



Date: 2nd December 2014

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 10th December 2014 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully

Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 10th December 2014 at 1000 hours in
the Chamber Suites, The Arc, Clowne

| Item No. | | Page No.(s) |
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| | PART 1 – OPEN ITEMS | |
| 1. | <u>Apologies for Absence</u> | |
| 2. | <u>Urgent Items of Business</u> | |
| | To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972 | |
| 3. | <u>Declarations of Interest</u> | |
| | Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: | |
| | a) any business on the agenda | |
| | b) any urgent additional items to be considered | |
| | c) any matters arising out of those items | |
| | and if appropriate, withdraw from the meeting at the relevant time. | |
| 4. | To approve the minutes of a meeting held on 12 th November 2014 | 3 to 6 |
| 5. | Notes of a Planning Site Visit – 7 th November 2014 | 7 |
| 6. | Applications to be determined under the Town & Country Planning Acts. | |
| | (i) 14/00406/FUL - Residential development of 14 flats, parking area and footway to frontage of Former Ace Of Clubs And Bolsover Grill, Mansfield Road, Hillstown | 8 to 22 |

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Main Hall, Creswell Social Centre, Creswell on Wednesday, 12 November 2014 at 1000 hours.

PRESENT:-

Councillor D McGregor Chair
Councillor C Munks Vice Chair

Councillors A Anderson, P M Bowmer, R Brooks, J A Clifton, T Connerton, C P Cooper, M G Crane, S W Fritchley, D Kelly, B R Murray-Carr, G Parkin, A M Syrett, R Turner and J Wilson

Officers:-

J Arnold (Assistant Director – Planning and Environmental Health), C Doy (Development Control Manager), Peter Sawdon (Principal Planner), J Fieldsend (Principal Solicitor) and M Kane (Governance Manager)

Before the meeting began, the Committee observed a minute's silence in memory of former Councillor and Committee member, Councillor T Rodda, who had recently passed away.

0512. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Wallis.

0513. URGENT ITEMS OF BUSINESS

There were no items of urgent business to be considered at this meeting.

0514. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

0515. MINUTES – 15 OCTOBER 2014

Moved by Councillor B R Murray-Carr and seconded by Councillor J Wilson.

RESOLVED that the minutes of the meeting of the Planning Committee held on 15 October 2014 be approved as a true and correct record.

PLANNING COMMITTEE

0516. SITE VISIT NOTES – 13 OCTOBER 2014

Moved by Councillor D McGregor and seconded by Councillor C Munks.

RESOLVED that the notes of a Planning Site Visit held on 13 October 2014 be approved as a true and correct record.

0517. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACT

- (i) Development of a solar farm using solar PV panels, frames, inverter pods and substation along with ancillary fences, access tracks, security cameras and landscaping at land to the North and South of sewerage treatment plant, Frithwood Lane, Elmton for Mr Charles Hewston

The Development Control Manager presented the report which gave details of the application, its history and consultations undertaken in respect of the proposal.

Several additional details relating to detailed design matters had been submitted, including details of the fencing, colour of the CCTV units and poles, details of the housing for the substation and metre housings. These would only impact on the final wording of any associated conditions that would need to be worded to ensure compliance with the submitted details.

The biodiversity impact discussed in the original report had resulted in the submission of a revised site layout, which had removed several rows of solar panels, along with a revised alignment of one of the replacement hedgerows within the interior of the site.

Finally, a consultation response had been received from the Conservation Officer at Bassetlaw District Council, in which he discussed the significance of the Grade II registered Welbeck Park and its wider landscape setting.

A representative on behalf of the applicants, Mr C Houston, attended the meeting and spoke in support of the application.

The Committee considered the report having regard to the emerging Local Plan and National Planning Policy Framework, as well as the visual impact of the proposal.

Moved by Councillor B Murray-Carr and seconded by Councillor D Kelly

RESOLVED that, subject to satisfactory conditions to deliver adequate biodiversity mitigation, permission for Application No 14/00349/FUL be granted, subject to conditions to cover the following issues provided in précis form as amended to address the updated position reported in the supplementary report.

- (1) Commencement with three years.
- (2) Temporary permission for 25 years following the commencement of the generation of electricity.

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- (3) Operator to notify the local Planning Authority in writing of that date electricity generation commences.
 - (4) Submission of a Decommissioning and Site Restoration Scheme not later than three years prior to the date expiry of the temporary permission.
 - (5) Submission, approval and implementation of full details of both hard and soft landscape works, including a programme for implementation.
 - (6) Submission, approval and implementation of a landscape management plan for the life of the development.
 - (7) Submission, approval and implementation of fencing details to accord with Crime Prevention Design Advisor advice.
 - (8) Submission, approval and implementation of CCTV details – numbers, location and finish of all elements, including poles.
 - (9) Submission, approval and implementation of finishes to buildings.
 - (10) Requirement for mitigation if required following one year monitoring period on Railway safety.
 - (11) The development to be carried out in accordance with the approved Flood Risk Assessment (FRA).
 - (12) Implementation of temporary traffic management measures during the construction phase.
 - (13) Submission, approval and implementation of biodiversity mitigation measures.
- (ii) Residential development (three detached houses) including details of access at 91 The Hill, Glapwell, Chesterfield, for Mrs Mowczan.

The Development Control Manager presented the report which gave details of the application, its history and consultations undertaken on the proposal.

Mr C Fleetwood attended the meeting and spoke against the application.

The Committee considered the application, having regard to the emerging Local Plan, the National Planning Policy Framework and other material considerations, including highway safety concerns.

Moved by Councillor B Murray-Carr and seconded by Councillor D McGregor

RESOLVED that:-

PLANNING COMMITTEE

- (1) Application No 14/00361/OUT be approved subject to the following conditions which were given in précis form to be formulated in full by the Assistant Director – Planning and Environmental Health:
 - (1) Submission of reserved matters application.
 - (2) Time period for submission and start.
 - (3) Submission of existing and proposed levels with reserved matters application.
 - (4) Access to be provided in accordance with submitted plans before development starts on site.
 - (5) Parking and turning area to be provided in accordance with approved plans before dwellings first occupied.
 - (6) Detailed scheme for foul and surface water drainage to be submitted and approved.

Notes:

- (i) The applicant is advised that the indicative site layout submitted with the application would not meet the requirements of the Successful Places, A Guide to Sustainable Housing Layout and Design published by the Council in terms of the distance between proposed first floor windows and adjacent private gardens and this will need to be addressed prior to the submission of a reserved matters application.
 - (ii) The applicant is advised that the approved of this outline application does not automatically mean that two storey dwellings will be acceptable. It will be necessary to submit existing and proposed levels with the reserved matters application to allow the full assessment of the impact of the proposed dwellings on the character of the street scene and the amenity of residents of adjacent dwellings.
- (2) The Council register the highway capacity of the A617 through Glapwell as an infrastructure matter to be reviewed in the Local Plan process to inform future policy and decision making.

The meeting concluded at 1110 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 7th November 2014 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors P.M. Bowmer, J. Clifton, C.P. Cooper, D. Kelly, C. Munks, B.R. Murray-Carr, G. Parkin, A.M. Syrett, R. Turner and J. Wilson.

Officers:-

C. Doy (Development Control Manager) and P. Sawdon (Principal Planner (Development Control))

1. APOLOGIES

Apologies for absence were received from Councillors T. Connerton and S. Wallis.

2. SITES VISITED

Application:

14/00349/FUL - Erection of solar farm etc Land to north and south of Sewage Treatment Plant, Frithwood Lane, Creswell;

14/00361/OUT - Erection of 3 dwellings with access details at 91 The Hill, Glapwell

The meeting concluded at 1125 hours.

PARISH Scarcliffe

APPLICATION Residential development of 14 flats, parking area and footway to frontage
LOCATION Former Ace Of Clubs And Bolsover Grill Mansfield Road Hillstown
APPLICANT Abbotsbury Contractors
APPLICATION NO. 14/00406/FUL **FILE NO.**
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 14th August 2014

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Crane.
REASON: Widespread local concern.

SITE The site is the now vacant Ace of Clubs, formerly the Miners' Welfare, a single storey flat roofed building, and its associated car parking. The site is generally flat.

The single storey Hillstown Community Centre is located on land to the east of the site. Playing fields are also located beyond the southern parts of the east boundary, as well as to the south. Residential areas are sited to the north and west, comprising of mainly one and two storey properties, although terraced dwellings approx. 80m to the north along Mansfield Road are three storeys (with the third floor contained in the roofspace). Bungalows are sited to the west of the site to the opposite side of Mansfield Road. Two storey dwellings bound the site to its immediate north.

There is currently no footpath along this section of the road. The site includes a bus shelter that is positioned to its north-west corner.

PROPOSAL This is a full planning application for the erection of 14 flats in three 2-storey blocks.

The Design and Access Statement refers to restrictions contained in deeds to the site including: no built development on the frontage car park area; a Right of Way to adjoining Community Centre towards the north of the site, along with areas where there is Right of Access on the eastern boundary; and an historic Right of Way that crosses the southern leg of the car park. It is stated that the final design reflects these restrictions on development.

The design of the development incorporates dual and non- pitched roofs over contrasting brickwork walls (Dark Red lower sections with light red upper sections, separated by a stretcher band detail. Glass screens are proposed to the lower section of first floor patio doors.

A 2.0m footway is proposed on the site frontage to Mansfield Road with the access maintained generally to the north-west corner of the site and the bus shelter would remain in its current position. The access will serve a 28 space car park on the Mansfield Road frontage area of the site.

AMENDMENTS

Comments provided from applicants on 7th October responding to various issues raised in letter of objection.

Revised plans and Design and Access Statement Addendum 2 submitted on 17th October discussing the viability of the former public house use.

Further revised plans submitted on 19th November.

Further Design and Access Statement Addendum submitted 25/11/14 discussing highway safety, parking, rights of way, development height and potential dwelling occupancy.

HISTORY – There are a number of historic permissions relating to the club premises, the most recent of which is ref. 08/00708/FUL, which is a planning permission granted in January 2009 for a new hip roof over the existing building and raising of part of the external walls.

CONSULTATIONS

Environmental Health Officer (Contamination) – There is a high likelihood that made ground will be present at this site which can be a source of contamination. Therefore, due to the proposed sensitive end use, recommend conditions regarding the identification and mitigation of contamination 28/11

Environmental Health Officer (Noise) – No objections in principle relating to noise, but could be issue during demolition and construction phases such that it may be advisable to condition hours of operation for these phases 23/9

DCC (Highways) – Initial concerns raised regarding the number of car parking spaces proposed for the initially proposed 18 flats 23/10. The Council has been copied into a letter to the applicant stating that the Highway Authority is reluctantly prepared to accept the revised proposal (reduced number of flats) 29/10

Scarcliffe Parish Council – Object on the following grounds:-

1. Impact of parking on Mansfield Road. At the present time functions at the adjacent Village Hall regularly require more parking spaces than are available. There is no room for parking on the access road i.e. Nesbit Street as there have already been concerns about the volume of vehicles parked on this road and possible difficulties that may be caused to emergency vehicles because of this. As a result the Ace of Clubs is often used as an overspill car park. The cul-de-sac across the road, where some vehicles unable to park at the village hall may choose to park, is unsuitable as there are no pavements. There is already parking congestion caused by the adjacent Hillstown Community Centre use and the adjoining playing field. Loss of this site and its parking spaces will lead to much greater on street parking on Mansfield Road generally, impacting on residents' properties and added on street parking. If the development goes ahead this will add to parking problems and accidents on Mansfield Road. In addition this will cause problems for emergency vehicles access through Mansfield Road, this situation is often exacerbated through traffic diversions/re-routing off the M1 from junctions 29-30.

2. Concerns about the siting of a 3 storey building which will be intrusive for the surrounding properties as they will clearly overlook their properties and gardens and impinge on the privacy of the residents of the bungalows opposite by being able to look down into their windows. The number of proposed flats, 28, is too many for this small site and especially 3 storeys in height which is not conducive to the area.

3. There are restrictive covenants enabling rights of access/way across the site which need to be preserved and should not be impacted in any way.

4. The development if approved will take away a once valued community facility (a pub) and whilst this is not currently in use, the Parish Council feel that this could be brought back in to valuable community use and are therefore considering a nomination under the Assets of Community Value provisions and has the potential for social well-being benefits being created of a cultural, recreational and sporting nature within the next 5 years.

In respect of the amended proposals Scarcliffe Parish Council wish to object on the grounds previously advised in relation to the original proposal. In particular, the Council remain concerned about vehicle access to the site and in respect of access to Hillstown Village Hall and the adjoining recreation ground and feel that this development will lead to increase on street parking on Mansfield Road thereby impacting upon local residents dwellings and impeding access by emergency vehicles through Mansfield Road, which will be exacerbated at times of sporting fixtures. The Council view that this slightly reduced number of proposed flats will not alleviate the situation.

PUBLICITY – Initial publicity carried out by means of a site notice and 9 neighbour letters resulted in the receipt of 10 letters of representation; one letter was also received as a result the applicant's serving notice on the adjacent Hillstown Village Hall. Collectively these raise the following issues: -

Hillstown Miners Welfare has legal rights of access across the site, along with the right to park up to 10 vehicles on the sites forecourt (copy of the legal agreement has been provided); the use of the land for car parking is regularly undertaken and there is concern the development could restrict that availability.

Understood that the land was part of the green spaces plan and as such was designated for community use; do not consider the development should be permitted on the site. Understand the site had been given to the people of Hillstown for recreational use. It is close to children's play area and one of the few green fields we have left for children to play on.

One representation received was seeking further information regarding the use of the flats, as there are various rumours circulating and a true picture would better inform the community (*A response was provided*).

Object as it is understood the applicant wants to build flats for rent on it. Have been told the flats could allegedly be a halfway house/holding centre to which the Council's view seems to be it's not their business. Concerns on who is going to live in the flats; don't see them a family units; Bolsover District Council don't seem to know and don't seem to care. Proposal to build single bed flats at the side of a children's play area / park we find this proposal disgusting to say the least. God only knows what sort of people will be placed in these SINGLE bedroom flats and whether you deem this to be your problem or not, you should note that you are put in the position you're in to take into account what is best for the people of Hillstown .

Impact on amenity. Will overlook property. 3 storey properties will look straight into living room and bedroom and will invade the privacy of front and back gardens. Properties opposite are bungalows. If we have to have dwellings, bungalows would be more in keeping with the area. 3 storeys will be out of place in this small village, standing taller than all the other buildings; a real eyesore totally spoiling this village.

Problems with car parking. The playing fields users utilise the car park on a regular basis for both children's and adult's football teams. Even at present if there is a match on some have to park on the busy road. This site is also used as a community centre with attendees using the parking facilities. Functions at the adjacent Village Hall regularly require more parking spaces than are available. There is no room for parking on the access road; there have already been concerns about the volume of vehicles parked on this road and possible difficulties that may be caused to emergency vehicles because of this. Cars park on Mansfield Road and Sutton Road already. As a result the Ace of Clubs is often used as an overspill car park. The pressure on parking would increase to ridiculous levels with a danger to the public and residents. Will cause double parking outside properties. Parking could lead to problems for traffic on Mansfield Road when the new residents are entering or exiting the proposed flats due to the restrictions on visibility. The cul-de-sac across the road (Sutton View) where some vehicles may choose to park is unsuitable as there are no pavements; several senior citizens live on this road. This is already a busy road and main route for buses and emergency services, worsened when there are problems on the M1. Will make it a prime accident spot (writer cycles along the road everyday). Understand the car park is not owned by the developer so where will the residents of the flats live?

Object to agent's response to representations; there is no hedge to the front of the writer's property. Have not done their homework properly and having spoken to agent, it seems they get their information from Google Earth.

Letter from Glapwell Gladiators FC, who rent the adjacent playing fields are concerned about the possible loss of car parking spaces in the car park, access to the pitched and also can imagine some of the new residents might not take too kindly to the noise that supporters can make during the games. Will they be aware that the pitches are in continuous use?

The council should refuse the proposal for flats and instead work towards making the site more community and sporting friendly; for once do something for the people you represent.

RE-PUBLICITY Following receipt of amended details the proposals were re-publicised by a further site notice and letter to neighbours and/or those who had already made representations. This resulted in the receipt of 4 letters of objection (all from people who had previously objected), along with a further letter of comment. These letters covering the following issues:

Agree it loses a pub, yet pub next door was lost. Each house has a car parking space and the plans show car spaces. Progress in planning is to build. Whoever owns the car park could close the car park if they own it.

Revised plans do not alter the fact that these flats are in the wrong place. To build these 14 flats would still take up car parking spaces that the public still require for other functions happening on the adjacent field. We don't want cars parking on the main road or side streets causing problems or accidents. Mansfield Road as you are already aware takes a lot of traffic and is used by emergency services daily. The Ace of Clubs needs to stay, yes it needs refurbishing but, it needs to be given back to the people of Hillstown.

Despite reduced number of flats, building any residential homes on that site is still going to result in a car parking problem. There would be danger to children crossing the busy road to get to the playing field, and senior citizens living on Sutton View, where cars are already parked. Is there no possibility that the Ace of Clubs could remain an asset for the community of Hillstown?

Hillstown Miner's Welfare Trust has re-iterated its objection. They indicate that they have been working with Bolsover District Council sports development team for and a local architect to produce plans to further develop its site for sports, leisure and tourism. As their site is adjacent to the Ace of Clubs site they feel the planned development of flats on the site would severely jeopardize these plans. They currently own and run a Village Hall and large sports field, together with a county standard bowling green and pavilion. A number of local community groups, sports clubs and individuals use their facilities, together with caravanning organisations and English Heritage, but it is their wish to further develop the site to increase facilities and sports offered, to help create jobs for local young people, and to further encourage tourism to the area. They feel that the building of flats adjacent to their site would limit their development opportunities.

POLICY

National Planning Policy Framework As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

Paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"

A core principle of the NPPF is to secure sustainable development of high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development);
GEN2 (Impact of Development on the Environment);
GEN4 (Development on Contaminated Land);
GEN5 (Land Drainage);
GEN6 (Sewerage and Sewage Disposal);
GEN8 (Settlement Frameworks);
HOU2 (Location of Housing Sites);
CLT1 (Protection Of Existing Buildings Which Serve The Community);
TRA1 (Location of New Development);
TRA10 (Traffic Management);
TRA13 (Provision For Cyclists);
TRA15 (Design Of Roads and Paths To Serve New Development);

Other: Adopted Housing Layout and Design Guidance 'Successful Places'.

ASSESSMENT

The main issues are the principle of the re-development of this site, which would result in the loss of the club facility, impacts on the character and appearance of the area, the impact on privacy and residential amenity, and highway safety.

The site is located within the settlement framework, but has no policy designations specific to this site. Whilst reference in representations is made to the site being part of the 'green spaces plan', such a policy exists on the playing fields alongside this site, but this site is excluded from that designation.

The Club on site is considered to be a use which served the community to which policy CLT1 (Protection of Existing Buildings which serve the Community) of the Bolsover District Local Plan applies. This allows the redevelopment of such facilities if appropriate alternative provision is made or it is demonstrated that the facility is no longer required or economically viable. It is noted that the loss of the facility has been referred to in representations.

In response to the requirements of policy CLT1, the following information has been provided:

"The property was owned by Mrs M Knights of Oxcroft Farm, Oxcroft Lane, Bolsover, having been bought by her husband in 2006. Mr & Mrs Knights traded the property as a pub & restaurant until Mr Knights took ill in 2009. During the period of trade, the business made very little profit. Mr Knights subsequently died and the property was let to a Mrs Julie Birch from April 2010 to January 2014. Mrs Birch attempted to continue the pub & restaurant business but the volume of trade was such that losses were incurred during each of the years. In January 2014, Mrs Birch decided that she could not continue the business and vacated the premises, and has subsequently been made bankrupt.

Mrs Knights was unable to let, and so decided that she must attempt to sell the property and instructed Christies, Nottingham office, to put in on the market. There was no interest from parties to operate the pub & restaurant. It is noted that shortly before this, Wetherspoons had opened a new pub/restaurant in Bolsover and the Black Bull and White Swan pubs closed and remain empty. A sale was subsequently agreed to a developer

You will see from the above that the property has been a commercial failure for all parties. The viability of pubs cannot be ignored and the closure rate has been reported widely in the national press for many years. I have referred above to two other closures within the past couple of years of pubs in Bolsover and their failure to remain open is echoed by the Ace of Clubs, which has been forced to close as a consequence of the losses incurred."

This evidence demonstrates the events leading up to the closure of the commercial premises and its subsequent sale to the developer. It also discusses the wider picture of the state of the public house market trading position within Bolsover (There are known to be other pub closures in more central locations to the town). This information is considered to adequately demonstrate the facility is no longer required, nor economically viable. Whilst it is understood that the adjacent Community Centre is not licensed, these premises do provide an alternative community facility and other public houses are located within the wider town of Bolsover, the nearest being the Blue Bell PH on High Street adjacent Bolsover town centre. It is not the sale of alcohol function that the policy seeks to protect but the fact that it provides a potential place for the public to meet and socialise. As that function is served by the dedicated building

immediately adjacent to the site the loss of the public house would not be material in policy terms.

Given the proximity of this site to the adjacent Community Centre and Bolsover town centre where other pubs and other facilities for the community to gather are available, it is not considered that the loss of the premises would be detrimental to service provision to a degree that would justify withholding consent for the re-development of the site. Taking account of the current state of the economy and particularly the current position with respect to public house viability nationally, the fact that the public house has been closed for some time and apparently struggling to remain viable prior to that, and the presence of alternative community facilities within reasonable distance, it is considered that there is general compliance with policy CLT1 of the adopted Bolsover District Local Plan.

Given compliance with policy CLT1 above, it is considered that the re-development of the site for housing is acceptable in principle given the site is brownfield and located within existing settlement framework limits in a sustainable location with reasonable access to existing facilities and services, including regular bus services from nearby bus stops. This is considered to comply with policies HOU2 (Location of Housing Sites) and TRA1 (Location of New Development) as well as being in line with general principles contained in the NPPF, particularly given the Council's absence of a 5 year supply of deliverable housing.

In terms of design documentary evidence has been available to demonstrate that there are substantial constraints over where buildings can be located on site due to legal requirements in the deeds to the property, which has very much dictated the general positions of the dwellings.

The developers have taken on board several comments made by the Council's Urban Designer and members of the public that resulted in substantive alterations to the design and appearance of the proposed flats, including replacing all three storey elements with two storey buildings that reduced the number of flats from 18 to 14. Other changes included:

- Roof pitches lowered on all roofs.
- Materials changed to two-tone brick elevations (dark red brick plinths with first floors finished in light red brick).
- Central block facing south (overlooking playing fields) containing Flats 5, 6, 12 and 14 has been substantially re-designed and a wide asymmetrical, shallow pitch roof introduced.
- Design of Flats 1 & 8 redesigned and re-orientated with gable now facing west and the roof slopes away from the neighbouring gardens to the north. Roof pitch has been lowered and the length of the block has increased by approximately 4m overall.
- Canopy over the right of way removed between Flats 1 and 2.
- Entrances and stairways remain set back, although their design now provides clearer legibility to entry points with timber boarding around entrances.
- Cycle shelter introduced alongside northern boundary.

The relationship of the dwellings (as revised) is in line with offset distances to neighbouring dwellings contained in the Council's adopted Design Guide 'Successful Places', sufficient to ensure that reasonable levels of privacy and amenity are provided for residents of both

existing and proposed dwellings.

The revised designs are considered to be acceptable, subject to conditions to secure appropriate materials and detailing. Given the current limited architectural value of the existing premises on site, it is considered that improvements to the appearance of the site will provide improvements to the general character and appearance of the area.

Comments have been made in representations regarding the appropriateness of flats, the proximity of those flats to playing fields/children's play area, along with comments regarding the potential use of the flats, including suggestions that the properties would be used as a halfway house and that this is a fait accompli with the Council having already supported it.

Whilst it is understood that the developer has approached the Council (as Housing Authority) with a view to utilising the proposal for affordable dwellings, there has been no agreement given to the scheme with only a very initial approach having been made to the Council; it is understood from the Strategic Housing Officer that the applicant has been told to make approaches to Registered Social Landlords (RSL's) in the first instance and then come back to the Council if there is any interest shown. The applicant has stated that "It is intended that the development is operated by a Registered Social Landlord and the majority of tenants would be current Bolsover residents, including elderly people, who as a consequence of relocating to a more suitable form of accommodation, also release family housing into the available stock."

Notwithstanding the applicants intention for RSL involvement, it is not the place of the Council as a Local Planning Authority to impose or control the nature of the tenure of any development proposal. Should planning permission be granted for this development, it would be given for the development of residential units generally and as with all such planning permission's, these could be for sale or rent. The final occupancy of dwellings is unknown at the point of the determination of a planning application and as such, should not be determined based on perceptions of the nature of people that may occupy the dwellings as such an approach would be irrational.

It is considered appropriate for residential properties to be located adjacent playing fields and existing dwellings are already located in close proximity to the existing community centre. Indeed this is a fundamental part of new estate layouts to increase passive surveillance which acts as a deterrent to antisocial and criminal activity. No objections have been received from the Environmental Health Officer on noise issues.

Whilst noting the Community Centre's comments regarding future plans for the areas under their control, these are unspecified in the documentation and it is considered that a decision has to be based on what currently exists, as opposed to things that may (or may not) happen in the future. Other than normally seeking to maintain the use of playing fields for that purpose, there are no other planning policies in the adopted local plan that provide any additional protection for those uses in addition to those discussed in this assessment.

Given the above discussion, it is not considered that there are any planning grounds to resist the location of dwellings adjacent to the Community Centre and playing field uses.

In terms of highway safety the Highway Authority initially raised concerns regarding parking numbers, but now considers the proposed provision to be sufficient. It is noted that improvements are proposed in the provision of a footway on the site frontage on land currently forming part of the curtilage of the pub premises, which would link existing footways that exist to either side of the site; this will provide improvements for pedestrian safety on the site frontage.

The Highway Authority has recommended several conditions and notes, the majority of which are recommended for inclusion. It is not considered reasonable however to require details of the construction and tie in for the frontage footway as this is controlled by the Highway Authority in terms of its potential adoption of this path and as such this is included as a note, as is their advice to seek the provision of an on site construction compound. The proposed condition requiring no gates or other barriers within 5m of the nearside highway boundary is considered to be unreasonable given the absence of such control on the existing access, as well as other accesses in the general area. Additionally, the suggested condition requiring the proposed access/driveway to Mansfield Road to be no steeper than 1 in 14 gradient is also unreasonable given the fact that an existing access is located here at present and the almost level nature of ground levels here.

A number of comments have been made in representations regarding car parking. In considering this point it should be remembered that this is privately owned land where public rights to park do not exist, although it is understood that under the covenants on the site mentioned earlier in the report, the use of the existing car park is available for adjoining uses "at all reasonable times but subject to a maximum at any one time of 10 such vehicles". This limitation is acknowledged by the applicants in their submission.

Given that restriction, as 28 car parking spaces are shown, in effect 18 of those spaces would be available for the 14 flats (1 flat per space and 4 visitor spaces). The Highway Authority has indicated that it does not consider this to result in any issues sufficient to object to the proposal on highway safety grounds. Additional cycle parking facilities (rack and shelter) are also proposed.

Whilst noting comment about the impacts of the area from the use of the adjoining playing fields, this would appear to be an existing issue. From the above information it is clear that if more than 10 vehicles are parking on the planning application site, this is in breach of private covenants and as such will be undertaken unlawfully (and could be prevented by the current owners). Given the reasonable parking provision being made for the development that takes into account the restrictive covenant on site, it is not considered that the impacts of the development will give rise to significant highway safety impacts and as such it is not considered that an objection on such grounds could not be sustained.

Consideration also has to be given to the potential for traffic generated from the existing use. As a public house it is likely to have the potential to generate more traffic than 14 flats. In terms of normal parking guidelines a public house of this size would require a car park of about 100 spaces. In terms of the guidance of the NPPF it would be necessary to show that the proposed development would have severe impacts on highway safety compared to the pub use. It is considered that the development is at worst no worse than the current use but is likely to be a lesser impact.

The applicant has commented that “The design width for a road of this standard is 6.0 – 7.30m. Mansfield Road is a minimum 8.5m wide at this point, far wider than the minimum width, leaving more than sufficient width for emergency and other vehicles to pass without difficulty. In addition, the proposed development includes the provision of a 2.0m wide public footpath along the frontage with Mansfield Road, improving pedestrian safety and delivering a safe route for pedestrian access to the adjacent playing field. Derbyshire County Highways does not object to the proposals.”

The Environmental Health Officer has advised that there is a high likelihood that made ground will be present at this site which can be a source of contamination. Therefore, due to the proposed sensitive end use, they recommend the inclusion of conditions to properly identify and mitigate any contamination present. Subject to the inclusion of such conditions, the proposal is considered to be satisfactory in respect of policy GEN4 (Development on Contaminated Land).

Whilst the Environmental Health Officer has stated that it may be advisable to include conditions relating to noise control during the demolition and construction phases, noise is covered under more specific Environmental Health legislation and is difficult to enforce using planning conditions. It is not considered that such conditions should be included therefore, but an advisory note can be included. In terms of noise impacts from activity at the community centre and recreation grounds the EHO has raised no concerns. In addition there are already a number of nearby residential properties and the activity at the community centre would not have any significantly greater impact on residents of the development compared to the existing houses.

In conclusion, the loss of this building of community benefit is acknowledged, but is sufficiently justified through the production of evidence to demonstrate the long term deterioration in the viability of a public house premises here; sufficient alternatives exist. The site is sustainably located and has the prospect to deliver housing to contribute to the 5 year housing supply using brownfield land within a settlement. The layout and design is considered to be acceptable considering its impacts on the character and appearance of the area; relationship to adjacent uses, including the amenities of residents; and highway safety. The proposal is therefore considered to be in accordance with the aims and objectives of the adopted Bolsover District Local Plan and the NPPF.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No significant issues arise

Equalities: No significant issues arise

Access for Disabled: No significant issues arise

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: No significant issues arise

Human Rights: No significant issues arise

RECOMMENDATION Grant permission subject to the following conditions: -

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
- 3 No part of the buildings hereby approved shall proceed above damp proof course level until details of both hard and soft landscape works, including a programme for implementation has been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved. The details required under this condition shall include any surfacing to parking and external circulation areas and all means of enclosure (gates, fences and walls).
- 4 If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
- 5 Before any other operations except demolition are commenced, the existing access to Mansfield Road shall be modified in accordance with the application drawing A101B with the area in advance of the sightlines being maintained clear of any object greater than 1 m in height at all times thereafter.
- 6 The access, the subject of condition 5 above, shall not be taken into use until 2m x 2m pedestrian intervisibility splays have been provided on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 1m in height relative to footway level.
- 7 The dwellings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with revised drawing A101B for the parking and manoeuvring of vehicles, including the proposed cycle parking racks and shelter, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 8 Unless otherwise agreed by the Local Planning Authority, development other than demolition and that required to be carried out as part of an approved scheme of remediation must not commence until parts i to iv of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part iii of this condition has been complied with in relation to that contamination.

i. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in

accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(a) a survey of the extent, scale and nature of contamination;

(b) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(c) an appraisal of remedial options, and proposal of the preferred option(s).

ii. Submission of Remediation Scheme - If identified as required, 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

iii. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

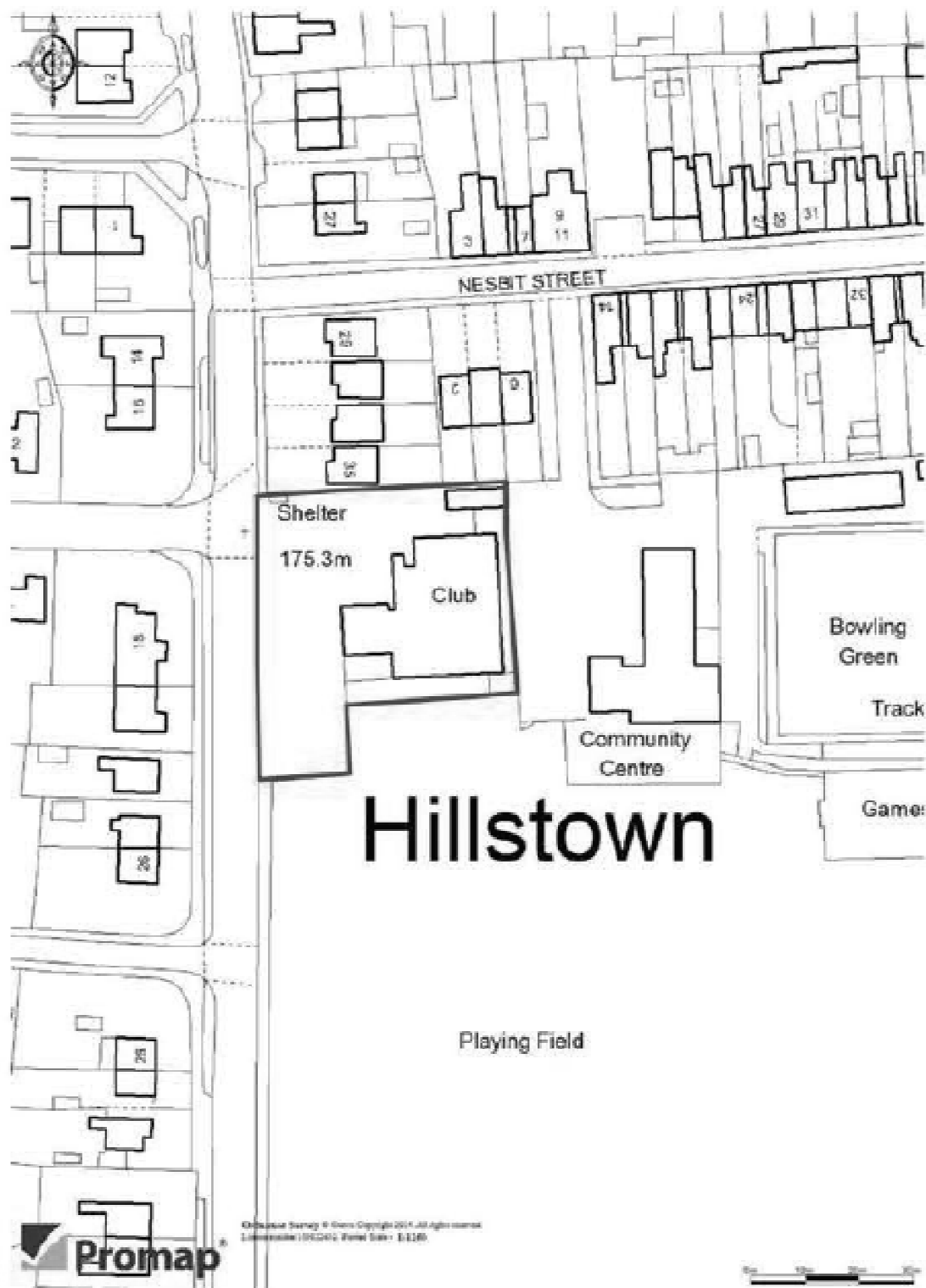
Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

iv. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local

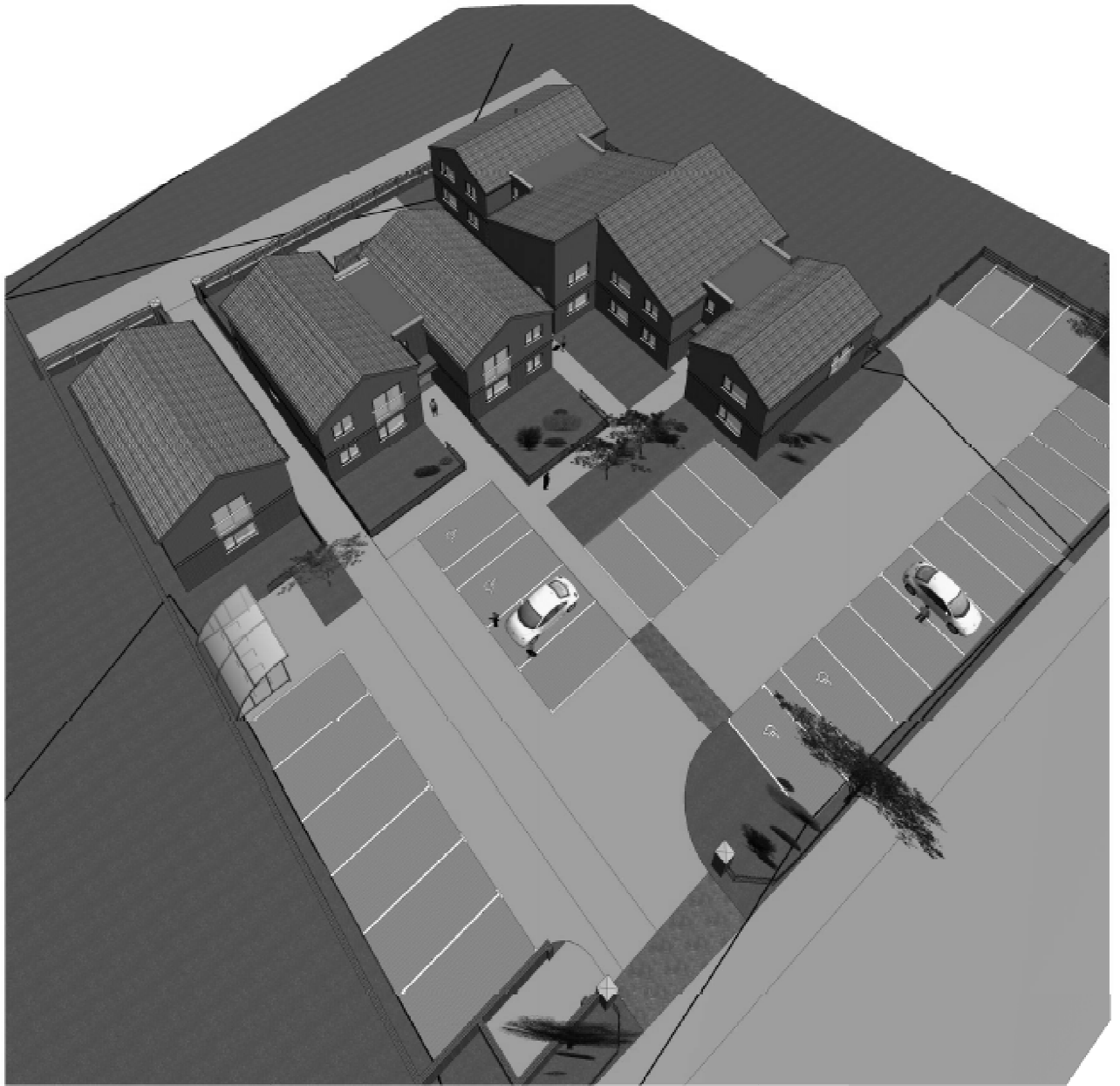
Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part i of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part ii of this condition, which is subject to the approval in writing of the Local Planning Authority.

v. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part iii of this condition.

- 9 In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.



Location Plan 1/1250



Aerial View
