

## **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. Mepham, 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:



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**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

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(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.