

## **PLANNING COMMITTEE**

Minutes of a Planning Committee of the Bolsover District Council held in The Council Chamber, The Arc, Clowne on Wednesday 4<sup>th</sup> May 2016 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, S.W. Fritchley, H.J. Gilmour, B.R. Murray-Carr, M.J. Ritchie, P. Smith, D.S. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager), T. Ball (Principal Planning Officer), P. Sawdon (Principal Planning Officer), J. Fieldsend (Senior Principal Solicitor), H. Barnett (Communications Officer) and A. Brownsword (Governance Officer)

### **0990. APOLOGIES**

Apologies for absence were received from Councillors T. Munro, S. Statter and B. Watson

### **0991. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0992. DECLARATIONS OF INTEREST**

The following declarations were made:

Minute No.	Member	Level of Interest
0995(4)	M. Dooley	Non Significant Non Statutory
0995(4)	T. Alexander	Non Significant Non Statutory

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### 0993. MINUTES – 30<sup>TH</sup> MARCH 2016

Moved by Councillor D. McGregor and seconded by Councillor M.J. Ritchie

**RESOLVED** that the minutes of a meeting of the Planning Committee of the Bolsover District Council held on 30<sup>th</sup> March 2016 be approved as a true and correct record

### 0994. SITE VISIT NOTES – 24<sup>TH</sup> MARCH 2016

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

**RESOLVED** that the notes of a site visit held on 24<sup>th</sup> March 2016 be approved as a true and correct record

### 0995. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 15/00599/FUL - Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels (Part retrospective application) at Station Hotel, Station Road, Shirebrook, Mansfield

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. The report also contained additional information from the agent in response to the Planning Committee's previous resolution.

Shirebrook Town Councillor M. Yates attended the meeting and spoke against the application. Mr. W. Brown 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 B.R. Murray-Carr and seconded by Councillor S.W. Fritchley

**RESOLVED** that Application No. 15/00599/FUL be DEFERRED for further consideration of the state of the building and its surrounding areas, pending a response from the owner on the issues raised and a referral

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to Environmental Health to draw officer's attention to the concerns raised.

(Development Control Manager/Governance Officer)

2. 15/00438/FUL - Erection of 57 dwellings with associated garages, road and accesses (Appearance, Layout, Landscaping, Scale) [As revised by house types 3S7 Detached, 3S7 Semi-Detached, 3S6 Semi-Detached and 3S7/33S6 Terrace, along with vehicle tracking and speed bend drawings and Street Scenes Rev. A submitted on 24th November 2015; by site plan 180.05.01 Rev. F and drainage philosophy submitted on 7th April 2016] at Field West Of Spa Croft, Doe Hill Lane, Tibshelf

Further details were included within the Supplementary Report.

The Principal Planning Officer presented the report which gave details of the application, site history and consultations carried out. It was noted that outline planning permission had already been granted for the site.

Tibshelf Parish Councillor K. Salt, Mrs. Y. West, Mr. A. West, Ms. M. Prowse and Mr. J. Boler attended the meeting and spoke against the application.

The Committee considered the application having regard to the Bolsover District Local Plan Policies, National Planning Policy Framework and the Adopted Housing Layout and Design Guidance.

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

**RESOLVED** that Application No. 15/00438/FUL be DEFERRED and delegated to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover education contributions, affordable housing, public art and off-site recreation provision (as per the report);
- B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.
  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.

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3. Prior to the commencement of development, details of further investigations in respect of coal mining issues, as outlined within sections 3 & 4 and drawing no. 12070048-07 of the Joynes Pike & Associates report, along with suggestions for mitigating treatment works including timescales for their implementation, where identified as necessary from those investigations, shall have been submitted to and approved in writing by the Local Planning Authority. Any coal mining mitigation works approved under this condition shall be implemented in accordance with the approved timescales within the approved report.
4. This development shall not be commenced until a scheme to identify and control any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

A. Desk based study/Phase 1: A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/quantitative risk assessment (or state if none required). Three full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

B. Intrusive site investigation/phase 2: If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Where samples are taken, they shall be analysed in a laboratory that is accredited under MCERTS Chemical Testing of Soil Scheme for all parameters requested (where available). Three full copies of the report shall be forwarded to the LPA.

C. Remediation method statement/phase 3: A written method statement detailing the remediation requirements for the site shall be submitted and approved by the LPA and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without written approval from the LPA.

If during development, any contamination is identified that has not been considered in the Remediation Method Statement, then

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additional remediation proposals for this material shall be submitted to the LPA for written approval. Any approved proposals shall thereafter form part of the Remediation Method statement.

D. Validation report: Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The report shall be produced by a suitably qualified independent body (independent of the developer). The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

5. The surface water drainage scheme shall implemented in accordance with the latest revised details submitted with the planning application.
6. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has 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 into use.
7. No operations shall be commenced until a temporary access for construction purposes has been constructed to Doe Hill Lane, laid out in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall have a minimum width of 5.5m and be provided with visibility sightlines of 2.4m x 47m in each direction. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use
8. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of vehicle of site operatives and visitors, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.
9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before

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leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

10. Prior to the first occupation of any dwelling, the new estate street junction shall be formed to Doe Hill Lane, located in accordance with the revised application drawing (180.05.01 Rev. F). The access shall have a minimum width of 5.5m, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 47m in each direction. The area forward of the sightlines shall be level, form part of the new street, constructed as footway, and not part of any plot or other sub-division of the site.
11. Prior to the first occupation of any dwelling, the footway fronting the entire site shall be increased in width to 2.0m. The footway shall be laid out, constructed, drained and lit to a standard capable of adoption by the highway authority.
12. The gradient of any of the accesses shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.
13. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings to a standard capable of adoption by the Highway Authority, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
14. Space shall be provided within the site for the parking of vehicles, laid out in accordance with the approved drawings and maintained thereafter free of any impediment to its designated use.
15. Bin stores shall be provided within private land at the entrance to shared private accesses, in accordance with the details shown on drawing 180.05.01 Revision F. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained thereafter free from any impediment to their designated use.
16. Prior to any works commencing, an ecological mitigation and management plan, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and the content of that plan shall be implemented as approved. The plan shall make provide details for the proposed re-planted hedgerows and temporary protection to a suitable standard for retained trees and hedgerows during construction.
17. Prior to the commencement of development including site clearance and/or enabling works, either a reptile survey should be undertaken and the results submitted in writing to the Local

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Planning Authority, or confirmation by a suitably qualified person that the habitat is unsuitable for reptiles, shall have been submitted to and approved in writing by the Local Planning Authority. If reptiles are found to be present a suitable mitigation package shall be submitted to the Local Planning Authority for written approval, including details of timescales for implementation, which shall be implemented in full accordance with the approved details.

18. Submission and approval of hard and soft landscaping details.
19. Submission and approval of details of the proposed pumping station.

### 0996. ORDER OF BUSINESS

Due to members of the public being present, the Chairman consented to the Order of business being change

### 0995 Cont). APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

3. 15/00137/OUT - Outline application (with all matters reserved) for new residential development (up to 95 dwellings) and B1 Business use units up to 1858sqm and including additional amenity space for Primary School and public open space at Land to the South of Allotment Gardens And West of Green Lane, Hodthorpe

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

Ms. L. Fearn attended the meeting and spoke in support of the meeting.

The Committee considered the application having regard to the Bolsover District Local Plan Policies, National Planning Policy Framework, the adopted Green Space Strategy and the Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor  
**RESOLVED** that Application No. 15/00137/OUT be REFUSED on the following grounds:

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

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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 district wide five year supply, this proposal would not result in a sustainable form of development. The development would lack the appropriate direct footpath and cycle links to facilitate adequate integration with the existing settlement and access to services and transport links. Approval would therefore be contrary to policy TRA1(3). Sufficient land has already been released to meet Hodthorpe's local housing supply needs and adding a further significant extension to the village would not result in a sustainable form of development given the limited services and facilities available in Hodthorpe. The site is also on high grade 2 agricultural land 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. Approval of the application would result in the introduction of a significant number of additional vehicular movements at the junctions of Green Lane and Station Road and Green Lane and Queens Road/Broad Lane where, in both cases, visibility is significantly below current standards to the detriment to highway safety. The applicant does not control land necessary nor is land available within existing highway limits to overcome this. Approval would therefore be contrary to policies GEN (3) and GEN2 (4) of the Bolsover District Local Plan.

3. There has been significant archaeological finds in the area in the past and the application site therefore has archaeological potential. NPPF paragraph 128 requires applicants to establish the significance of heritage assets within the site. This has not yet been undertaken. In this case it will be necessary to submit the results of archaeological field evaluation, which should comprise geophysical survey in the first instance, with trial trenching if indicated by the geophysics results. Approval of the proposal without appropriate archaeological investigation would be contrary to Policy CON13 of the Bolsover District Local Plan.

(Development Control Manager)

Having reaffirmed their declarations of Interest in the following item of business, Councillors T. Alexander and M. Dooley left the meeting.



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4. 16/00037/FUL - Residential Traveller site for 1 mobile home and 2 touring caravans at Land Between 3 And 5 Brookhill Lane, Pinxton

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

Mr. Yarwood attended the meeting and spoke in support of the application.

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

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

**RESOLVED** that Application No. 16/00037/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. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004*)
2. There shall be no more than one mobile home and 2 touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, on the site at any time. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
3. The mobile home and the touring caravans shall be sited in accordance with the submitted block plan and nowhere else within the site. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
4. Other than the keeping and trading of horses no commercial use or business activities shall take place on the land as edged in red and in blue on the application location plan, including the erection of any buildings or structures, and the storage of materials. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
5. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the site hereby permitted, and it shall not exceed 3.5 tonnes in weight. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
6. No later than the first planting season following occupation of the site a

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detailed planting scheme of native species hedgerow and trees to the site boundaries as shown on the submitted block plan to have been previously approved in writing by the Local Planning Authority shall be planted as so approved. If within 5 years from the date of planting of any tree of hedgerow 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 otherwise approved in writing by the Local Planning Authority. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*

7. A suitable sealed hard surface shall be provided across the site where that part of the site is to be used for domestic purposes, in accordance with details to be approved in writing by the Local Planning Authority, prior to the occupation of the site, unless a comprehensive phased contaminated land investigation has been carried out and agreed in writing by the local planning authority including any necessary remediation works. The investigation must include a conceptual model and risk assessment and follow current industry guidelines laid out in CLR 11 – Model Procedures for the Management of Land Contamination (EA 2004). *(To ensure that there is no risk to human health from the use of the site for domestic purposes in compliance with policies GEN1 (Minimum Requirements for Development) and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan.)*
8. The existing mobile home, related temporary buildings and structures providing ancillary facilities to that existing mobile home, including storage, and all touring caravans shall be removed from the adjoining land (as edged blue on the application location plan) and the land restored to an agricultural use within 1 month of the occupation of the mobile home on the application site and the adjoining land shall cease to be used by caravans. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), and GEN2 (Impact of Development on the Environment), of the Bolsover District Local Plan.)*
9. Turning facilities shall be maintained on the site at all times to allow vehicles using the site to leave and exit the site in forward gear. *(In the interests of highway safety and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.)*

(Development Control Manager)

Councillors T. Alexander and M. Dooley returned to the meeting.

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5. 16/00049/FUL - Redevelopment of former car park and erection of nine dwelling houses with associated driveway and parking areas (as amended by revised plans received 13<sup>th</sup> April 2016) at Car Park To The Rear Of The Church Hall, Rectory Road, Clowne

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

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

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

**RESOLVED** that Application No. 16/00049/FUL be APPROVED subject to the following conditions which are given in précis form and to be formulated in full by the Assistant Director of Planning:

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 Amended plans
- 3 Schedule of wall and roof materials
- 4 Hard and soft landscape details including private drive surface details, with a programme for implementation
- 5 Management scheme for the highway and landscaped areas not falling within any domestic curtilage and maintenance of all landscaping for 5 years.
- 6 Retention and protection for retained hedgerow and retained trees.
- 7 External lighting strategy
- 8 Biodiversity enhancement scheme
- 9 Details and implementation of means of enclosure
- 10 Identification and treatment where necessary of contamination.
- 11 Ground levels
- 12 Construction of proposed access in accordance with approved plan with visibility splays 2.4m x edge of site frontage
- 13 Provision of a construction compound
- 14 Access gradient not to exceed 1:20 for the first 5m into the site and 1:12 thereafter.
- 15 Provision of parking spaces.
- 16 Provision of bin stores shall be within private land at the entrance to shared private accesses.
- 17 Conditions relating to provision of appropriate foul and surface water drainage systems.

(Development Control Manager)

6. 15/00604/OUT - Proposed residential development at Land West Of Homelea and Tamarisk, Mansfield Road, Clowne

The Principal Planning Officer presented the report which contained details of the application, site history and consultations carried out.

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

Moved by Councillor D. McGregor and seconded by Councillor B.R. Murray-Carr  
**RESOLVED** that application No. 15/00604/OUT be DEFERRED and delegated to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover education contributions;
- B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.

### Conditions

Standard outline conditions

Submission and approval of a design code prior to the submission of any reserved matters.

Means of delivering core infrastructure to ensure that an adoptable access road is achieved along with essential utilities (drainage, water, power etc) so that each plot is provided with its necessary core infrastructure at the appropriate time.

Notwithstanding submitted details, a revised habitat management plan with further consideration regarding the retention of hedgerows and hedgerow trees.

Approval of a SuDS surface water drainage scheme.

Contamination (identification and mitigation).

Vehicular access requirements.

Requirement for provision of pedestrian connections to adjoining sites.

(Development Control Manager)

The meeting concluded at 1225 hours.