

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on 20<sup>th</sup> July 2016 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, T. Connerton, M.G. Crane, M. Dooley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, M.J. Ritchie, B. Watson, D.S. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager), S. Phillipson (Principal Planning Officer), J. Fieldsend (Senior Principal Solicitor) and A. Brownsword (Senior Governance Officer)

### **00173. APOLOGIES**

Apologies for absence were received from Councillors J.A. Clifton, P. Smith and R. Turner

### **00174. URGENT ITEMS OF BUSINESS**

There were no urgent items of business

### **00176. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **00177. MINUTES – 29<sup>TH</sup> JUNE 2016**

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

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 29<sup>th</sup> June 2016 be approved as a true and correct record.

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### 00178. SITE VISIT NOTES – 25<sup>TH</sup> JUNE 2016

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

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

### 00179. APPLICATIONS TO BE HELD UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 15/00653/OUT - Residential development of up to 80 dwellings including means of access (from Cragg Lane) at Land Between Priors Way, Weavers Court And Strutt Close And Adjoining The West Side Of Cragg Lane, Newton

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.

Blackwell Parish Councillor R. Poulter, Mr. J. Thorley (on behalf of Newton Community Association), Mr. T. Mellors, Mr. B. Durbin, Mr. G. Heasman, Mr. J. Thorley, Mrs. B. Leishman, Miss. B. Higginson, Mr. A. Swain and Mrs. D. Mellors attended the meeting and spoke against the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework, the Newton Conservation Area Appraisal and Management Plan 2010 and the Old Blackwell Conservation Area and Management Plan 2010.

Moved by Councillor D. McGregor and seconded by Councillor M.G. Crane

**RESOLVED** that Application No. 15/00653/OUT be REFUSED for the following reasons:

1. The proposal would result in physical harm to Newton Conservation Area and less than substantial harm to the setting, character and significance of a series of heritage assets including:-

Newton Conservation Area; Old Blackwell Conservation Area;  
Grade 2 listed Top Farmhouse on Cragg Lane opposite the proposal site;  
Grade 2\* listed Newton Old Hall close to the northeast boundary of the site;  
Grade 2 listed Church of St Werburgh Old Blackwell; and unlisted buildings of merit including: Forge Cottage, Old Hall Cottage, Newton Farm, Outbuildings at Top Farm, Craig House, Devonshire Cottage and Church Hill Farm.

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The proposed access from and associated works within Cragg Lane would cause physical harm to the conservation area by the removal of approximately 110m stretch of hedgerow which is noted in the Newton Conservation Area and Management Appraisal (NCAMA) for its important contribution to the character of this stretch of the conservation area (6.20) and will result in a wider more engineered section of highway and additional traffic all of which would adversely affect the rural character of the conservation area contrary to the requirements of the NCAMA.

The development would cause harm to the rural character of both Newton and Old Blackwell Conservation Areas. It would affect important views to the south of Cragg Lane towards St Werburgh's Church. The open character and agricultural nature of the area would be altered and the relationship between the villages of Newton and Blackwell would be altered with the result beginning to merge the two settlements.

The rural setting of listed buildings and unlisted buildings of merit would be harmed by the encroachment of development. Instead of associated fields being adjacent of e.g. Top Farm, there would be modern development resulting in a loss of context. Even if the development were screened the agricultural setting would be lost. However it is likely that the new development would still be visible above and between the landscaping especially in winter, from the access junction, as well as from upper windows of listed buildings facing the site. Light pollution would be evident at night. The rural context and setting of these assets would be permanently and adversely altered.

The potential public benefits of the proposal would not outweigh the harms caused.

Approval of the application under these circumstances would be contrary to local plan policies:

CON 1 (Development in Conservation Areas); CON4 (Development Adjoining Conservation Areas); CON10 (Development Affecting the Setting of Listed Buildings); and to Paragraphs 132 and 134 of the National Planning Policy Framework.

(Development Control Manager)

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- (ii) 14/00531/OUT - Outline planning application for the erection of a maximum of 145 dwellings including approval of point of access detail into the site. Development to include public open space and drainage, and including demolition of the former petrol filling station, Rosewood Farm, barn and stables, Nos. 115, 117, 119 and 121 Alfreton Road at Land Surrounding Rosewood Lodge Farm, Alfreton Road, South Normanton

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.

Councillor E. Stevenson, Mr. C. Tuck, Mr. G. Scott, Mrs. A. Scott and Mr. C. Nattrass attended the meeting and spoke against the application.

Mr. P. Stone 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, the emerging Local Plan for Bolsover District and the Carnfield Hall Conservation Area Appraisal and Management Plan 2008.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor D. McGregor  
**RESOLVED** that Application No. 14/00531/OUT be DEFERRED and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover:
- Formal Recreation contribution (£910 per dwelling)
  - Public Art (Not more than £10,000)
  - Affordable housing (to be waived in the event of early delivery of housing)
  - Education contribution of £68394.06 towards Glebe Junior School
  - Health contribution of £551 per dwelling.
- B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.
1. Standard outline conditions
  2. Compliance with application documents regarding layout and height parameters generally following the details shown on the submitted revised masterplan drawing ref: BIR4597\_13

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3. Landscaping to include biodiversity mitigation, hedgerow and tree retention and protection.
4. Details of play areas to include NEAP facility and open space areas, along with the provision and long term maintenance of informal open space areas
5. Construction management and mitigation to cover:
  - Site accommodation;
  - Storage of plant and materials, incl. to minimise the risk of pollution;
  - Parking and manoeuvring of site operatives and visitors vehicles;
  - Loading, unloading and manoeuvring of goods vehicles;
  - Hours of operation;
  - Method of prevention of mud and debris being carried onto the highway;
  - Dust management provision;
  - Noise management;
  - An assessment of the risks posed to groundwater
6. Construction environmental management plan to manage biodiversity impacts.
7. Reptile mitigation method statement
8. Landscape and ecological management plan (LEMP)
9. Lagoon design details, including biodiversity features.
10. Highways conditions
11. Archaeology conditions
12. Foul Drainage details
13. SuDS drainage details
14. Contamination identification and mitigation
15. Detailed Street lighting scheme.
16. Health and Safety Executive requirement regarding traditional brick construction.

### **Statement of Decision Process**

1. In compliance with the National Planning Policy Framework the Council has received additional information in response to issues raised during the consideration of the application and the decision is therefore made in accordance with policies 186 and 187 of the National Planning Policy Framework.

(Development Control Manager)

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- (iii) 16/00040/OUT - Residential development for 64 houses, Lodge Farm, 126 Shuttlewood Road, Bolsover, 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.

Mrs. E. Coupe attended the meeting and spoke against the application.

Ms. C. Stainton, Mr. C. Scott and Mr. L. Barnes 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 B.R. Murray-Carr  
**RESOLVED** that Application No. 16/00040/OUT be REFUSED for the following reasons:

1. The site is within the setting of Bolsover Castle (grade I listed), an exceptional aspect of its character and significance being its dominance within the landscape. The development would have a negative effect upon the setting of Bolsover Castle. The harm would not be outweighed by the limited benefits to housing supply. The proposal is, thus, contrary to policy CON10 of the Bolsover District Local Plan and national guidance for conserving and enhancing the historic environment as set out in section 12 of the NPPF.
2. The site is prominently located on the slope of the escarpment within a predominantly pastoral and wooded landscape with Bolsover Castle and New Bolsover Model Village providing important focal points. The development would be an undesirable urban intrusion which would detract from the character and appearance of this valued landscape and would be contrary to policies GEN2 and GEN11 of the Bolsover District Local Plan and para.109 of the NPPF.
3. The occupiers of the development would not have an acceptable level of access to local services and primary schools and the development would result in reliance on private motorised transport for school and shopping journeys. The development is, thus, contrary to policies GEN2 and TRA1 of the Bolsover District Local Plan.
4. The Council is not satisfied that safe and efficient highway conditions can be achieved or that there would be no severe residual cumulative impacts upon the highway network. The proposal is, thus, contrary to policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.

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5. The adverse impacts of the development significantly and demonstrable outweigh the benefits including those of contributing to housing supply. The site is located beyond the settlement framework and within countryside. The development is contrary to policies GEN8 and ENV3 of the Bolsover District Local Plan. There are no material considerations that indicate a decision other than in accordance with the development plan.

(Development Control Manager)

- (iv) 14/00080/OUTEA - Proposed amendments to previous resolution in respect of S106 Planning Obligation contributions in connection with outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision on Land Between Welbeck Road And Oxcroft Lane, Bolsover

The Development Control Manager presented the report which gave details of the application and site history. The application had previously been approved at a meeting of the Planning Committee held on 30<sup>th</sup> March 2016, subject to the completion of a S. 106, to be formulated in full.

However, the Education Authority had recently noticed that there had been an error in the sum requested for education contribution and it was anticipated that there would be a surplus in the region of £1million to be redistributed.

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

**RESOLVED** that delegated powers be granted to the Assistant Director - Planning in consultation with Chairman and Vice-Chairman of Planning Committee to determine revised priorities for re-allocating part of the sums formerly allocated to the proposed Junior School expansion (final sum to be advised by Derbyshire County Council), to cover areas of identified infrastructure need not initially funded under the original resolution due to viability justification.

(Development Control Manager)

The meeting concluded at 1312 hours.