

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of Bolsover District Council held in the Chamber Suites, The Arc, Clowne on Wednesday 9th December 2015 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, S.W. Fritchley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, S. Statter, B. Watson, D. Watson and J. Wilson

Officers:-

J. Arnold (Assistant Director – Planning and Environmental Health), C. Doy (Development Control Manager), H. Fairfax (Planning Policy Manager) (from Minute No. 0606(iv)), J. Fieldsend (Senior Principal Solicitor) (until Minute No. 0606(iv)), T. Ball (Principal Planner) (until Minute No. 0606(ii)), P. Sawdon (Principal Planner) (Minute No. 0606(ii) to 0606(iv)), A. Rhodes (Principal Planner) (from Minute No. 0606(iv)), R. Scott (Planning Enforcement Officer) (until Minute No. 0606(iv)) and A. Brownsword (Governance Officer)

0600. APOLOGIES

Apologies for absence were received from Councillors M. Dooley, J. Ritchie and P. Smith

0601. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0602. DECLARATIONS OF INTEREST

There were no declarations of interest.

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0603. MINUTES – 11TH NOVEMBER 2015

Moved by Councillor T. Munro and seconded by Councillor B. Watson

RESOLVED that the minutes of a Planning Committee of Bolsover District Council held on 11th November 2015 be approved as a true and correct record.

0604. MINUTES – 27TH NOVEMBER 2015

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

RESOLVED that the minutes of a Special Planning Committee of Bolsover District Council held on 27th November 2015 be approved as a true and correct record.

0605. SITE VISIT - 6TH NOVEMBER 2015

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

RESOLVED that the notes of a Planning Site Visit held on 6th November 2015 be approved as a true and correct record.

0606. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS.

- (i) 15/00076/OUT - Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points onto Oxcroft Lane at Land to North Of Meridian Close, Oxcroft Lane, Bolsover

Further details and an amended condition 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. A. Cooper and Mr. D. Dakin attended the meeting and spoke against the application. Mr. M. Edgar attended the meeting and spoke in support of the application.

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The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework, Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites, the Supplementary Planning Document – Successful Places: A Guide to Sustainable Housing Layout and Design and A Building for Life.

Discussions took place regarding highways issues.

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

RESOLVED that application No. 15/00076/OUT be DEFERRED to enable an independent assessment by a Highway Consultant of the traffic impacts and the application to be reported back to Committee for consideration when the assessment is complete.

(Development Control Manager)

- (ii) 15/00361/FUL - Construction of a temporary Solar Farm, to include the installation of Solar Panels with transformers, a District Network Operator (DNO) substation, security fence and gate (incorporating infra-red beam system) and other associated infrastructure at Oxcroft Stocking Ground Land At Corner Of Woodthorpe Road And Mill Lane, Stanfree

Further details 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. It was noted that part of the application site was within the Chesterfield Borough Council boundary and approval had already been granted.

Ms. C. Kent and Mr. L. Adams attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the National Planning Practice Guidance.

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

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RESOLVED that Application No. 15/00361/FUL be APPROVED Subject to the following conditions given in précis form to be formulated in full by the Assistant Director - Planning and Environmental Health

1. The development shall be begun before the expiration of three years from the date of this permission. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004*).
2. Within one year of the cessation of the generation of electricity, or one year prior to the decommissioning of the solar farm, whichever is the sooner a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the methods, measures and timetable to secure the removal of all elements of the solar arrays, related equipment and plant and related restoration site measures. The scheme of site restoration shall be based upon an ecological assessment of the site at that time so that features of interest are retained and enhanced. The Scheme shall be implemented as approved. (*In order to ensure that the site is restored to an acceptable standard in the context of landscape and biodiversity issues, and in compliance with policies GEN1, GEN2, ENV3 and ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
3. The development shall take place in accordance with the proposals and recommendations of the Biodiversity Management Plan prepared by SLR Ref 424.05075.00008 July 2015, including the aftercare and maintenance operations, all generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan. (*To protect and enhance the biodiversity interest of the site in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
4. The development shall take place in accordance with the Reasonable Avoidance Measures specified in chapter 5 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey Report by SLR reference 424.05075.00008 July 2015. (*To protect, and minimise any harmful effects upon protected species and other wildlife from the development in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
5. The development shall take place in accordance with the proposals and recommendations of the Landscape and Visual Impact Assessment and the Landscape Strategy Plan by Barton Willmore reference 24920-L9 Revision D (received 24.11.15) prepared as Figure 6 of the Landscape and Visual Impact Assessment which shall be implemented generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan referred to in condition 3 above. (*To minimise any visual impacts of the development through the retention of existing vegetation and provision of additional planting including its maintenance in the interests of the landscape*

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setting and visual appearance of the site in compliance with policies GEN1, GEN2, and ENV3 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).

6. The development shall take place in accordance with revised layout as shown on Anesco drawing 001427_200 Rev I (received 24.11.15). *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*
7. The development shall take place in accordance with the revised Traffic Management Plan dated 24.11.15 by Anesco (received 24.11.15) *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*
8. Prior to the erection or installation of any enclosed buildings/structures, a gas risk assessment must be carried out for such buildings/structures. This should be carried out in line with current guidance. The assessment shall include:
 - a. A survey of the extent, scale and nature of the current gas regime of the site;
 - b. An assessment of the potential risks to human health, property (existing or proposed), adjoining land and its receptors,
 - c. An appraisal of remedial options as appropriate and a proposal for the preferred remedial option

Any gas protection measures must be carried out by a suitably qualified person and an independent verification report must be approved in writing by the Local Planning Authority. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*

9. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.

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. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the*

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Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).

(Development Control Manager)

The Principal Planner left the meeting.

The Principal Planner entered the meeting.

- (iii) 15/00368/FUL - Full application for the development of 82 dwellings and new access from Skinner Street, including link to Creswell Infants School (Revised Application) [As amended/supplemented by: Geophysical Survey Report submitted on 10/8/15; viability assessment submitted under cover of a letter from Peacock and Smith dated 28/08/15 (ref. 3375\04(28Aug2015)Sawdon.doc); Revised house type drawings for plots 4 - 13 inclusive, 16 - 25 inclusive, 27 - 28 inclusive, 41, 42, 45, 46, 49, 55, 56, 58, 60, 61, 64 - 67 inclusive, 69 and 70 submitted 7th September 2015; revised Design and Access Statement, Street Scene Drawings and revised house type drawings for plots 1-3 inclusive, 14, 15, 26, 30 - 34, 36 - 40 inclusive, 43, 44, 47, 48, 50 - 54 inclusive, 57, 62, 63, 68 and 71 - 82, as submitted under cover of two e-mails submitted on 20th October 2015; revised planning layout drawing ref. No. 1517.02 rev E and revised house type drawings for plots 29, 35 and 59 submitted under cover of e-mail dated 18th November 2015; and tracked vehicle drawing Rev. D submitted on 20/11/15] at Land To The Rear Of No's 34 To 54 Skinner Street, Creswell

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

Mr. S. Fletcher and Ms. D. Hurst attended the meeting and spoke against the application. Mr C Dwan attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the Adopted Successful Places: Sustainable Housing Layout and Design Guidance.

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Moved by Councillor T. Munro and seconded by Councillor M.G. Crane

RESOLVED that Application No. 15/00368/FUL be DEFERRED to the Assistant Director - Planning and Environmental Health in consultation with the Chair and Vice Chair of Planning Committee subject to the completion of a S106 Agreement covering the heads of terms set out below and subject to consideration of the conditions given in draft form and to be formulated in full by the Assistant Director of Planning and Environmental Health:

S106 Heads of Terms:

Provision of vehicular access to the school; and provision of footpath across Derbyshire County Council land to the town centre including security fencing to the school (terms as agreed in the previous S106 for the extant planning permission for this site).

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 Where shown, utility meter housings shall be provided in accordance with the submitted application drawings and where not shown, these should be sited to avoid locations alongside public highways where practicable. All meter housings should be coloured to match the walling materials within which they are set as closely as practicable.
- 4 Notwithstanding the submitted landscape and boundary treatment plans, prior to the commencement of the building of any dwelling, revised details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved. The revised details shall include:
 - Design of the green space and pond, including biodiversity enhancements in accordance with the submitted ecological assessment recommendations;
 - Details of play equipment;
 - Details of all means of enclosure;
 - All hard surfacing including highway surfaces;

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- Details of all lighting (except any on or in any individual dwelling curtilage), that should take into account the recommendations of the submitted ecological assessment recommendations;

- Existing landscaping that is to be retained, including measures for the protection of that existing landscaping during the course of the development;

- Details of tree pit design and root protection measures for trees to be located within 3m of the highway; and

- A programme for implementation of the hard and soft landscaping.

5 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.

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

7 No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions and:

- a. The programme and methodology of site investigation and recording;

- b. The programme for post investigation assessment;

- c. Provision to be made for analysis of the site investigation and recording;

- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

- e. Provision to be made for archive deposition of the analysis and records of the site investigation; and

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f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 8 No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 7.
- 9 No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 10 No development shall take place until such time as a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted to, and approved in writing by, the Local Planning Authority.
- 11 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of any respective dwelling commencing and shall be maintained in accordance with the maintenance and management plan at all times thereafter.
- 12 The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The scheme shall include details of how the proposed scheme would operate in relation to the adjacent active railway line and shall subsequently be implemented in accordance with the approved details before the development is completed.
- 13 A scheme for sound insulation of the dwellings inside or partly within NEC B (ref: Spectrum letter dated 21 July 2015 to Ben Bailey Homes 2008, Attachment 2 Page 1), which shall include provision for mechanical ventilation shall be submitted to the Planning Authority for approval. Noise levels shall attain 30dB in bedrooms as described in BS 8233:2014. The scheme approved by the Planning Authority shall be fully implemented in accordance with the approved details before the related dwelling is first occupied.. The works and scheme shall thereafter be maintained in accordance with the approved details. No alterations to the agreed structure, roof, doors, windows

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or external facades shall be undertaken without prior written approval of the Local Planning Authority.

- 14 Before the development hereby approved is occupied, the sound insulation scheme submitted as part of the application and referred to in Condition 13 shall be validated by a competent person and the validation report submitted to and approved in writing by the local planning authority.
- 15 All garden boundaries contained within NEC 'B' bordering the operational railway line shall have an acoustic fence erected to protect amenity of future residents from airborne rail noise. Details of size, length and construction of the fences to be used shall be provided to and approved by the Local Planning Authority. The level of attenuation of rail noise provided by the fence for garden areas shall be stated. No dwelling within that NEC 'B' area shall be occupied prior to the erection of the acoustic fence and that fence shall be maintained as approved at all times following its erection.
- 16 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C 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 D has been complied with in relation to that contamination.

A. 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:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) 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 groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme - 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.

C. 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.

D. 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

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 C.

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E. Importation of soil - 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 requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

- 17 Before any other operations are commenced, a new estate street junction shall be formed to Skinner Street in accordance with the application drawings, laid out, constructed to base level and provided with 2.4m by 43m visibility splays in each direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
- 18 No dwelling shall be occupied until space has been provided in accordance with the application drawings for the parking and manoeuvring of residents and visitors vehicles for that dwelling, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 19 The proposed access driveways to the internal estate streets shall be no steeper than 1 in 15 for the first 5m from the nearside highway boundary.
- 20 The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the submitted planning application drawings and constructed to base level to adoptable standards
- 21 Prior to its installation, full details of the proposed sub-station, including any external means of enclosure for it where proposed, shall have been submitted to and approved in writing by the Local Planning Authority and shall only be implemented as approved under this condition.

(Development Control Manager)

The Planning Policy Manager and the Principal Planner entered the meeting.

- (iv) 15/00399/FUL - Change of use from agricultural to use for keeping and riding of horses, erection of stables and manege and part for domestic garden use at 17 Chesterfield Road, Tibshelf, Alfreton, DE55 5NJ

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Further details 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. K. Salt and Ms. V. Brown attended the meeting and spoke against the application. Mr. C. Pearson and Mr. B. Marriott attended the meeting and spoke in support of the application.

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

Moved by Councillor T. Munro and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 15/00399/FUL be APPROVED subject to the following conditions which are given in précis form to be formulated in full by the Assistant Director - Planning and Environmental Health.

1. Start within 3 years
2. Notwithstanding submitted details, details of boundary treatments within the site and around the edge of the site to be submitted for approval
3. Use to be private and ancillary to 17 Chesterfield Road and no commercial use
4. Remove permitted development rights from garden
5. Materials of stable construction as set out in application form.

(Development Control Manager)

The Senior Principal Solicitor, Principal Planner and Planning Enforcement Officer left the meeting.

0607. FIVE YEAR HOUSING SUPPLY

The Principal Planner presented the report which set out the background to the assessment of the Council's five year supply of deliverable housing and sought approval for the annual assessment and publication of the five year supply of deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.

It was noted that including a 20% buffer the five year requirement was 1760, the available supply was 1150 (3.3 years) which left a shortfall of 610 homes. The current lack of a five year supply means that planning applications for housing will continue to need to be considered on the basis of advice in the National Planning Policy Framework, and Planning Policy Guidance, together with other material considerations

Questions were asked regarding whether there was anything that could be done to

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encourage developers who owned land with planning permission to build and it was noted that there was little that could be done.

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

RESOLVED that (1) the detailed issues set out in the report be noted,

(2) the assessment of the Council's current five year supply of deliverable housing sites, as set out in Appendix Two of the report, be approved,

(3) the continued use of the current guidelines set out in Appendix B in the assessment of planning applications for residential development in situations when the Council does not have a five year supply of housing be approved,

(4) the publication of the Five Year Supply Assessment (Appendix A); the Guidelines (Appendix B) and the Schedule of Deliverable Sites in the Five Year Supply (Appendix C) on the Council's website, be authorised,

(5) Delegated authority be given to the Assistant Director – Planning and Environmental Health in consultation with the Chairman and Vice Chairman of the Planning Committee to make any minor changes to the text or information referred to in recommendation four, prior to publication.

(Planning Policy Manager)

0608. ELEVENTH ANNUAL MONITORING REPORT

The Principal Planner presented the report which provided a review of policies in the saved Bolsover District Local Plan against set indicators and targets. The monitoring process allowed an assessment to be made of how well policies were performing.

It was a statutory requirement under Part 8 and Section 34 of The Town and Country Planning (Local Planning) (England) Regulations 2012 to prepare an Annual Planning Monitoring Report. The report highlighted the work being done in the preparation of planning documents and also monitored the performance of the current Bolsover District Local Plan.

Members thanked Officers for putting together a comprehensive report.

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

RESOLVED that (1) the content of the report be noted and the publication of the Eleventh Annual Planning Monitoring Report on the Council's website, be authorised,

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(2) authority be delegated to the Assistant Director – Planning and Environmental Health, in consultation with the Chairman and Vice Chairman of the Planning Committee, to make any minor textural changes prior to publication.

(Planning Policy Manager)

The meeting concluded at 1230 hours.