

## 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 29<sup>th</sup> June 2016 at 1100 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

C. Doy (Development Control Manager), R. Scott (Enforcement Manager), J. Fieldsend (Senior Principal Solicitor) and A. Brownsword (Governance Officer)

### **122. APOLOGIES**

Apologies for absence were received from Councillors T. Connerton and M.J. Ritchie.

### **123. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **124. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **125. MINUTES – 4<sup>TH</sup> MAY 2016**

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

**RESOLVED** that subject to the word 'meeting' being replaced by the word 'application' in paragraph 2 of Minute No. 0995(iii), the minutes of a meeting of the Planning Committee held on 4<sup>th</sup> May 2016 be approved as a true and correct record.

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### 126. SITE VISIT NOTES – 29<sup>TH</sup> APRIL 2016

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

**RESOLVED** that the notes of a site visit held on 29<sup>th</sup> April 2016 be approved as a true and correct record.

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

- (i) 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

Further details were included on the Supplementary Report.

The Chairman informed the Committee that as the application had been heard by the Committee twice previously, the only part of the application to be heard were the findings of the Working Group which had met to discuss the issues raised by the Committee. Therefore, there were to be no public speakers.

The Development Control Manager presented the report and noted that information had been received which refuted the claim that the previous landlord of the public house had left the premises with £13,000 of debt and that it was viable as a pub.

Councillor B.R. Murray-Carr noted that the Working Group which consisted of Members, Planning Officers and Environmental Health Officers had met on site with the Applicant and Agent to discuss some items that were material considerations and other items of concern. An action plan of nine items had been formulated and eight of those items had now been addressed by the owner, including additional on-site management.

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

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

**RESOLVED** that Application No. 15/00599/FUL be APPROVED subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning:

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1. Within 3 months of the date of this planning permission the fire escape at first floor level on the western elevation shall be linked to the main fire alarm system so that the main evacuation alarm sounds when the fire exit is opened and shall be retained linked to that system whilst ever the premises are in use in multiple occupation.
2. Within 6 months of the date of this planning permission the existing boundary wall shall be raised to 1.8m high using bricks to match the existing wall and with the existing coping re-used as shown on plan reference 14-06 A-013 Rev F and details of the fencing proposed shall have been approved in writing by the Local Planning Authority and erected on the site unless an alternative timetable has been agreed in writing with the Local Planning Authority. The approved scheme shall be maintained in place whilst the premises are in use as a HMO.
3. The off-street parking as indicated on drawing number A-013 Rev E shall be provided within 3 months of planning permission being granted, laid out, surfaced, marked out in a permanent manner and maintained for parking use whilst the premises are in use as a HMO.
4. There shall be no gates or other barriers on the highway access.
5. The extensions and alterations to the building shall be carried out in materials to match the existing building.

(Development Control Manager)

- (ii) 15/00493/FUL - Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras at Land North Of Westfield Farm, Beighton Fields, Barlborough

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.

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

Moved by Councillor S.W. Fritchley and seconded by Councillor T. Munro

**RESOLVED** that Application No. 15/00493/FUL be REFUSED for the following reason:

The proposed solar farm would constitute “inappropriate development” in the Green Belt which is, by definition, harmful to the Green Belt. The solar farm would

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materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation in that, for the duration of its existence, it would constitute the encroachment of development into the countryside.

In accordance with the National Planning Policy Framework (NPPF) inappropriate development should not be approved except in very special circumstances. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In addition to the harm to the greenbelt the proposal would significantly harm the character and appearance of the area, including adverse impacts on the visual amenity of the footpaths which pass adjacent to and near to the site (footpath 11, 9 and 12 Barlborough Parish).

The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, and the lack of compelling evidence to justify the siting of the solar panels on this site is given due weight. Also the development on agricultural land reducing its versatility is given limited weight against the proposal in the overall planning balance.

Weighing in favour the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. Some limited benefits would result from the ecological improvements to the site that the proposed development would secure and from job creation.

Weighing all of these considerations together the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be “clearly outweighed by other considerations”, as required by paragraph 88 of the NPPF and the special consideration of the harm required under paragraph 132 of the NPPF and S66 of the Listed Building Act, the “very special circumstances” necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with saved policies GEN 2(1), GEN 9, CON 10 and ENV 3(C) of the Bolsover District Local Plan to an unacceptable degree.

(Development Control Manager)

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- (iii) 15/00649/OUT - Residential redevelopment including means of access at The Nursery, East Street, Scarcliffe

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. It was noted that the applicant had agreed to a limit of 10 dwellings on the site.

Mrs. S. Higginbottom, Ms. J. Atkinson, Mr. Wagstaffe and Mr. Coles attended the meeting and spoke against the application.

Mr. J. Church attended the meeting and spoke in support of the application. It was noted that the applicant was willing to provide extra parking for existing residents.

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

It was:

Moved by Councillor M.G. Crane and seconded by Councillor J. Wilson  
That Application No. 15/00649/OUT be REFUSED on highway grounds.

On being put to the vote, the motion was lost and it was therefore:

Moved by Councillor D. McGregor and seconded by Councillor T. Munro  
**RESOLVED** that Application No. 15/00649/OUT be DEFERRED to negotiate residents parking and refer the application back to the Planning Committee for a decision and after the expiry of the additional publicity as a departure from the development plan.:

(Development Control Manager)

- (iv) 16/00030/OUT - Demolition of existing bungalow and outbuildings and erection of two storey dwellings with associated access drive at 287 Shuttlewood Road, Bolsover, Chesterfield, S44 6PB

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

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

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Moved by Councillor S.W. Fritchley and seconded by Councillor R. Turner

**RESOLVED** that Application No. 16/00030/OUT 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. Start within 3 years or within 2 years of approval of reserved matters
2. Submit reserved matters within 3 years
3. Levels details to be submitted and agreed.
4. Landscape maintenance plan.
5. Replacement planting for a period of at least 5 years.
6. Identification and treatment where necessary of contamination.
7. Ecology survey for presence of bats before any demolition of buildings starts

(Development Control Manager)

- (v) 16/00089/FUL - Erection of a single storey stables/tack room building with doors and windows to the front and small windows to the rear (retrospective application) at The Laurels, Ruthyn Avenue, Barlborough, Chesterfield

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 the application for retrospective planning permission had been withdrawn, but the issue of enforcement action still required a decision.

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

Moved by Councillor H.J. Gilmour and seconded by Councillor D.S. Watson

**RESOLVED** that An Enforcement Notice be issued

1. Reason for issuing notice: The building is not of a scale or design of a typical rural building for the keeping of horses which would normally be considered acceptable in the countryside or Green Belt but is designed and built in a manner more fitting for domestic occupation and is unlikely to be used for the purposes specified in the application. No need for a new dwelling has been established in this Green Belt location and in view of the design being inappropriate for the specified use it is not considered to be necessary in such a location. The building, by virtue of its size, design and domestic character represents an urbanising feature in the countryside and the Green Belt which is considered to materially harm the rural landscape and the openness of the Green Belt. Consequently the proposal is considered to be contrary to policies GEN9, ENV3 & GEN2 and HOU9 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

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Requirement: demolish the building and remove all associated material from the site and restore the site to a grassed area level with surrounding land

Period for compliance: 3 months for the demolition works and a further 3 months to level and grass seed the site of the building.

(Development Control Manager)

- (vi) 16/00231/OTHER - Variation of S106 at Land to The Rear Of 1 To 35 Red Lane, South Normanton

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

Mr. M. Merriman attended the meeting and spoke in support of the application.

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

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor  
**RESOLVED** that an extension of the time period for the delivery of 10% of the houses by 1 year (10<sup>th</sup> July 2017) be approved and all other terms of the S106 Agreement to remain the same.

(Development Control Manager)

The meeting concluded at 1232 hours.