would commence on Friday 1<sup>st</sup> March 2024 and end on Friday 5<sup>th</sup> April 2024. The dates were subject to change dependent on the time taken to transfer the document from Microsoft Word into a web-based, accessible document on the new consultation website portal using the secured external funding through the Government's PropTech Innovation Fund.

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor

**RESOLVED** that (1) the contents of the proposed draft Shirebrook Growth Plan as detailed in the report and as set out in full at Appendix 1, be approved; and

- (2) delegated authority is given to the Assistant Director of Planning and Planning Policy, in consultation with the Chair and Vice Chair of Planning Committee, to agree the final arrangements of the proposed consultation exercise on the draft Shirebrook Growth Plan.

(Assistant Director of Planning and Planning Policy)

## **PLANNING COMMITTEE**

### **PL50 – 23/24. LOCAL PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION FEEDBACK AND PROPOSED DOCUMENT FOR ADOPTION**

Committee considered a report which provided an update to Members on the outcome of the consultation exercise on the draft Local Parking Standards Supplementary Planning Document.

The prepared Local Parking Standards Supplementary Planning Document had been reported to the Local Plan Implementation Advisory Group (LPIAG) on 18<sup>th</sup> October 2023. The document was then subject to a targeted consultation exercise with statutory consultees, as well as developers and agents and other consultation bodies registered on the Council's Local Plan database. Copies of the document and representation forms were also made available at local libraries and contact centres.

The consultation exercise ran for 4 weeks between Monday 30<sup>th</sup> October 2023 to 5pm on Monday 27<sup>th</sup> November 2023.

The Council received four submissions during the consultation period and a further late submission.

Appendix 1 to the report detailed the representations received during the consultation and the Council's response. The main points raised were in relation to the following:

- Parking in conservation areas
- Landscape strip between driveways
- Use of garages as a parking space
- On street parking
- Acceptability of gravel driveways

Revisions were made to the Local Parking Standards Supplementary Planning Document (SPD) following consultation as set out in Appendix 1 to the report. The final document was attached as Appendix 2 to the report.

A Member raised concern relating to the use of gravel for driveways and the health and safety implications. It was noted that while gravel was discouraged each application would be taken on a case by case basis and the Supplementary Planning Document allowed for flexibility so other factors such as gradient, type of gravel chip and size could all be taken into consideration.

It was noted that grass verges added to the aesthetics of a development and were good for wildlife, however, there were issues with people driving over them and the maintenance and upkeep of them.

A Member queried if it was typical for new build houses to have two off street parking spaces as standard. The Assistant Director of Planning and Planning Policy advised that it was done on a sliding scale dependent on the number of bedrooms in the property.

## PLANNING COMMITTEE

It was also noted that there was only so much that could be done through planning as some properties had the spaces available, but people still chose to park on the street.

Members wished to note their thanks to the officers for their hard work on producing the Supplementary Planning Document.

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor **RESOLVED** that (1) the outcome of the consultation exercise as set out in the report and Appendix 1 be noted;

(2) the proposed responses to the main points and the consequential revisions to the proposed Supplementary Planning Document as set out in the report and at Appendix 2 be approved; and

(3) the Local Parking Standards Supplementary Planning Document be recommended to Council for adoption as a material consideration in planning decisions.

The meeting closed at 11:31 hours