

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 16th April 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors John Ritchie, Phil Smith, Janet Tait, Deborah Watson and Carol Wood.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Sarah Kay (Assistant Director of Planning and Planning Policy), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Mark Giles (Assistant Director for Streetscene, Community Safety and Enforcement), Jon Hendy (Principal Planning Policy Officer), Neil Oxby (Principal Planning Policy Officer) and Matthew Kerry (Governance and Civic Officer).

PL151-24/25 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Rob Hiney-Saunders, Chris Kane and Duncan McGregor.

PL152-24/25 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

PL153-24/25 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and / or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

PL154-24/25 MINUTES

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

RESOLVED that the minutes of a meeting of the Planning Committee held on 19th February 2025 be approved as a true and correct record.

PL155-24/25 CRESWELL GROWTH PLAN UPDATE

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing presented the report to the Committee.

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Work had commenced on the Creswell Growth Plan in April 2022, in accordance with the Council's Local Development Scheme. It had been subject to three public consultations during its preparation.

At a meeting of the Local Plan Implementation and Advisory Group (LPIAG) on 5th February 2025, Members had provided a steer that they recognised the need to plan for additional residential and employment growth in Creswell, but that this could not be supported until:

- the new GP surgery had been built and opened;
- that any additional growth met and was accompanied by the necessary increase in infrastructure capacity; and
- deliver increased levels of affordable housing (i.e., greater than the Local Plan for Bolsover District policy requirement of 10% affordable housing provision).

Based on the latest information from Welbeck Estates about the delivery of the new GP surgery, it was understood that they had agreed to dispose of the planned GP surgery site to a specialist medical facility builder and that the Integrated Care Board would take a lease on the property.

From this point, it was understood that this legal process would be completed end of May 2025, potentially enabling a start on site the summer of 2025 and the facility being open to the public in late 2025.

While the Council awaited the delivery of the new GP surgery, should the steer provided by LPIAG be approved officers would pause work on writing up the preferred option for the final Creswell Growth Plan.

Work would continue on the assessment of the sites promoted to the Council through the Land Availability Assessment (LAA) process and the consideration of infrastructure provision will also continue.

Related to the preparation of a Growth Plan for Creswell, the Council had received a letter from the Creswell and Elmtun Residents Action Group dated 10th February 2025. This letter was attached at Appendix 1 to the report.

The letter from the Creswell and Elmtun Residents Action Group requested that the Committee consider the public consultation feedback against further growth in Creswell and take no further action on any of the potential options within the Consultation Draft Creswell Growth Plan.

The above request would provide an alternative recommendation to that from the LPIAG on the next steps for the preparation of the Creswell Growth Plan work.

If the Committee paused work on the writing of the final Creswell Growth Plan (to enable the GP surgery to be completed and opened, as the LPIAG had recommended), a future report would be provided potentially December 2025.

However, it was appropriate for Members to note the request from the Creswell and Elmtun Residents Action Group to take no further action on the preparation of a Growth Plan for Creswell and decide whether they wished to follow this alternative approach.

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Should this alternative decision be taken, no further work would take place on the preparation of a Growth Plan for Creswell and the Council would omit this document from its planned Local Development Scheme.

The Chair read out part of a letter written by Elmtun with Creswell Parish Council's Locum Clerk and Responsible Financial Officer, attached in the Supplementary document. The Committee was asked to reconsider the proposed Growth Plan, and it was request that further consultation took place.

The Committee discussed the options available, with the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing providing guidance.

It was noted that if the Council did not plan for growth, the UK Government could reclaim that responsibility and proceed as it thought best (with no local input accepted).

It was noted that while the Council had planned affectively, other local authorities had not and were either struggling to meet national targets or losing control of their growth plans.

It was shared that with the divergence of views at LPIAG, it proved difficult to plan for growth. A growth plan was necessary for Creswell, but the completion of the GP Surgery was important. A pause would affect the Local Plan, but no planned growth could result in losing control to the UK Government.

Moved by Councillor Tom Munro and seconded by Councillor Carol Wood

RESOLVED that the Planning Committee: 1) Notes the steer from the Local Plan Implementation Advisory Group on the next steps for the preparation of the Creswell Growth Plan as set out in the report;

- 2) Notes the request from the Creswell and Elmtun Residents Action Group to carry out no further action on any of the Creswell Growth Plan options as set out in Appendix 1;
- 3) Notes the request from Elmtun-with-Creswell Parish Council to carry out further consultation on the Creswell Growth Plan options to explore alternative strategies that align with sustainable development goals while preserving the unique historical and environmental character of Elmtun-with-Creswell Parish;
- 4) Approves the next steps for the preparation of the Creswell Growth Plan.

The meeting was adjourned at 10:36 hours to allow members of the public to leave the meeting and those attending for Applications to take their seats.

The meeting was reconvened at 10:42 hours.

PL156-24/25 APPLICATION NO. 23/00439/FUL - LAND AT THE REAR OF THE WHITE SWAN MARKET PLACE, BOLSOVER

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The

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planning application sought approval for 2 three-storey buildings and 1 two-storey building that would deliver 9 one-bedroom flats at the ground floor and 9 two-bedroom two-storey flats, that would be delivered on the second and third floors of the building.

Updated information was provided in the supplementary document.

Stephen K. Haslam spoke in favour of the application (on behalf of Mitchell Proctor Architects, the agent).

To a question on the provision of private vehicles, the Committee was informed parking had been considered and it was decided no private parking would be permitted on site. Any unauthorised parking would need to be handled by future residents. The Chair added signage would likely be required.

A Member noted the limited provision of S.106 funds and lack of provision of affordable housing. The Development Management and Land Charges Manager advised that the Council's affordable housing policy applied to developments of 25 or more dwellings. Some of the units were one bedroomed and therefore did not require an education contribution to be made as it would be unlikely that school aged children would reside at such properties (hence £91,928.37 expected for education).

It was asked whether a lesser contribution could be requested, or project viability be reviewed during construction. It was explained by the Development Management and Land Charges Manager that it had been demonstrated that the development would not return a sufficient level of profit with any contributions at this time, to make the project a viable proposition to a developer. If a contribution was sought, this would jeopardise the development and be an unreasonable request to make in this respect.

It was, however, considered reasonable to require a review of project viability towards the end of the build programme to gauge an understanding of construction costs and sales values, to determine whether any super profit (above an agreed profit percentage) had been made and to require that this contributes to any deferred contributions in a S.106 legal agreement.

Councillor Phil Smith left the meeting at 11:04 hours.

3 in favour
1 against

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that application no. 23/00439/FUL be deferred until a future meeting to allow officers to enter into negotiations with the applicant to secure a viability review mechanism that would enable developer contributions to be made in circumstances where the development proves to be more profitable than envisaged in the viability assessment.

PL157-24/25 APPLICATION NO. 24/00480/FUL - 1 ELM CLOSE, BOLSOVER

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The

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planning application sought approval for the change of use of the existing four-bedroom dwelling to a six-bedroom assisted living property.

The proposal included a single-storey extension to the front and a two-storey side and rear extension which would provide the additional accommodation. The proposal included the loss of the existing garage but provided a replacement parking space on the site frontage such that there would be three spaces in total on the site.

The application had been referred to committee by Councillor Anne Clarke, Bolsover East, due to concerns about insufficient parking spaces for the application leading to highway safety implications, the harmful impact on local residents, and the impact on the drainage system. There had also been objections to the proposal from 27 households.

Councillor Anne Clarke spoke against the application.

Alan Hodkin spoke against the application.

Questions were asked on the allegations of Anti-Social Behaviour (ASB) not being reported and the sound pollution of residents and transport for the existing assisted living property.

Michelle Fox spoke against the application.

The Development Management and Land Charges Manager informed the Council was not aware of acts of ASB taking place at the current assisted living property – if ASB was taking place, it was not being reported / reaching the Council.

Michael Bust spoke against the application.

Councillor Joan Dixon of Derbyshire County Council (DCC) spoke against the application.

The Development Management and Land Charges Manager read out a letter sent by the applicant that was attached in the supplementary document.

A Member raised concerns on the need of such services, though it was noted a current assisted living property was already present on the estate.

To concerns raised, the Chair noted DCC Highways had stated there would not be an unacceptable impact on highway safety or a severe impact on congestion.

3 in favour
2 abstain

Moved by Councillor Carol Wood and seconded by Councillor Janet Tait

RESOLVED that application no. 24/00480/FUL be **REJECTED** for the following reasons:

The proposed development, by reason of its scale and nature, would result in increased movements to and from the site, associated general disturbance and noise levels that would be incompatible with the tranquil location within which it would be located, to the detriment of the residential amenity of the occupants of neighbouring dwellings. The development would therefore be contrary to Policies SC1, SC3 and SC11 of the Local Plan for Bolsover (2020).

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The meeting was adjourned at 12:00 hours for a comfort break.

The meeting was reconvened at 12:17 hours.

PL158-24/25 APPLICATION NO. 24/00500/VAR - LAND SOUTH WEST OF BROCKLEY WOOD, OXCROFT LANE, STANFREE

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval for material amendments to the residential development approved under planning reference 22/00402/FUL.

The original scheme was *“Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works (major revisions from hybrid, part outline/part full application to full planning application)”*. The development had commenced insofar that parts of Boleappleton Farm had been demolished.

The proposed amendments comprised updates to the Sudbury and Westbury house types comprising internal alterations and adjustments to positioning within their plots, and revised parking arrangements adjacent to plots 96 – 102.

The application had been referred by reason that the previous application, 22/00402/FUL, had been determined by the Committee and that the Council's adopted Committee functions policy required applications that proposed the removal or variations of conditions or obligations imposed on a permission granted that were more than non-material minor amendments to the original permission should be determined by the Committee.

Darren Abbott spoke in favour of the application (applicant).

A Member voiced their intention to vote against the application.

4 in favour

1 against

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that application no. 24/00500/VAR, following the endorsement of a memorandum on the face of the Deed dated 22nd July 2024, which secures the developer contributions relating to the original planning permission, that the application be **APPROVED** with the conditions as set out in the officer's report.

PL159-24/25 APPLICATION NO. 24/00560/FUL - LAND AT HARVESTER WAY, CLOWNE

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the

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application and highlighted the location and features of the site and key issues. The planning application sought approval for the retention of the use of the land for the keeping of horses and the retention of the two field shelters.

The site lied beyond the southwestern edge of the settlement of Clowne and immediately to the north of a housing estate built out by Avant Homes known as 'The Edge'. With the area of public open space to the west of the housing estate and protected playing fields to the north of the site, the land comprised protected green space in the Local Plan for Bolsover District (2020).

The application had been referred to the Committee because it was recommended for approval on a temporary basis and was contrary to planning policies in the development plan.

Ian Biggs spoke against the application.

John Allsop spoke in favour of the application.

Dom Webb spoke against the officer recommendation.

3 against
2 in favour

Moved by Councillor Carol Wood and seconded by Councillor Deborah Watson

RESOLVED that temporary planning permission be **REJECTED** for application no. 24/00560/FUL for the following reason:

The site is allocated as protected green space in the development plan. The proposed development prejudices the future use of the site as such, which would provide a benefit to the local community contrary to the requirements of Policy ITCR6 of the Local Plan for Bolsover District (2020).

PL160-24/25 OUTCOME OF CONSULTATION ON AND RECOMMENDATION TO ADOPT A LOCAL VALIDATION CHECKLIST (LOCAL LIST) FOR PLANNING APPLICATIONS

The Development Management and Land Charges Manager presented the report to the Committee.

Paragraph 45 of the National Planning Policy Framework stated local planning authorities should publish a list of their information requirements for applications seeking planning permission.

These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that was relevant, necessary and material to the application in question.

Planning practice guidance advised that a local planning authority could request additional supporting information with a planning application. These requirements should be specified on a formally adopted 'local list'.

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It was stressed that ensuring planning applications were supported by enough information was crucial to ensure effective service delivery. It would also provide certainty for applicants, the Local Planning Authority, consultees and other interested parties, and accelerate the decision-making process.

If a planning application was not supported by the information required by the national information requirements or an adopted local list, an application would not be registered as valid and the formal process of considering and determining the planning application would not begin.

The adoption of a local list would enable the Council to capture all key information required to determine an application at the validation stage. This would allow it to make decisions in a timely manner post registration / validation.

The consultation comments from the nine interested parties received had been reviewed and the Local Validation Checklist had been amended (where appropriate) to ensure that the information requirements were clear and met the statutory tests.

None of the consultation comments raised objections to the Council adopting a local validation checklist.

The report detailed the outcomes of the consultation exercise.

Moved by Councillor Tom Munro and seconded by Councillor Deborah Watson

RESOLVED that the Planning Committee resolve to adopt the Local Validation Checklist at Appendix 2 with any minor corrections / alterations as appropriate from the 1st June 2025, following the creation of a new page on the Council's website to direct service users to its existence / requirements and other supporting documentation and approval of the Equality Impact Assessment.

PL161-24/25 CONSULTATION ON THE PROPOSED IMPLEMENTATION OF A PRE-APPLICATION (PLANNING) ADVICE CHARGING SCHEDULE / SERVICE

The Assistant Director of Planning & Planning Policy presented the report to the Committee.

The development industry widely accepted that a charge to access pre-application (planning) advice was necessary, and many relied upon access to professional officer advice to inform and support their planning application submissions. The Council currently provided this service for free.

Pre-application engagement by prospective applicants could offer significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.

However, the provision of pre-application (planning) advice contributed to officer workload across the Planning Service, which was under pressure from rising costs associated with the administration of the whole Planning Service (inc. planning application publication, consultation, officer time, and access to professional expertise such as ecology, urban design, and conservation).

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Section 93 of the Local Government Act 2003 provided local authorities the power to charge for discretionary services, including the provision of pre-application (planning) advice, subject to the income from the charge levied not exceeding the cost of the service provision.

Based on current market conditions and market insight, it was proposed a discretionary charge was introduced by the Council for the provision of pre-application (planning) advice services (the Council was the only local planning authority in the County to not charge for pre-application (planning) advice services).

The report detailed the previous 5 years of pre-application (planning) enquiries the Planning Service had registered and provided a written response to. The provision of a written response to an average of 700 enquiries per year was currently a cost absorbed by the Planning Service.

Estimated time and costs of services provided were detailed in the report.

It was estimated that the introduction of a pre-application (planning) charging schedule would potentially generate an income between £20,000-£30,000 per annum. That income would be re-invested in the Planning Service to continue to support the availability of officers to provide pre-application (planning) advice.

It was recommended a 4 week public consultation be undertaken in respect of the adoption of a charge for a discretionary service.

The Committee discussed the merits of retaining the free consultation model and charging applicants for accessing the Planning Team's services in line with other local authorities.

2 in favour
2 against
1 abstained

Chair's casting vote.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that the Planning Committee agrees to: 1) approve the preparation of a final draft charging schedule and undertake a 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service;

- 2) Give delegated authority to the Assistant Director of Planning & Planning Policy, in consultation with the Chair / Vice Chair of Planning Committee to finalise the text of the draft consultation documents prior to commencing the programme public consultation exercise; and,
- 3) Receive a further outcome report of the public consultation exercise in due course, to enable Planning Committee to make a final recommendation to Council on the introduction of a Pre-Application (Planning) Charging Schedule / Service.

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PL162-24/25 PREPARATION OF A NEW LOCAL DEVELOPMENT SCHEME

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing presented the report to the Committee.

The Local Development Scheme (LDS) was a timetable for the production of the Council's planning documents – it was intended that it would assist the understanding and involvement in the plan-making process and enable the development industry, infrastructure providers and other key stakeholders to coordinate their investment programmes.

The Council last published the current LDS in February 2022. This was the seventh LDS that the Council had formally produced and the first one since the adoption of the Local Plan for Bolsover District in March 2020.

The current LDS had set out a programme of work to cover the carrying out of a Local Plan Review, the preparation of Growth Plans for Shirebrook and Creswell and the preparation of Supplementary Planning Documents (SPDs).

The document had also outlined the timetable for the remaining stages of the preparation of the Tibshelf Neighbourhood Plan.

Since the publication of the current LDS, the Council had carried out several stages of preparation on the Shirebrook and Creswell Growth Plans, seen the adoption of a new Local Parking Standards SPD and progress on preparing drafts of the updated Successful Places and the Historic Environment SPDs, together with progress on several Local Plan Implementation Projects and other statutory monitoring work.

Crucially, the Council had completed the Local Plan Review work and this had been reported to the Committee at its meeting in February 2025.

Based on the outcome of the First Review, it was concluded that the Local Plan for Bolsover District had been very successful in delivering development within the District.

While fundamental changes to national policy (e.g., increased Local Housing Need targets, the operation of Green Belt policy, etc.) meant that it could not be concluded that the Council's strategic policies could be carried forward for a further five years – an update was necessary though not immediately.

The Council was working on a number of non-statutory Growth Plan documents that were intended to sit on top of the Local Plan for Bolsover District and identify where additional growth would be acceptable to the Council. These Growth Plans were intended to ultimately be adopted as material considerations in the planning processes.

The timetables for the remaining stages of the Growth Plans were as follows:

- Shirebrook Growth Plan:
 - April 2025 – Engagement with infrastructure providers and landowners on how preferred Growth Plan option; and,
 - December 2025 – Adoption of Shirebrook Growth Plan

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- Creswell Growth Plan (following considerations earlier in the meeting):
 - April 2025 – Pause awaiting progress on new Creswell GP surgery;
 - October 2025 – Review of progress on new Creswell GP surgery; and,
 - December 2025 – Potential adoption of Creswell Growth Plan.

The Local Plan for Bolsover District advised that the Council would prepare a number of SPDs. The remaining documents to be prepared were:

- Successful Places;
- Historic Environment; and,
- Section 106 Planning Contributions (covering affordable housing provision and green space and play provision).

Work had progressed on the first two of these documents. Work was due to commence on the third summer 2025.

The next steps would be to seek the authority to commence public consultation exercises on each of these documents – this would be reported to the Committee at future meetings.

Based on the conclusions of the First Review of the Local Plan for Bolsover District, the Council had decided it would not seek to update the Local Plan under the existing legislative framework before the UK Government's deadline of December 2026.

Instead, it was planned to commence work on an updated / new Local Plan mid-2027 under the provisions of the UK Government's intended new plan-making system as introduced by the Levelling-up and Regeneration Act 2023.

At present, this new plan-making system was expected to be implemented later in 2025.

One aspect of the new plan-making system was expected to be the need to have plans prepared and adopted within a 30-month timeframe. This would result in the proposed timeframe:

- June 2027 – Commencement of plan-making work;
- October 2027 – Initial public consultation on Local Plan;
- October 2028 – Pre-submission public consultation on Local Plan;
- February 2029 – Submission of Local Plan for Examination;
- June & July 2029 – Potential dates for Examination Hearings;
- October 2029 – Potential date for receipt of Inspector's Report; and,
- December 2029 – Potential date for Adoption.

It was intended that work would take place on updating the Council's Statement of Community Involvement in advance of commencing plan-making work (as set out in the timetable above). Work on updating the Statement of Community Involvement would start March 2026 and be completed November 2026.

In December 2024, the UK Government asked all local planning authorities to produce an updated LDS and to submit this to them no later than 6th March 2025.

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In accordance with this request, following consultation with the Portfolio Holder for Growth, this proposed LDS and work programme was submitted to the Government on 5th March 2025. Whilst acknowledged, no feedback on the contents and work programme was received.

Behind this formal timetable, the Council would need to carry out further evidence based work to ensure it would be able to meet the expected gateway assessment prior to commencement on a new Local Plan.

This evidence based work would focus on the assessment of all of the sites across the District promoted to the Council. However, it was also clear that a new Green Belt Review assessment would be required in the immediate term to help the Council respond to the changes to national planning policy – a project plan to ensure that the Council would be ready for commencement in June 2027 would be prepared.

The Planning Policy and Housing Strategy Team had undertaken a large number of statutory planning monitoring tasks for the Council (works to deliver the planning components of the Housing Strategy and led on a range of Local Plan Implementation Projects).

The demands on the team had increased recently as the team also led on the Council's obligations under the Environment Act 2021.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that Planning Committee approve the adoption of the new Local Development Scheme (as attached at Appendix 1) so that it takes effect on 17th April 2025 and be publicised on the Council's website.

The Chair thanked all those in attendance.

The meeting concluded at 13:31 hours.