

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 7th December 2016 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair (until Minute No. 0519(2))

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

Officers:-

C. Fridlington (Planning Manager (Development Control)), S. Chambers (Communications Manager), N. Calver (Governance Manager) and A. Brownsword (Senior Governance Officer)

0514. APOLOGIES

Apologies for absence were received from Councillors M. Dooley, P. Smith and R. Turner

0515. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0516. DECLARATIONS OF INTEREST

There were no declarations of interest.

0517. MINUTES – 9TH NOVEMBER 2016

Moved by Councillor T. Munro and seconded by Councillor B.R. Murray-Carr
RESOLVED that the minutes of a meeting of the Planning Committee held on 9th November 2016 be approved as a true and correct record.

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0518. SITE VISIT NOTES – 4TH NOVEMBER 2016

Moved by Councillor D. McGregor and seconded by Councillor T. Munro
RESOLVED that the notes of a site visit held on 4th November 2016 be noted.

0519. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 16/00345/FUL - Construction of retail foodstore with associated car parking and landscaping with entrance off Portland Road at Land At Portland Road Inc Recreation Ground White Swan PH Car Parks And Housing Areas, Portland Road, Shirebrook

Further details were included within the Supplementary Report.

The Planning Manager presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

Councillor A. Anderson, County Councillor M. Stockdale and E. Spivey attended the meeting and spoke in support of the application.

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

A discussion took place regarding whether the access to the east of the site was necessary, due to anti-social behaviour problems in that area in the past and the possibility of a controlled pedestrian crossing on Portland Road.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor S.W. Fritchley
RESOLVED that Application No. 16/00345/FUL be APPROVED and delegated to the Assistant Director – Planning and Environmental Health in consultation with the Chair and Vice Chair of Planning Committee subject to satisfactory resolution of the outstanding issues in respect of a crossing for Portland Road and contributions to traffic monitoring and:

- Completion of S106 Planning Obligation to cover Travel Plan monitoring; and
- Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning:

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Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The soft landscaping details shown on drawing R/1911/1C shall be implemented in full not later than the first planting season following the occupation of the development hereby approved. 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.
3. Prior to their installation on site, details of the new edging to the back of highway footpath, the 1800mm close boarded timber fence and 1800mm acoustic timber fence shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in the locations shown on drawing 1898 P402 Rev. J prior to the store opening to the public for retail sales.
4. The contamination remediation scheme details included with this application 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.
5. 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 condition 4, and where remediation is necessary a remediation scheme must be prepared and subsequently 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.
6. 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 Local Planning Authority (LPA) for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

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7. Notwithstanding the information submitted with the planning application, prior to any building works on the store above foundation level, further information shall have been submitted to and approved in writing by the Local Planning Authority to supplement the noise assessment and the delivery management scheme dated 5th July 2016; this shall provide further clarification of the sound levels during night time and a scheme submitted specifying the provisions to be made for the control of sound. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development, does not exceed the background sound level unless agreed in writing with the Local Planning Authority. The scheme, as approved, shall be implemented in full prior to the first use of the development and validated by a competent person. The scheme, as validated, shall be retained thereafter.

8. Prior to the installation of any external lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved prior to the store opening to the public for retail sales and shall be designed to minimise light spillage outside of the site it is designed to serve, and into the sky.

9. 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's non-statutory technical standards for sustainable drainage systems, 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 the building commencing.

10. No development shall take place until a reasonable assessment is undertaken of the drainage infrastructure within the curtilage of the applicant's land ownership, identified to be the point of surface water drainage discharge.

11. 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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

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4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
12. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 11.
13. The development shall not 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 11 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
14. Before any other operations are commenced, a scheme shall be submitted to the Local Planning Authority for written approval indicating the proposed temporary means of construction access, site accommodation, storage of plant and materials, wheel wash facilities, parking and manoeuvring of site operatives and visitors vehicles and loading, unloading and manoeuvring of goods vehicles.
15. Before any other operations are commenced, detailed designs shall be submitted to the Local Planning Authority for written approval indicating vehicular access for the food store to Portland Road incorporating 2.4m x 45m visibility splays in each direction.
16. Before any other operations are commenced, excluding demolition and site clearance, the access and on-site facilities the subject of condition 14 above shall be laid out and constructed in accordance with the approved scheme and maintained throughout the construction period free from any impediment to their designated use.
17. Before any other operations are commenced, detailed designs shall be submitted to the Local Planning Authority for written approval indicating:
- a. Vehicular access for the food store to Portland Road incorporating 2.4m x 45m visibility splays in each direction.
 - b. Pedestrian crossing facilities on Portland Road.
18. Prior to occupation of the building hereby approved, the permanent access to Portland Road and other frontage works the subject of condition 15 above shall be laid out and constructed in accordance with the approved drawings, the area in advance of the visibility sightlines being maintained clear of any object greater than 1m in height relative to the adjoining nearside carriageway channel level throughout the life of the development.

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19. Before any operations are commenced, detailed designs shall be submitted for written approval by the Local Planning Authority showing Market Close works. For the avoidance of doubt this will involve the stopping up of the existing turning head, which will form part of the development site, and provision of alternative turning facilities for that section of highway.

20. The premises, the subject of the application, shall not be taken into use until the permanent on-site car parking and manoeuvring space for staff and visitors and space for loading/ unloading and turning of service/ delivery goods vehicles has been laid out in accordance with the approved drawings, surfaced as shown on the latest revised planning application drawings and maintained throughout the life of the development free from any impediment to its designated use.

21. The premises, the subject of the application, shall not be taken into use until the on-site and off-site facilities for cyclists and pedestrians, the subject of condition 17 above have been laid out in accordance with the approved drawings and constructed in a manner to be agreed with the Local Planning Authority and maintained throughout the life of the development free from any impediment to their designated use.

22. Before any other operations are commenced, excluding demolition and site clearance, the access and on-site facilities the subject of condition 14 above shall be laid out and constructed in accordance with the approved scheme and maintained throughout the construction period free from any impediment to their designated use.

23. Prior to the any works commencing on the building above foundation level, details of security measures, including CCTV and lighting, shall have been submitted to and approved in writing by the Local Planning Authority and the measures agreed by way of this condition shall be implemented before the development is first brought into use and shall remain in use as approved thereafter.

Reasons

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with Policy GEN1 of the Bolsover District Local Plan.

3. To ensure that satisfactory boundary treatments are provided in the interests of visual and residential amenities and in compliance with Policies GEN1 and GEN2 of the Bolsover District Local Plan.

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5. To ensure the site is suitable for its intended use, to protect the quality of the water environment and in compliance with Policy GEN4 of the Bolsover District Local Plan.
6. To ensure the site is suitable for its intended use, to protect the quality of the water environment and in compliance with Policy GEN4 of the Bolsover District Local Plan.
7. To protect the amenity of the occupants of nearby dwellings and in compliance with Policy GEN2 of the Bolsover District Local Plan.
8. To protect the amenity of the occupants of nearby dwellings, in order to prevent opportunities for crime and in compliance with Policies GEN1 and GEN2 of the Bolsover District Local Plan.
9. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority and in accordance with the requirements of policies GEN2 and GEN5.
10. To ensure the proposed surface water runoff can be appropriately discharged from the site and in order to comply with policies GEN2 and GEN5 of the Bolsover District Local Plan.
11. In the interests of affording protection for the potential archaeological interest of the site and in compliance with Policy CON13 of the Bolsover District Local Plan.
12. In the interests of affording protection for the potential archaeological interest of the site and in compliance with Policy CON13 of the Bolsover District Local Plan.
13. In the interests of affording protection for the potential archaeological interest of the site and in compliance with Policy CON13 of the Bolsover District Local Plan.
14. In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.
15. In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.
16. In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.
17. In order to provide facilities for cyclists and pedestrians to encourage sustainable travel patterns and in accordance with the requirements of policies GEN1, TRA13 and TRA15 of the Bolsover District Local Plan.
18. In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

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19. In order to ensure appropriate replacement turning provision is made for the Market Close highway for that lost as result of this development in the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

20. To avoid the need for vehicles to park and manoeuvre in the adjacent highways, in the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

21. In order to provide facilities for cyclists and pedestrians to encourage sustainable travel patterns and in accordance with the requirements of policies GEN1, TRA13 and TRA15 of the Bolsover District Local Plan

22. In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

23. In order to ensure that appropriate crime prevention measures are implemented as part of the development and in compliance with policy GEN2 of the adopted Bolsover District Local Plan.

(Planning Manager (Development Control))

2. 16/00423/OUT - Erection of two dwellings at Crich View Farm, Tibshelf Road, Stainsby Common, Chesterfield

The Planning Manager presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

Mr. P. Wilkinson attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework and Successful Places: Sustainable Housing Layout and Design (Interim Guidance).

Moved by Councillor B.R. Murray-Carr and seconded by Councillor D. McGregor **RESOLVED** that Application No. 16/00423/OUT be APPROVED subject to the following conditions which are given in précis form to be formulated in full by the Assistant Director:

1. Start within 3 years or within 2 years of approval of reserved matters
2. Submission of reserved matters
3. Identification and treatment where necessary of contamination.
4. Intrusive site investigation works to be undertaken prior to development and any necessary remedial works identified be carried out before development starts.

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Note regarding submission evidence the proposal cannot access mains drainage systems and submission of a drainage scheme with the reserved matters application.

Statement of Decision Process

The proposal is contrary to policies of the development plan adopted by the Council but is in line with the guidance given in the National Planning Policy Framework. The decision has been taken in accordance with the guidelines of the National Planning Policy Framework.

(Planning Manager (Development Control))

Councillor D. McGregor left the meeting.

Councillor T. Munro in the Chair.

3. 16/00508/FUL - Erection of 10 additional silos and ancillary equipment at Former Joy Mining, Kirkby Lane, Pinxton

The Planning Manager presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

Mr. R. Wilkins and Mr. D. Ward attended the meeting and spoke against the application.

Ms. H. Regan 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 T. Alexander and seconded by Councillor M.G. Crane

RESOLVED that Application No. 16/00508/FUL be APPROVED permission subject to conditions provided in précis form below: -

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 The silos hereby approved shall only be operated in accordance with the details contained in the submitted Noise Assessment.

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Statement of Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

(Planning Manager (Development Control))

The Chairman wished everyone a Merry Christmas and a Happy New Year and the meeting concluded at 1101 hours.