

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 11th January 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

C. Fridlington (Planning Manager (Development Control)), J. Fieldsend (Team Leader (Solicitor)) and A. Brownsword (Senior Governance Officer)

0573. APOLOGIES

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

0574. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0575. DECLARATIONS OF INTEREST

There were no declarations of interest.

0576. MINUTES – 7TH DECEMBER 2016

Moved by Councillor B.R. Murray-Carr and seconded by Councillor T. Munro
RESOLVED that the minutes of a meeting of the Planning Committee held on 7th December 2016 be approved as a true and correct record.

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0577. SITE VISIT NOTES – 2ND DECEMBER 2016

Moved by Councillor H.J. Gilmour and seconded by Councillor J. Wilson

RESOLVED that the notes of a Site Visit held on 2nd December 2016 be approved as a true and correct record.

0578. IMPLICATIONS OF HAVING A FIVE YEAR HOUSING SUPPLY

The Planning Manager (Development Control) presented the report which provided Members an update in respect of the Council's 5 year land supply and related issues.

It was noted that the Council had now achieved an 8 year supply of housing at the adopted rate of 240 dwellings per annum. An interim policy had been in place while the Council had not achieved its 5 year supply. The interim policy allowed the Council to suspend the requirement for residential development to provide a percentage of affordable housing subject to an undertaking to ensure that the site would be brought forward quickly.

As the Council now had a 5 year supply in place, the interim policy was no longer necessary and should be removed.

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

RESOLVED that the Council formally bring to an end the Interim Affordable Housing Policy agreed on the 10th October 2012.

(Interim Planning Policy Manager)

0579. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 16/00348/OUT - Residential development comprising up to 23 dwellings with associated physical infrastructure, access, parking, public realm and landscape proposals (renewal of previous planning permission) at Land To The East Of Pleasley Pit Trust And South Of Bank Villa, Pit Lane, Pleasley

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports. It was noted that this was a renewal of a Planning Permission granted in 2013.

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

Members noted the need for any development to be sympathetic in character to the surrounding area.

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

RESOLVED that Application No. 16/00348/OUT be APPROVED, subject to

1. Approval of the details of the layout, scale, appearance, access and landscaping (the 'Reserved Matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
3. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above, shall accord with the document "Land at Pleasley Pit: Design Principles" dated 15 August 2016 (ref 249952-00) by Arup submitted as part of the application documents. In addition The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall follow the principles of the Development Strategy and Vision Design Concept (as illustrated on P30 of the Design and Access Statement dated October 2012 as submitted with this outline planning application) and the Development Framework Plan (as illustrated on P32 of the Design and Access Statement dated October 2012 as submitted with this outline planning application). (*To ensure the development respects the setting of the adjacent heritage asset and represents good design in compliance with policies GEN2 (Impact of Development on the Environment) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.*)
4. The existing trees and hedgerows shall not be removed, destroyed, or uprooted other than in accordance with plans and particulars submitted as part of the Reserved Matters required by condition 1 above. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include the following details:
 - a. Details of measures to protect the retained trees, hedgerows and other planting during construction works
 - b. Details of mitigation measures in response to the loss of hedgerows and planted areas as a result of the development. (*To retain these features of*

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ecological and visual interest and provide compensatory planting as necessary in compliance with policies GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan.)

5. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include
 - a. the submission of the details of the findings of the excavations on site which located the fissures and details of the remedial works carried out on site, as indicated in the submitted Coal Mining Risk Assessment dated October 2012 by William Saunders Partnership Ltd;
 - b. the submission of a layout plan which identifies suitable 'no-build' zones in the area of the fissure. *(In accordance with the requirements of the Coal Authority to ensure the coalmining legacy of the site is fully considered in the interest of ground stability and the safety of the public and occupiers of the site and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.)*

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and 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. *(Reason: Condition requested by STW to ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in compliance with policies GEN2 (Impact of Development on the Environment), GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan.)*

7. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include a reptile mitigation strategy detailing how harm to reptiles would be avoided by the deployment of a survey/capture and exclusion exercise for the development site prior to any development works commencing and during the construction period. *(The site has the potential to be used by grass snakes a protected species and included on the list of Species of Principal Importance and in compliance with policies GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan.)*

(Planning Manager (Development Control))

2. 16/00463/OUT - Residential development of approximately 250 dwellings including details of access (renewal of planning permission 10/00568/OUTMAJ) at Land Adjoining North Side of Blind Lane, Bolsover

Further details were included within the Supplementary Report.

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The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports. It was noted that the report was for renewal of an existing Planning Permission.

Mr. Wheeldon attended the Committee and asked for clarification regarding the type of access that would be possible on Blind Lane from Iron Cliff Road. The Planning Manager (Development Control) advised Mr. Wheeldon that only pedestrian access was intended but the reserved matters applications would be determined by the Planning Committee if this was to change in the future to allow vehicular access.

The Committee considered the application having regard to the Bolsover District Local Plan.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor
RESOLVED that Application No. 16/00463/OUT be APPROVED subject to the completion of a Unilateral Undertaking made under s.106 of the Town and Country Planning Act 1990 containing the following obligations:

- Affordable housing contribution of £1,025,000;
- Sports/recreation £191,250;
- Education £179,618;
- Health £81,562;
- Play space (Improvements to Houghton Road Recreation Ground); and
- £80,000 towards maintenance of on-site leisure facilities (management company or 10 years maintenance);

And subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) in conjunction with the Chair and Vice Chair of Planning Committee:-

1. Details of the layout, scale, appearance, and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority in writing before any development begins and the development shall be carried out as approved
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The recommendations of the Arboricultural Implication Study (November 2010, Report Reference: 2371/DR.10) and as illustrated in its accompanying drawings and appendices, shall be followed unless otherwise agreed in

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writing with the Local Planning Authority. In this condition "retained tree" means an existing tree which is to be retained to comply with the approved plans and particulars and as identified on the Arboricultural Constraint Plans no. 1961.01.A by ACS Consulting; and paragraphs (a) and (b) below shall apply for five years after the occupation of the last building on the development:

- (a) No retained tree shall be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as approved in writing by the Local Planning Authority.
 - (c) Before any equipment, machinery or materials are brought on to the site fencing shall be erected to protect the retained trees, and the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be erected in accordance with BS 5837:2005, including, at least, a 1.2m high vertical and horizontal framework of scaffolding, strong enough to resist impacts, and supporting either chestnut pale fencing, chain link fencing or similar. The fencing shall be erected around the root protection area as shown on the Arboricultural Constraint Plans unless otherwise agreed in writing with the Local Planning Authority. Nothing shall be stored or placed within the fenced area around a retained tree and the ground levels within the fenced area shall not be altered, and no excavation shall take place, without the prior written consent of the Local Planning Authority.
4. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved in writing by the Local Planning Authority.
 5. No development shall take place within the site 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

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

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- f. 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 that have previously been agreed in writing with the LPA, the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.
6. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
7. Unless otherwise approved in writing by the Local Planning Authority, no more than 115 dwellings shall be occupied or brought into use prior to completion of an approved mechanism for disposal and treatment of foul water drainage in relation to addressing issues of capacity at the Bolsover Waste Water Treatment Works.
8. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site. *(In order to allow sufficient access for maintenance and repair work at all times)*
9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion and will show a surface water run-off limitation to a rate of 5 litres/second/hectare.
10. No development shall take place until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the Management Plan shall be implemented as approved. The Management Plan shall promote the appropriate management of the ecological interests including existing and new habitats and identify the body responsible for its implementation.
11. The layout to be submitted as one of the reserved matters in accordance with condition 1 above shall include precise details of a scheme of works, including drainage, retaining walls, and changes in ground levels that will be undertaken to ensure the structural integrity of the development. This scheme of works shall also include the undertaking of a scheme of intrusive site investigations within the are of the thick coal outcrop located at the north-western end of the site; the submission of a report of findings arising from the

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intrusive site investigations; the submission of a scheme of remedial works for approval if necessary; and Implementation of those remedial works if necessary. No development shall take place on site until these details have been submitted to and approved in writing by the local planning authority.

12. The Reserved Matters to be submitted in accordance with condition 1 above shall include schemes for highway improvements, as indicated on indicated on Drawing NTH/068/003 revP1, which demonstrate measures to reduce vehicle speeds and improved pedestrian provision at the Woodhouse Lane 'pinch point' (bridge to south of junction with Houghton Road). The approved schemes shall be implemented prior to the first occupation of a dwelling on the application site unless otherwise agreed in writing by the Local Planning Authority.
13. The Reserved Matters to be submitted in accordance with condition 1 above shall include a detailed scheme demonstrating pedestrian and cyclist access into the adjacent residential area and enhancements to Blind Lane following the principles established in the Design and Access Statement submitted as part of the application details.
14. Before the commencement of any engineering or building operations on the site the new street junction onto Woodhouse Lane including the relocated Blind Lane junction and related revisions to Blind Lane shall be designed laid out and constructed in accordance with the application drawings.
15. The outline Travel Plan Ref: CH/RE/NTH068 by BWB Consulting submitted with the application documents shall be implemented in accordance with its recommendations unless otherwise agreed in writing by the Local Planning Authority.
16. As part of any Reserved Matters submissions a Design Framework shall be submitted in writing to the Local Planning Authority for approval. The Design Framework shall:
 - (a) Be used to guide the development.
 - (b) Be in conformity with other conditions attached to this planning permission;
 - (c) Be generally in accordance with the approach detailed in the Design and Access Statement (November 2010) submitted with the application documents and the Sketch Masterplan Layout (Dwg. No.C9471.09.SK805 – Rev. D).
 - (d) Be based upon an assessment of the architectural character and distinctiveness of Bolsover which should identify areas, buildings and details which exhibit positive qualities, recognise locally distinctive materials and boundary treatments, and should explain how this assessment is used to inform the design, character, appearance and scale of each character area of the proposed development.
 - (e) Include guidance based on the assessment at (d) on the design of the development including layout, siting, massing, the design of buildings

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with typical details, materials and colours, boundary treatment and detailing of the public realm, landscaping and sustainable technologies as appropriate to each character area.

- (f) Develop the landscape concept plan submitted as appendix 6 of the Design and Access Statement (November 2010) to ensure a softening of the development in views to the site and green corridors within the site, particularly with increased tree planting along the main spine roads and within the Upper Woodhouse character area.
- (g) Include typical details of each street type to include typical plan and street sections, carriageway and pavement widths, proposed materials and details of hard and soft landscaping including kerb/edge details.
- (h) Include details of the location and design of the SUDS (Sustainable Urban Drainage System) to manage clean surface and roof water to include the design and location of any balancing ponds, swales or other features or structures that form part of the system including any associated landscape planting and the future maintenance of the SUDS.
- (i) Specify the Code for Sustainable Homes level which the homes on the development will achieve.
- (j) Include details of all enhancements, with a timetable of provision, to Blind Lane and the associated pedestrian and cycle connections to the Castle Estate to include proposed surface materials, kerb/edge treatments, measures for managing the existing stream, maintenance of the stone boundary walls, measures for the improvement of pedestrian and cycle connections to the Castle Estate, including any new structures required and proposals for the provision of street lighting. Proposals for the retention, management or removal of existing hedges and vegetation shall also be put forward. The enhancements must be sensitive to the rural character of Blind Lane.

(Planning Manager (Development Control))

- 3. 16/00391/FUL - Extension to Unit F to accommodate additional retail/training facilities, a coffee shop and gym with increased retail/training area to existing first floor at Unit F, Brook Park, East Road, Shirebrook

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

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

Members welcomed the development and the business development and growth it would bring to the area.

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

RESOLVED that Application No. 16/00391/FUL be APPROVED subject to the S106 Unilateral Undertaking being completed restricting the nature of goods sold as set out above. If the S106 has not been completed at the time of Planning Committee, delegated authority be given to the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) to issue the decision on completion of the S106.

And subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) in conjunction with the Chair and Vice Chair of Planning Committee:-

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development including any site preparation or clearance works shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority to achieve the following:-

* The undertaking of a scheme of gas monitoring;

* The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring, detailing working practices and any mitigation measures necessary during construction to protect both on-site and off-site personnel; and

* The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring detailing any gas protection measures necessary to be included within the building to protect public safety.

* Implementation of and compliance with the approved working practices and any mitigation measures identified as necessary during the construction process.

3. In the event that unexpected contamination is found at any time when carrying out the approved development, it shall 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 the 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.

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4. The development hereby approved shall not be brought into use unless and until an assessment of sound, including amplified music emanating from the gym, has been undertaken and a scheme specifying any provisions to be made for the control of sound has been submitted to and approved in writing by the Local Planning Authority. 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, will be no greater than the residual sound level between the hours of 8am and 8pm; and shall be at least 5 decibels below the residual sound level between the hours of 8pm and 8am. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter.

(The references in this condition to rating level and residual sound level have the same meaning as those defined in BS4142: 2014 Methods for rating and assessing industrial and commercial sound).

5. Prior to the extension being taken into use, the car parking and manoeuvring space shall be laid out in accordance with the approved application drawing and maintained throughout the life of the development free of any impediment to its designated use.
6. This permission shall relate to the application as amended by the revised first floor layout building plan NK018348 - RPS-F2-FF-DR-A-103 Rev P03 unless an alternative first floor layout for the gym area has been submitted to and approved in writing by the Local Planning Authority.

(Planning Manager (Development Control))

The meeting concluded at 1037 hours.