



Date: 3<sup>rd</sup> September 2015

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 16th September 2015 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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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



## PLANNING COMMITTEE

### AGENDA

**Wednesday 16<sup>th</sup> September 2015 at 1000 hours in  
the Chamber Suites, The Arc, Clowne**

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b><u>Apologies for Absence</u></b>	
2.	<b><u>Urgent Items of Business</u></b>	
	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.	<b><u>Declarations of Interest</u></b>	
	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 22 <sup>nd</sup> July 2015	3 to 10
5.	To approve the minutes of a Special meeting held on 19 <sup>th</sup> August 2015	11 to 20
6.	Notes of a Planning Site Visit – 20 <sup>th</sup> July 2015	21
7.	Notes of a Special Planning Site Visit – 19 <sup>th</sup> August 2015	22
8.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00353/FUL - Single Storey Side Extension at 48 Recreation Road, Shirebrook	23 to 28

## 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, 22<sup>nd</sup> July 2015 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, M. Dooley (from Minute No. 0222(iii)), S.W. Fritchley, H.J. Gilmour, B.R. Murray-Carr, M.J. Ritchie, P. Smith, S. Statter, B. Watson, D. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager), P. Sawdon (Principal Planner), S. Phillipson (Principal Planner), S. Chambers (Communications Manager), J. Fieldsend (Senior Principal Solicitor) and A. Brownsword (Governance Officer)

### **0218. APOLOGY**

An apology for absence was received from Councillor T. Munro.

### **0219. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0220. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Agenda Item No.	Member	Level of Interest
6(iii)	Councillor J.A. Clifton	Non significant Non Statutory Interest
	Councillor M. Dooley	Non significant Non Statutory Interest

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	Councillor P. Smith	Discloseable Pecuniary Interest
6 (iv)	Councillor J.A. Clifton	Non Significant Non Statutory Interest

### 0221. MINUTES – 24<sup>TH</sup> JUNE 2015

Moved by Councillor J.A. Clifton and seconded by Councillor J. Wilson

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 24<sup>th</sup> June 2015 be approved as a true and correct record.

### 0222. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACT

- (i) 14/00518/OUT- Residential development of up to 101 dwellings and community building up to 500sq. m. (Use Class D1 and/or D2) including details of access. Land to the North West of Broad Lane, Hodthorpe.

Further details were included on the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. G. Berrell and Mrs. D. Potts attended the meeting and spoke against the application. Mr. A. Willis attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the adopted Green Space Strategy.

Moved By Councillor B.R. Murray-Carr and seconded by Councillor D. McGregor  
**RESOLVED** that Application No. 14/00518/OUT be DEFERRED for the following reasons:-

- A. until the Executive/Council has decided whether or not the Council would agree to a pedestrian link being provided to St Martin's Walk and/or Greenfield Avenue (unless it transpires that sufficient highway land is available to provide a footpath link such that the District Council's permission as landowner is not necessary) and;

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B. until a satisfactory Section 106 Planning Obligation has been completed to secure obligations:-

Children's play at £75,447

Adult recreation at £89,688 (subject to consideration of on-site semi-natural green space)

Public art at 1% = (potentially £99,417)

Community Building 350sqm area, provided by the developer to value not exceeding build cost £1,222/sqm (max value £427,700)

10% affordable housing on site.

2. Provided that A and B above are satisfied, Delegate the decision to the Assistant Director of Planning in consultation with Chair and Vice Chair of Planning, and subject to the inclusion of the following conditions set out below in précis/draft form to be formulated in full by the Assistant Director of Planning:-

Approval of reserved matters

Application for approval of reserved matters made within 3 years, development to commence within 3 years or 2 years of approval of reserved matters

No commencement until provision secured for a pedestrian/cycle link(s) to St Martin's Walk and/or Greenfield Avenue

Reserved matters to accord with the general extent of development as shown of the indicative plan to preserve the rural setting of the listed building and countryside edge

Revised design and access statement with application for reserved matters approval to take account of Urban Design and Crime Prevention Officer advice

No development prior to submission and approval (in consultation with Network Rail) of an assessment of the adequacy of the railway pedestrian crossing to deal with the additional pedestrians resulting from the development. Any enhancement measures to be implemented prior to the occupation of any dwellings

Submission and approval and implementation of details of surface water and foul sewage disposal. Surface water treatment to include SuDS and details of maintenance of them

Contaminated land survey and mitigation if necessary

Ecological Mitigation and Enhancement Scheme including retention and enhancement of the boundary hedgerows and retention of the Ash tree

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Landscape Management Plan

Provision of play area on site

Reserved matters to be accompanied by a noise report identifying properties affected by noise (including rail noise) and the facades of properties which need acoustic glazing and ventilation

Site and Floor level detail

Highway conditions:-

Provision of temporary access

Provision of access junction 2.4m x 33m visibility in both directions and 2m footways.

Access gradient

Surface water disposal detail

The approved Travel Plan to be implemented.

Notes to Applicant:

Urban Design Officer Advice.

Note a public sewer is located within the site – contact STW to seek advice.

To discuss the location of the community building prior to submission of reserved matters.

2 off street parking spaces per dwelling.

Bin stores to shared drives.

Reserved matters to be accompanied by swept path detail for large vehicles.

Rights of way on site to be protected.

(Development Control Manager/Governance Officer)

- (ii) 14/00512/FUL - Change of use to Showman's Winter Quarters for 14 plots; construction of access road and plot divisions including front boundary walls; installation of services; diversion of public footpath 27 along proposed road. Land to The South Of FW Masons And Sons Ltd Station Road, Pinxton.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. H. Wilson attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan and the National Planning Policy Framework

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Moved by Councillor D. McGregor and seconded by Councillor J. Wilson

**RESOLVED** that Application No. 14/00512/FUL be REFUSED for the following reasons:

1. The site lies within the historic flood plain of the River Erewash and within Flood Zone 3b as defined by the Environment Agency. The inclusion of a residential use introduces a highly vulnerable use within functional flood plain which is inappropriate. In addition, the raising of land levels within the site would reduce the storage capacity of the site in the event of a flood increasing the risk of flooding elsewhere. As such development of the site would be contrary to policy GEN5\_Land Drainage of the Bolsover District Local Plan and paragraphs 100 and 103 of the NPPF.
2. The proposed development would result in the loss or degradation of semi natural scrub and wet woodland habitat and with no significant measures to avoid, minimise or compensate for the ecological impacts the development will result in a net loss in biodiversity. As such the proposal is contrary to the requirements of policy ENV5 Nature Conservation Interests throughout the District and paragraph 117, 118 of the NPPF.

(Development Control Manager)

Councillor M. Dooley declared a Significant Non Statutory Interest in the following item of business. Councillor Dooley spoke in support of the application and then left the meeting and took no part in the discussion or voting thereof.

Councillor P. Smith declared a Discloseable Pecuniary Interest in the following item of business and left the meeting and took no part in the discussion or voting thereof.

Councillor J.A. Clifton declared a Non Significant Non Statutory Interest in the following item of business.

- iii) 15/00220/FUL - Demolition of public house and erection of five bungalows. Former Greyhound Inn, Town Street, Pinxton.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Councillor M. Dooley spoke in support of the application and then left the meeting.

Ms. C. Caldecourt, Mr. N. Gray-Cowley and Mr. M. Chapman attended the meeting and spoke in support of the application.

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The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework , National Planning Practice Guidance – Design (ID26) and the Interim Supplementary Planning Document: Successful Places. A Guide to Sustainable Housing Layout and Design.

Moved by Councillor D. McGregor and seconded by Councillor T. Connerton

**RESOLVED** that Application No. 15/00220/FUL be DEFERRED subject to further negotiations on the relocation of plot 5 bungalow and garage to better relate to the streetscene of Alfreton Road and the proposed development and additional specimen tree planting around the site frontage and the decision be delegated to the Assistant Director of Planning to APPROVE the amended application subject to the normal conditions.

(Development Control Manager)

Councillors M. Dooley and P. Smith returned to the meeting.

Councillor S. Statter left the meeting prior to discussion of the following item of business.

Councillor J.A. Clifton having previously declared a Non Significant Non Statutory Interest in the following item of business, left the meeting and took no part in the discussion or voting thereof.

- iv) 15/00154/FUL - Rear two storey extension to provide 6 lane 25 x 13m swimming pool, 12 x 5m baby pool, feature water flume, children's play area, wet village change and toilets for male and female, disabled change facilities, cafeteria and viewing area and plant room at ground floor level. Extension to existing fitness suite, 2 No. dance studios, spinning studio and office accommodation at first floor level. Extension to car park. The Arc, High Street, Clowne.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. L. Hickin attended the meeting and spoke in support of the application.

The Committee considered the application, having regard to the Bolsover District Local Plan and the National Planning Policy Framework.



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Moved by Councillor B. Watson and seconded by Councillor T. Connerton  
**RESOLVED** that Application No. 15/00154/FUL be APPROVED subject to the following conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 3 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.
- 4 The extension to the leisure facilities hereby approved shall not be brought into use unless and until:
  - a) An assessment of sound has been undertaken and a scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the centre point of any garden attached to neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound.
  - b) Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
  - c) The approved scheme has been implemented in full and shall be retained in place at all times following its implementation.
- 5 Prior to the extension to the leisure facilities being brought into use, a Travel Plan shall be created for the whole of The Arc including the workshop building, submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including modal shift targets, a

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timetable and management responsibilities) to promote travel by sustainable modes such that additional vehicle movements at the site access to High Street are limited to a maximum level set out in the Plan. Reports demonstrating progress in promoting sustainable travel together with monitoring of traffic flows at the access shall be submitted annually to the Local Planning Authority for written approval on the anniversary of the date of the first bringing the additional leisure facilities into use for a period of 5 years.

- 6 In the event that vehicle trips at the site access exceed the maximum levels as defined in the approved Travel Plan (the subject of condition 5 above), a highway improvement scheme shall be submitted for approval to the Local Planning Authority within 60 days of the trigger being exceeded and shall be implemented as approved within 6 months of the approval of the scheme by the Local Planning Authority, or within such other timescale as may otherwise be approved in writing by the Local Planning Authority.
- 7 The extension to the leisure facilities hereby approved shall not be brought into public use until the proposed car park extension has been laid out in accordance with the submitted application drawings, constructed, drained and lit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
8. The extension to the leisure facilities hereby approved shall not be brought into public use until improved pedestrian directional signage has been provided in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority, which shall be maintained as approved at all times thereafter.

The meeting concluded at 1227 hours.

## **PLANNING COMMITTEE**

Minutes of a Special meeting of the Planning Committee of Bolsover District Council held in the Chamber Suites, The Arc, Clowne on Wednesday 19<sup>th</sup> August 2015 at 1030 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, M.J. Ritchie, P. Smith, S. Statter, D. Watson and J. Wilson

Officers:-

C. Doy (Development Control Manager), T. Ball (Principal Planner), L. Withers (Environmental Health Officer), J. Fieldsend (Senior Principal Solicitor), S. Chambers (Communications Manager) and A. Brownsword (Governance Officer)

### **0278. APOLOGIES**

Apologies for absence were received from Councillors B.R. Murray-Carr and B. Watson

### **0279. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **0280. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACT**

The DCM gave a verbal update in relation to the Committee site visits held earlier that morning

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1. 15/00006/OUT - Residential Development (Maximum 160 Dwellings) and Community Building (including details of access) at Land Approximately 300M To The West Of Hall Leys Farm, Broad Lane, Hodthorpe

Further details and an amended recommendation were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. C. Jesson attended the meeting and spoke against the application on behalf of the Welbeck Estates Company.

Ms. L. Mephram, Agent for the Applicant, attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the adopted Green Space Strategy.

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

**RESOLVED** that Application No. 15/00006/OUT be REFUSED for the following reasons:

1. The site lies outside the settlement framework as defined in the Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development in the countryside except in special circumstances which do not apply in this case. Approval would be a departure to the plan. Whilst the National Planning Policy Framework (NPPF) does allow sustainable development in the absence of a 5 year supply of housing and the Council does not have a five year supply, the proposal would not result in sustainable development and it would not be an appropriate or logical extension to the settlement framework. The site is also on grade 2 agricultural land further reducing the sustainability of the site and it has not been demonstrated that there is a need to develop this particular site which overrides the national need to protect such land. Approval would therefore be contrary to saved policy ENV 2 of the Bolsover District Local Plan and to paragraph 112 of the NPPF.

2. Insufficient information and evidence has been provided to demonstrate that the traffic and highway safety impacts of the proposal will be acceptable. Approval of the proposal under these circumstances would be contrary to policies GEN 1 and GEN2 of the Bolsover District Local Plan.

(Development Control Manager)

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2. 14/00089/OUTEA - Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved) at Land Formerly Known As Coalite On North And South Side Of Buttermilk Lane, Bolsover

Further details and revised recommendations were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Ms. S. Taylor, Agent for the Applicant, Mr. G. Thornton, Mr. A. Hayes, Mr. M. Cleggitt and Mr. J. Gillies attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, and the National Planning Policy Framework.

Moved by Councillor M.G. Crane and seconded by Councillor D. McGregor  
**RESOLVED** that Application No. 14/00089/OUTEA be APPROVED subject to conditions given below to be formulated in full by the Development Control Manager:

### Conditions:

- 1 Approval of the details of the layout, scale, appearance and landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 2 Application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of seven years from the date of compliance with condition 6 of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 3 The site shall be remediated in accordance with the Remediation and Phasing Strategy (dated July 2015), including the phasing as set out in the table at Section 2 on pages 5 & 6, the St Francis Group Remediation Outline Technical Proposal as amended and dated July 2015 (as received 29<sup>th</sup> July 2015), and the Odour Assessment dated January 2015 by Jacobs except as varied by other conditions on this permission. An Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority, based as necessary on a revised Odour Assessment to take account of any changes to the remediation methodology, prior to the commencement of any

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remediation works. No development other than remedial works shall take place until the remediation works are completed in accordance with condition 6. Only material from the former Coalite complex shall be remediated at the site. In the event of conflict during the remediation works between the Remediation Methodology and Odour Management, odour mitigation shall prevail.

- 4 Prior to the commencement of any remediation works, site specific remediation targets shall be submitted to and approved in writing by the Local Planning Authority which shall include site specific assessment criteria derived from detailed human health and controlled waters risk assessment which will assess materials for treatment or re-use on site or off-site disposal if necessary.
- 5 Any material variation to the Remediation and Phasing Strategy including the importation of any materials to accelerate the bioremediation process or any change to the process to be used, shall have the prior approval in writing of the Local Planning Authority. Any such variation shall not go beyond the overall assessment contained within the submitted Environmental Statement and Odour Assessment. In the event that any other contaminant 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 and where remediation is necessary the remediation scheme must be revised in accordance with details to be approved in writing by the Local Planning Authority.
- 6 Prior to the commencement of any construction works in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, an independent assessment (to be undertaken by an independent assessor jointly agreed by the applicant and local planning authority prior to any remediation works taking place) shall take place to verify that the remediation works have been completed in accordance with the assessment criteria approved in accordance with condition 4 above. The Verification Report shall include the information specified in section 4 of the St Francis Group Remediation Outline Technical Proposal dated July 2015 (received 29<sup>th</sup> July 2015) and information with relevant data to demonstrate that the previously agreed remediation targets have been achieved both in relation to contamination and odour.
- 7 Notwithstanding the specific noise mitigation measures recommended in the Noise Impact Assessment submitted as part of the Environmental Assessment the Reserved Matters for development on plots 7 & 8 shall include a Noise Management Strategy to take account of the impacts of the construction phase and of the completed development upon existing nearby residential properties (including Nether Woodhouse Farm and Woodhouse Farm). Development on plots 7 & 8 shall not be brought into use unless and until the Noise Management Strategy has been implemented. The overall assessment for the development on plots 7 & 8 in their entirety shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential boundary

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which may suffer a loss of aural amenity from sound associated with the development, does not exceed the residual noise level by more than 2 dB.

- 8 Prior to the commencement of any remediation works an Environmental Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall include:
- Remediation Implementation Plan and Method Statements;
  - Air quality management which manages nuisance emissions (such as dust) and health implicated emissions, identifies mitigation measures to control emissions during adverse weather conditions and emergencies, and monitoring for fine particulate matter, with all monitoring results available to the Local Planning Authority upon request;
  - Noise and vibration controls including hours of working, methodology for monitoring noise and vibration, procedure for dealing with complaints and any mitigation measures required;
  - Ecological Management Plan to protect existing biodiversity within and adjoining the site as identified in the submitted Environmental Statement.

The Environmental Management Strategy shall be implemented as so approved and shall relate to all phases of the development (remediation, construction and operational phases)

- 9 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, the improvements to Buttermilk Lane and the access junctions into the site shall have been constructed in accordance with the plans approved hereby.
- 10 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a revised Framework Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority which includes addressing public transport provision, identifying a programme of provision of any off-site road improvements identified as necessary by the local highway authority for this development and setting out footpath/cycleway linkages to the surrounding network and settlements with a timetable of provision. Individual Travel Plans for each development plot shall be submitted with the Reserved Matters for such plots showing their relationship to the approved Framework Travel Plan in addition to specific measures in relation to the development on that plot.
- 11 No part of the development hereby permitted shall be occupied until the improvement scheme at M1 J29a, as shown on Opus drawing number J-B0502.00/03/R3, including any subsequent revisions resulting from the implementation of the Road Safety Audit or detailed design, are complete and open to traffic. *(By direction of the Highways Agency to ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highway Act 1980 and in the interests of road safety, efficiency, sustainability, and amenity in accordance with the National Planning Policy Framework (NPPF)).*

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- 12 Before the commencement of any development within the flood zone areas (existing and proposed), being within plots 4 and 5, details of the Buttermilk Lane road bridge (watercourse/flood capacity) over the River Doe Lea and the remodelled flood corridor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include detailed topographical information, minimum floor levels for buildings, a scheme for improvements to the River Doe Lea by channel alteration or in-channel morphological diversity, information to demonstrate that flood risk will not be increased elsewhere, and details of agreed future maintenance responsibilities for the flood plain area. The approved details shall be implemented as so approved prior to the construction of any buildings on plots 4 and 5 or in accordance with an alternative programme of operations previously submitted to and approved in writing by the Local Planning Authority. *(On the advice of the Environment Agency to ensure that the overall capacity of the flood plain, taking account of the development proposal, is not compromised, to improve the water quality of the river which currently has poor WFD ecological status, and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN5 (Land Drainage) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan. NOTE: This condition will require works on land within the applicants control but within the area covered by North East Derbyshire District Council, i.e. generally land on the south-western side of the river Doe Lea.)*
- 13 Notwithstanding the submitted Flood Risk Assessment included as part of the submitted Environmental Statement the surface water run-off rate shall be to greenfield runoff rate or at least 30% reduction to existing points of discharge. *(On the advice of the Environment Agency to accord with the North East Derbyshire Strategic Flood Risk Assessment and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan.)*
- 14 Drainage of the development shall be in accordance with the Flood Risk Assessment and Drainage Strategy contained within chapter 12 of the Environmental Statement which provides for a foul water pumping station with discharge to Staveley Water Treatment Works with surface water to the River Doe Lea with restricted discharge rates in accordance with condition 13 above. *(On the advice of Yorkshire Water to ensure satisfactory and sustainable drainage and in compliance with policies GEN2 (Impact of Development on the Environment,) GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan.)*
- 15 No later than the submission of any reserved matters in accordance with conditions 1 & 2 a Design Framework shall be prepared submitted to and approved in writing by the local planning authority. *(To ensure that layout, scale, height and design respond positively to Bolsover Castle and other heritage assets, and the distinctive local character of Bolsover and local landscape as the proposals have the potential to cause harm to the setting of Bolsover Castle and other heritage assets and in compliance with policies GEN1 (Minimum Requirements for Development) GEN2 (Impact of Development on the Environment) CON10 (Development Affecting the Setting*



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*of Listed Buildings) of the Bolsover District Local Plan.)*

- 16 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by a Design Statement demonstrating how the proposal takes account of the Design Framework approved in accordance with condition 15. *(To minimise the impact of the development on the settings of nearby heritage assets the landscape generally and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.)*
- 17 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by an Ecological Enhancement and Management Plan to include the mitigation measures outlined in the submitted Environmental Statement (Chapter 9)
- 18 The existing trees along the Doe Lea river corridor and along the site edges as shown on the 'Landscape Masterplan' (dwg. No. N227-GA-0011 Rev A) shall be retained and protected from the development works in accordance with details submitted as part of the Ecological Management Plan approved in accordance with condition 8 above. In the event that a retained tree has to be removed to resolve contamination issues details of the tree(s) to be removed shall be submitted to the Local Planning Authority and suitable replacement tree(s) shall be included within the Landscaping Reserved Matters to be submitted in accordance with conditions 1 and 2 above. *(To retain mature landscaping and setting to the development site in the interests of visual amenity and the retention of biodiversity and in compliance with policies .....of the Bolsover District Local Plan.)*
- 19 An asbestos in soil risk assessment must be carried out for the entire site and agreed in writing with the Local Planning Authority. Any subsequent recommendations or controls must then be implemented to the satisfaction of the Local Planning Authority and verification of the measures undertaken included within the Verification report required in Condition 6.
- 20 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 using MCERTS Chemical testing of Soil Scheme, where accreditation exists. The results shall be submitted to the Local Planning Authority for consideration in advance of the soil being imported to site. Only the soil approved in writing by the Local Planning Authority shall be used on site.
- 21 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a Management Plan for all public areas detailing management aims and objectives, typical maintenance regimes, and responsibility for maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include all public areas, landscape zones, ecological zones; and the River Doe Lea corridor through the site.

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- 22 Prior to the commencement of any construction works in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, an updated ground gas risk assessment to include any necessary remedial measures shall be carried out by a competent person in line with current guidance. The assessment and remedial strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as agreed and validated as being completed within the Verification Report required in Condition 6.

(Development Control Manager)

3. 15/00124/OUT - Residential Development at Land Between Hill Top Farm And Allotment Gardens, Chesterfield Road, New Houghton

Further details were contained within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Ms. H. Grainger attended the meeting and spoke against the application.

Mr. J. Powrie, Agent for the Applicant, attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the Interim Supplementary Planning Document: Sustainable Places, a Guide to Sustainable Housing Layout and Design (2013)

Moved by Councillor P.M. Bowmer and seconded by Councillor J.A. Clifton  
That Application No. 15/00124/OUT be refused for the reasons outlined in the report.

It was then:

Moved by Councillor S.W. Fritchley and seconded by Councillor M.G. Crane  
That Application No. 15/00124 be deferred for further discussions.

On being put to the vote, the motion for refusal was carried and it was:

## PLANNING COMMITTEE

**RESOLVED** that Application No. 15/00124/OUT be REFUSED for the following reasons:

The site is within the countryside adjoining the settlement of New Houghton; the current agricultural use and appearance read visually as part of the open countryside landscape beyond the established village. The site is within a protected open break between New Houghton and Glapwell which includes all the fields fronting, and on both sides of, the A617 between the two settlements. Policy GEN10 (Important Open Areas) of the Bolsover District Local Plan allows development in such areas only if it does not detract from the objective of maintaining the open character of the 'break'. The intention of such breaks is to protect them from development which would reduce their effectiveness as open breaks and because they provide the setting to the settlements which gives them their character and identity

The application site is higher than the established development area to the north-east. As a result development would be intrusive into the landscape extending the settlement onto higher land and relinquishing one of New Houghton's significant characteristics of not being particularly intrusive in the general countryside landscape. In addition the higher ground level in relation to existing development adjoining the site potentially causes problems of overlooking, and could be of an overbearing nature particularly as some of the nearest dwellings are bungalows.

The loss of countryside from the development will significantly narrow the gap with Glapwell and cause a wider intrusion into the appreciation of distant views and the open countryside setting of Hardwick Hall through the loss of the perception of openness on both sides of the road on this eastern approach to the Hardwick estate.

The Bolsover District Local Plan in the terms of the National Planning Policy Framework is 'out of date' and due weight should only be given to its policies according to their degree of consistency with those of the National Planning Policy Framework. The Council does not currently have a five year supply of deliverable housing as required by the National Planning Policy Framework and the Framework has a presumption in favour of sustainable housing development.

It is considered that the development would have a significant detrimental effect on the character and appearance of the area, the setting and character of New Houghton and the openness of the countryside contrary to policy GEN10 (Important Open Areas) of the Bolsover District Local Plan. Significant weight should be given to this harm. The development of the site is not considered sustainable in the terms of the National Planning Policy Framework due, in particular, to its intrusion into a protected open break with the consequent impact on the openness of a designated green area of special protection which will impact on the setting and character of New Houghton and will harm the intrinsic character and beauty of the countryside but also because of the loss of high grade agricultural land the general unsustainable location of the site in relation to local services and facilities. It is not considered that there are very special circumstances to justify development of the site and that the intrusion into the Important Open Area and other impacts overrule the presumption in favour of contributing to the supply of deliverable housing. The proposal is therefore not considered to be sustainable in the terms of the National Planning Policy Framework and is contrary to policies GEN10 (Important Open Areas) and ENV2

## **PLANNING COMMITTEE**

(Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan.

(Development Control Manager)

The meeting concluded at 1207 hours.

## **PLANNING SITE VISIT**

Notes of a Planning Site Visit held on 20<sup>th</sup> July 2015 commencing at 1000 hours.

### **PRESENT:-**

Members:

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, M. Dooley, H. Gilmour, M.J. Ritchie, P. Smith, D. Watson and J. Wilson.

Officers:-

C Doy (Development Control Manager)

### **1. APOLOGIES**

Apologies were received from Councillors T. Connerton, D. McGregor, B.R. Murray-Carr, S.J. Statter and B. Watson.

### **2. SITE(S) VISITED**

#### **Application No's:**

15/00220/FUL Demolition of Public House and erection of 5 bungalows with access drive, Town Street Pinxton

15/00512/FUL Creation of Showmans Winter Quarters for 14plots with associated road and diversion of public footpath, Station Road Pinxton

14/00518/OUT Residential Development including a community building Land north west of, Broad Lane Hodthorpe

15/00154/FUL Erection of Leisure Centre extension including swimming pool, gym etc and additional car parking, The Arc Clowne

The meeting concluded at 1300 hours.

## PLANNING SITE VISIT

Notes of a Planning Site Visit held on 19<sup>th</sup> August 2015 commencing at 0900 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J. Clifton, C.P. Cooper, M. Dooley, H. Gilmour, M.J. Ritchie, P. Smith, S.J. Statter, D. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager)

### **1. APOLOGIES**

Apologies were received from B.R. Murray-Carr and B. Watson.

### **2. SITES VISITED**

#### **Application No's:**

14/00089/OUTEA Commercial Development (B2, B8 etc) Former Coalite site Buttermilk Lane Bolsover;

15/00124/OUT Residential Development, Land between Hilltop Farm and allotments, Chesterfield Road New Houghton

15/00006/OUT Residential Development, Land west of Hall Leys Farm, Broad Lane Hodthorpe

The meeting concluded at 1017 hours.

## PARISH Shirebrook

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**APPLICATION** Single Storey Side Extension

**LOCATION** 48 Recreation Road, Shirebrook

**APPLICANT** Mr Ubhi

**APPLICATION NO.** 15/00353/FUL                      **FILE NO.**

**CASE OFFICER** Mrs Karen Wake (Mon, Tues, Wed)

**DATE RECEIVED** 17/7/2015

Delegated Application referred to Committee by Cllr Anderson

Reason for referral: Highway and Density reasons

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### SITE

Three storey end terrace property with large timber outbuilding to the side. 1.2m high fence along the northern side boundary with attached dwelling beyond. Low wall on rear (east) boundary with highway beyond. Low wall and 1.8m high fence along the southern side boundary, again with highway beyond. There is a vehicular access in the southern side boundary and one parking space on site

### PROPOSAL

The application is for the demolition of the existing timber outbuilding and the construction of a single storey extension to the southern side of the dwelling. The extension extends approx. 6.4m out to the side of the dwelling, is approx. 5.3m wide and has a pitched roof in part and a flat roof in part which is 4.1m high at the highest point.

### AMENDMENTS

None

### HISTORY (if relevant)

None

### CONSULTATIONS

Senior Engineer: There is a public combined sewer within the footprint of the proposed extension. The applicant should contact Severn Trent Water in order to determine their responsibilities under the relevant legislation and in respect of any sewer diversion that may be proposed and/or necessary to protect the sewer: 30/7/2015

DCC Highways: No objections: 30/7/2015

Parish Council: Expressed concern about the future use of the property as a HMO as there are already a large number of HMO's in Shirebrook saturating the market: 21/8/2015

### PUBLICITY

Site notice and 1 neighbour notified. Twenty one letters of objection received which raise the following issues:

1. No objection to the actual extension but object to the house being converted to a HMO with 6 bedrooms. This will result in noise disturbance to the residents of adjacent

dwellings.

2. The use of the property as a HMO will have a potentially dangerous impact on children and families of adjacent properties as these properties are predominantly occupied by single males and this increases the violence and drunken behaviour in the area.
3. There are already a number of HMO's in Shirebrook which house people employed at Sports Direct seeking temporary accommodation. This is resulting in a serious shortage of rented accommodation for local working families which has a detrimental impact on the local community. As the number of HMO's rises, the lack of family rented accommodation is not being addressed.
4. The use of the property as a HMO will result in increased on street parking and turning resulting in congestion, criminal behaviour, double parking and obstruction of the highway preventing access for emergency vehicles and obstructing the adjacent bus terminus.
5. The existing drainage system is not adequate to cope with the increase in the number of residents caused by the number of HMO's in the area.
6. The GP surgery is over stretched and cannot cope with the increased number of residents in the area.
7. Noise and disturbance to surrounding residents from HMO.
8. Goes against Government policy for retention of affordable housing.
9. In absence of a Local Plan Councillors will have little ground to object to the application under current regulations.

## **POLICY**

### Bolsover District Local Plan (BDLP)

GEN 1 (Minimum requirements for Development) &  
GEN 2 (Impact of Development on the Environment)

### NPPF:

Should approve sustainable development that accords with the development plan without delay. Where the Development Plan is silent or out of date then the policies of the NPPF should be given full weight.

### Other (specify)

Successful Places: Sustainable Housing Layout and Design

## **ASSESSMENT**

The site is within the settlement framework in a predominantly residential area.

The proposed extension is to an end terraced property. The application has been submitted as a householder application. Clarification has been sought that the property is a single residence and the applicant's agent has confirmed that this is the case. The application therefore has to be considered as a domestic extension to a single residence.

The extension replaces a timber outbuilding which is in poor repair. The extension is considered to be in keeping with the original dwelling and the street scene in terms of character, scale, design and materials and is not considered to appear unduly prominent in that street scene.



The extension is not visible from the attached dwelling, there are no dwellings directly to the east and south of the site and the extension is set well away from the dwelling to the west of the site. In addition the dwelling to the west has a large shed along the boundary, screening the garden and rear windows of that property. The proposal is therefore not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan and the Successful Places Sustainable Housing Layout and Design Guidance.

The proposal does not result in a requirement for additional parking and does not result in a loss of the one existing parking space on site. The proposal is therefore not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The issues raised by local residents do not relate to the extension but to the use of the property as a HMO. This does not form part of this application and therefore the issues raised cannot be considered as part of the judgement in this case.

It should be noted that in the recent changes to the permitted development rights the Government introduced a right to change from a dwelling to a small HMO (defined as not more than 6 people living together in a single dwelling) without the need to obtain planning permission from the Local Planning Authority.

### **Other Matters**

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: N/A

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: N/A

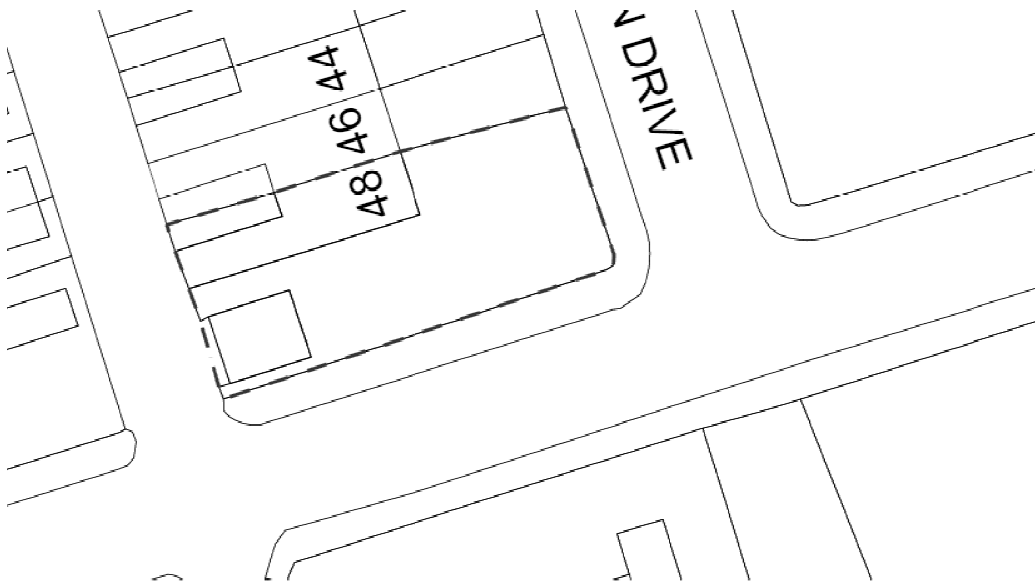
Human Rights: N/A

### **RECOMMENDATION: Approve subject to the following conditions:**

1. Start within 3 years
2. Materials to match the existing dwelling

### **Notes**

1. The applicant is advised that there is a public combined sewer within the footprint of the proposed extension. Before construction of the extension starts on site, the applicant should contact Severn Trent Water in order to determine their responsibilities under the relevant legislation and in respect of any sewer diversion that may be proposed and/or necessary to protect the sewer.



No.	Date	Description	Drawn/Checked by
CLIENT			
Flat Cap Developments Ltd			
PROJECT			
48 Recreation drive, Shirebrook, NG20 8BX.			
TITLE			
Existing site plan			
DRAWING STATUS			
Planning			
DRAWN	GAC	CHECKED	WB
SCALE 1:250 @ A3			
DATE 02.06.15			



Existing rear elevation



Existing side elevation A



Existing front elevation



Existing side elevation B

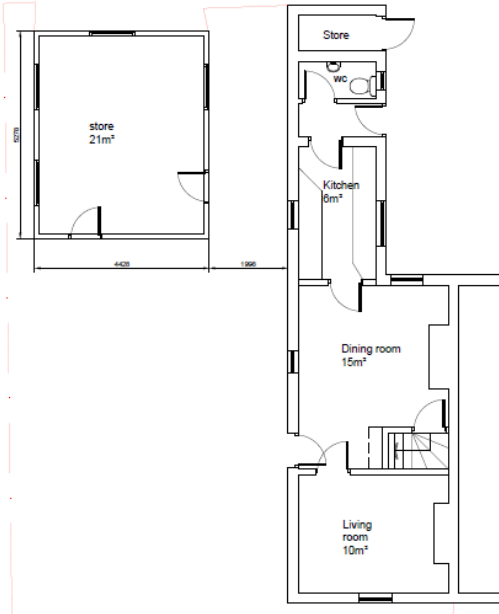
**Existing living accommodation**

3 Bedrooms (10m<sup>2</sup>, 15m<sup>2</sup>, 13m<sup>2</sup> + 4m<sup>2</sup> en-suite)

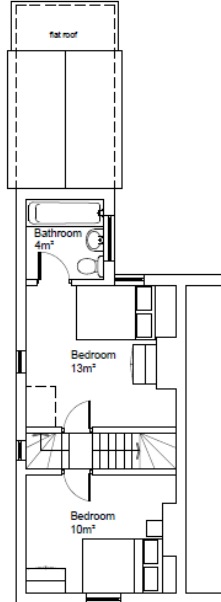
Living room/ Dining room (25m<sup>2</sup>)

Kitchen (6m<sup>2</sup>)

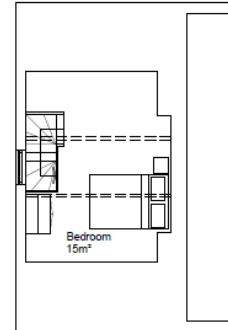
wc (1.5m<sup>2</sup>)



Existing ground floor plan



Existing first floor plan



Existing second floor plan

**Proposed living accommodation**

3 Bedrooms (14m<sup>2</sup>, 10m<sup>2</sup> + 4m<sup>2</sup> en-suite & 10m<sup>2</sup>).

Living room (15m<sup>2</sup>)

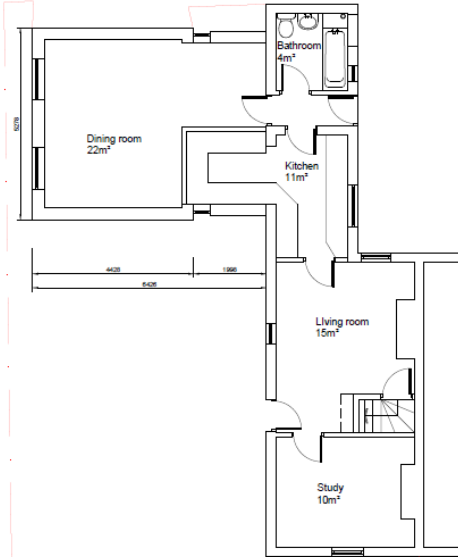
Dining room (22m<sup>2</sup>)

Study (11m<sup>2</sup>)

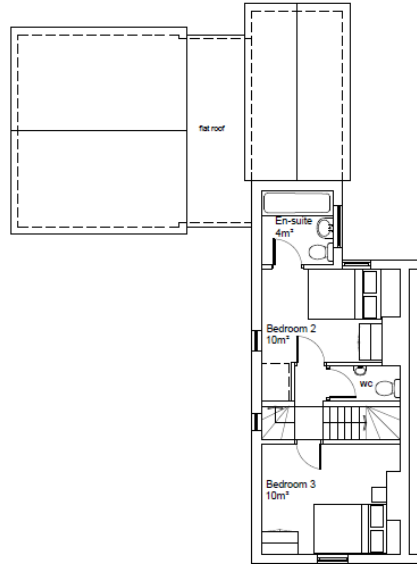
Kitchen (11m<sup>2</sup>)

Bathroom (4m<sup>2</sup>)

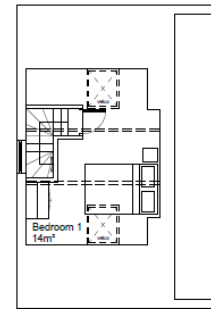
wc (2m<sup>2</sup>)



Proposed ground floor plan



Proposed first floor plan



Proposed second floor plan