

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 28th February 2017

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 8th March 2017 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.


Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 8th March 2017 at 1000 hours in
the Council Chamber, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 8 th February 2017	3 to 17
5.	Notes of a Site Visit held on 3 rd February 2017	18
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 16/00513/FUL - Change of use of land to provide a three pitch traveller site at Land West Of Baren Bungalow And North Of Hilcote Farm Hilcote Lane Hilcote	19 to 31

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 8th February 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro 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, B.R. Murray-Carr, M.J. Ritchie, R. Turner, D.S. Watson and J. Wilson

Officers:-

C. Fridlington (Planning Manager (Development Control)), A. Brownsword (Senior Governance Officer)

0648. APOLOGIES

Apologies for absence were received from Councillors C.P. Cooper, D. McGregor, P. Smith and B. Watson

0649. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0650. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Agenda Item No.	Type of Interest
B.R. Murray-Carr	6(1)	Non Significant Non Statutory due to previous Portfolio Role and involvement in the site
M.J. Ritchie	6(1)	Non Significant Non Statutory due to previous Council role and involvement in the site

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0651. MINUTES – 11TH JANUARY 2017

Moved by Councillor J.A. Clifton and seconded by Councillor M. Dooley

RESOLVED that the minutes of a meeting of the Planning Committee of the Bolsover District Council held on 11th January 2017 be approved as a true and correct record.

0652. SITE VISIT NOTES – 9TH JANUARY 2017

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

RESOLVED that the notes of a Site Visit held on 9th January 2017 be approved as a true and correct record.

0653. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

Councillors B.R. Murray-Carr and M.J. Ritchie declared their Non Significant Non Statutory interests in the following item of business.

1. 14/00188/FULMAJ - Change of use to an Open Storage Yard (B8) with access from Berristow Lane, siting of portable building and gatehouse, erection of boundary fences and formation of screen mounds and associated works including improvements along access road at Former Blackwell Tip 500M North East Of Amber Park, Berristow Lane, Berristow Lane Industrial Estate, South Normanton

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 application had been deferred in January 2015 pending exploration of access provisions to Berristow Lane including detailed surveyed drawings along the full length of the access road to the site and installation of the green route. It was also noted that the current proposed HS2 route would cross the site and HS2 had recommended that any permission granted should be temporary for a period of seven years.

Ms. G. Pawson attended the meeting and spoke in support of the application.

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.

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Moved by Councillor J.A. Clifton and seconded by Councillor T. Connerton

RESOLVED that Application No. 14/00188/FULMAJ be DEFERRED to allow for a Site Visit and the applicant be requested to carry out an ecology survey and provide a scheme showing how the site could be made secure.

(Planning Manager (Development Control)/
Senior Governance Officer)

2. 16/00473/FUL - The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping at 16 High Street, Clowne

Further details and amended recommendations were included within the Supplementary Report.

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.

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.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 16/00473/FUL be APPROVED 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:-

Statutory Time Limit

1. The development shall be begun before the expiration of three years from the date of this permission.

Approved Plans

2. Subject to the following conditions (3-17), the development shall be carried out in complete accordance with the recommendations set out in Section 5.2 of the submitted Bat Roost Potential and Nocturnal Bat Survey and the following approved plans and specifications:

- Site Set-up Plan and Construction Method Statement

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- Drawing No. 16-025-110 Revision H: Site Plan
- Drawing No. 16-025-160 Revision B: Site Sections & Street Elevations
- Drawing No. 16-025-123 Revision A: GF & FF Plans (Supported Living Apartments)
- Drawing No. 16-025-155 Revision B: Elevations (Supported Living Apartments)
- Drawing No. 16-025-120 Revision E: GF & FF Plans (CC & A Unit)
- Drawing No. 16-145-151 Revision B: Elevations (CC & A Unit)
- Drawing No. 16-025-116 Revision C: Boundary Treatments Plan
- Drawing No. L8555/02 Revision C: Soft Landscaping Proposals
- Drawing No. 16151/005 Revision P3: Drainage Strategy
- Drawing No. 16-025- 157: Bin Store – Plans & Elevations

Archaeology

3. No development shall take place until the archaeological fieldwork as set out in the submitted Written Scheme of Investigation (*ECUS Ltd Dec 2016: Former Clowne Miners Welfare Club, High Street Clowne, Derbyshire - Written Scheme of Investigation for Archaeological Excavation Planning Ref: 16/00473/FUL*) has been completed to the written satisfaction of the Local Planning Authority.
4. No development shall take place other than in accordance with the submitted archaeological Written Scheme of Investigation.
5. 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 submitted archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Japanese Knotweed

6. No development shall take place, until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Remediation

7. Unless otherwise agreed by the Local Planning Authority, other than the demolition of the existing buildings, the completion of any works required under Conditions 3, 4, 5 and 6 (above) and/or that required to be carried out as part of an approved scheme of remediation, the development hereby permitted shall not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning

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Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

Notwithstanding the assessment provided with the planning application an investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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

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Planning Authority. The Local Planning Authority shall 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 that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Importation of soil

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 LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Noise Attenuation

8. Before the development hereby approved is occupied, the sound insulation scheme detailed in the Hepworth Acoustics report: *Proposed Residential Development at Former Clowne Miners Welfare Club, High Street, Clowne - Noise Assessment on behalf of Strategic Team Maintenance Co. Ltd (Report No. P16-212-R01v1; dated August 2016)* shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be validated by a competent person and the validation report submitted to and approved in writing by the Local Planning Authority prior to the buildings first being brought into use.

Prior Approval of Facing Materials

9. Before construction commences on the erection of any building or wall, samples of external materials, including facing materials for walls and roofs,

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cladding, window and door frames, and rain water goods, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved specifications.

External Lighting

10. Prior to the development hereby permitted being brought in to use, and prior to the installation of any external lighting within the red-edged application site, precise details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter. Changes to any element of the lighting scheme shall be submitted to and approved in writing prior to any changes taking place.

Planting

11. Prior to the development hereby permitted being brought in to use, details of the size, species and positions of a hedgerow and/or hedges along the boundary of the site and to replace the box hedges shown on the approved landscaping plans and an accompanying schedule and/or programme for the proposed planting shown on the approved landscaping plans, subject to this revision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the revised plans, schedule and/or programme approved by the Local Planning Authority.

Boundary Fence

12. Prior to the development hereby permitted being brought in to use, the 1.8 close-boarded fencing shall be fully installed on site as specified on the approved Boundary Treatments Plan, Drawing no.16-025-116 revision C.

Parking and Access

13. Prior to the development hereby permitted being brought in to use, the whole of the vehicle parking and manoeuvring area and all service areas shown on the approved plans shall be formed, laid out, constructed and surfaced in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority. Thereafter, all parking spaces shall be clearly and permanently delineated and shall be maintained free of any obstruction from their intended use at all times throughout the lifetime of the development hereby permitted.

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14. Prior to the development hereby permitted being brought in to use, the proposed access shall be completed and the existing vehicular access across the remainder of the frontage of the site along High Street shall be permanently closed in accordance with the details and specifications shown on the approved plans.

Deliveries

15. No deliveries shall be taken at or despatched from the site nor shall there be any loading or unloading outside the hours of 9am until 5pm; nor at any time on Sundays, Bank and Public Holidays.

Restriction on Use

16. The supported living block hereby permitted shall be used for sheltered accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
17. The Complex Care and Autism Unit hereby permitted shall be used for residential accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Planning Manager (Development Control))

3. 16/00533/FUL - Application for permission to build 37 No. dwellings with associated parking and external works at Land To The North Of 76 Main Street, Shirebrook

Further details and amended recommendations were included within the Supplementary Report.

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.

The Committee considered the application having regard to the Bolsover District Local Plan, Emerging Local Plan for Bolsover District, the National Planning Policy Framework, Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design and A Building for Life – The sign of a Good Place to Live.

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Moved by Councillor S.W. Fritchley and seconded by Councillor B.R. Murray-Carr.

RESOLVED that Application No. 16/00533/FUL be APPROVED 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. The development shall be begun before the expiration of three years from the date of this permission.
2. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.
3. 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.
4. Before the development is commenced and before any equipment, machinery or materials are brought on to the site to implement this planning permission fencing shall be erected to protect the retained nature conservation habitats in accordance with the details submitted by e-mail on the 2nd February 2017, nothing shall be stored or placed within the fenced area and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority. No further vegetation removal, other than that shown in the submitted information included in and with the e-mail referred to shall be undertaken without the prior written consent of the Local Planning Authority.
5. All windows in the side and rear facing elevations of flats 3 and 4 (located at first floor level of the block of flats hereby approved) shall be glazed with obscure glass and be non-opening unless the parts of the window that are not obscured or which can be opened are more than 1.7m above the floor of the room in which the window is installed, which shall thereafter be retained in this manner at all times unless planning permission has first been granted by the Local Planning Authority.
6. The development hereby approved shall only be implemented in accordance with the archaeological Written Scheme of Investigation for archaeological work dated 6th January 2017 by J Greaves of Trent and Peak Archaeology and as submitted to the Local Planning Authority on the 11th January 2017.
7. 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 approved archaeological Written Scheme of Investigation referred to in condition 6 above and the provision to be made for

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analysis, publication and dissemination of results and archive deposition has been secured.

8. No dwelling shall be occupied until its associated car parking spaces have been provided in accordance with the approved drawings that shall be maintained throughout the life of the development free from any impediment to its designated use.
9. All accesses within the development shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 1m in height relative to footway level.
10. Vehicle accesses shall be no steeper than 1 in 12 for the first 5 metres from the nearside highway boundary.
11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - * Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - * Include a timetable for its implementation; and
 - * Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
12. No building hereby permitted shall be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to approved in writing by the Local Planning Authority. The scheme shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
13. Prior to the installation of any external lighting, including any street lighting, a detailed lighting design strategy shall have been submitted to and approved in writing by the Local Planning Authority. Such approved measures must be

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implemented in full and maintained thereafter for the lifetime of the development.

14. Prior to the occupation of any dwelling, a detailed scheme for ecological mitigation, compensation and enhancement, including details of management, based upon the recommendations within the April 2016 Ecology Survey Report produced by Scarborough Nixon Associates shall have been submitted to and approved in writing by the Local Planning Authority. This document should include details of bat roosting measures, bird nesting measures, enhancements for hedgehog, details of how the retained hedgerows will be managed for their wildlife interest in the long-term and details of how the retained grassland will be improved for its botanical interest and managed in the long-term.
15. All external meter boxes shall be coloured in a finish that tonally matches the brickwork immediately adjoining that meter box.
16. Unless otherwise approved in writing by the Local Planning Authority, development other than that required to be carried out as part of the archaeological Written Scheme of Investigation, as part of any groundworks (to include any highway construction and services, but excluding any works to form foundations, other than digging out), or as part of an approved scheme of remediation must not commence until parts A to C below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

A. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme – A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme - The approved remediation scheme 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.

D. Reporting of Unexpected Contamination - 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 'A' above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 'B' above, which is subject to the approval in writing of 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 in accordance with 'C' above.

E. Importation of soils - 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 for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

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17. Notwithstanding the submitted detail, prior to occupation of any dwelling, a revised scheme of sound insulation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to take account of the need to provide adequate ventilation, which may need to be by mechanical means where an open window scenario is not sufficient, and shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Habitable Rooms 45 dB L_{Amax} to occur no more than 6 times per hour
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

For the avoidance of doubt testing to demonstrate compliance with this condition shall be performed over a representative time period for a minimum of 15 Minutes for bedrooms and habitable rooms. For outdoor amenity areas testing to demonstrate compliance with this condition shall be performed over a representative time period for a minimum of 1 hour.

Before any dwelling is first occupied the scheme shall be validated by a competent person and a validation report shall have been submitted to and approved in writing by the local planning authority.

(Planning Manager (Development Control))

4. 16/00410/OUT - Outline application for the demolition of existing buildings and erection of 11 dwellings with access from Main Street and Back Lane at Land Between 11 And 19, Back Lane, Palterton

Further details and an additional recommendation were included within the Supplementary Report.

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.

Mr. W. Kemp 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, Historic Environment SPD and Successful Places Guidance.

Moved by Councillor T. Munro and seconded by Councillor T. Connerton

RESOLVED that Application No. 16/00410/OUT be APPROVED 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:-

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1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
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.
3. Application for approval of reserved matters shall be accompanied by detailed drawings and plans clearly showing the extent of demolition and the manner of rebuilding of any natural stone buildings and stone boundary walls. The reason for any demolition shall be stated.
4. A) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation (FAS Heritage, WSI v.3 1216) submitted as part of the planning application. In particular, following demolition to slab level only, no further development shall take place until the archaeological fieldwork on site has been completed to the satisfaction of the local planning authority.

B) 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
5. No below ground 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 Nonstatutory technical standards for sustainable drainage systems (March 2015), 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 buildings commencing.
6. Submission of a survey for potential ground contamination and implementation of any remediation necessary.
7. The development shall be carried out in accordance with the submitted Preliminary Ecological Appraisal with regards to the protection of retained habitats and the ecological enhancements proposed.

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8. Notwithstanding the detail submitted with this application a revised design and access statement shall accompany application for approval of reserved matters. The proposal shall include the use of natural magnesian limestone, slate and red clay pantiles and some use of red brick. Vernacular design and detailing will also be needed to preserve the character of the conservation area and the setting of the adjacent listed building. Existing stone buildings and boundary walls should be retained where practicable and rebuilt where not in horizontal coursing using magnesian limestone. The passage of traffic between Main Street and Back Lane should be prevented.
9. Provision of the new accesses to Main Street and Back Lane in accordance with the revised drawings site layout Rev S and visibility splays in accordance with revised access detail 5058 SK001 004 Rev D, and 003 D.
10. Provision and maintenance of at least 2 off-street parking spaces per dwelling and turning space.
11. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels and the proposed ground floor level(s) of the buildings.
12. Notwithstanding the submitted details, the accesses shall be laid out as a standard vehicular crossing in accordance with revised drawings which beforehand have been submitted to the Local Planning Authority for consideration and approval (in consultation with the County Highway Authority). The approved drawings shall be implemented before any of the dwellings have been occupied.

(Planning Manager (Development Control))

The meeting concluded at 1122 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 3rd February 2017 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, M. Dooley, H.J. Gilmour, B.R. Murray-Carr, R. Turner, D.S. Watson and J. Wilson

Officers:-

C. Fridlington (Planning Manager – Development Control)

1. APOLOGIES

Councillors M.J. Ritchie and T. Munro

2. SITE VISITED

Applications for determination by Committee:

16/00410/OUT - Outline application for the demolition of existing buildings and erection of 11no. dwellings with access from Main Street and Back Lane on Land Between 11 And 19, Back Lane, Palterton

16/00473/FUL - The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping at 16 High Street, Clowne.

The meeting concluded at 1045 hours.

PARISH Blackwell

APPLICATION Change of use of land to provide a three pitch traveller site
LOCATION Land West Of Bureen Bungalow And North Of Hilcote Farm Hilcote Lane
Hilcote
APPLICANT Ms M WILSON C/o 32 Royds Crescent Worksop
APPLICATION NO. 16/00513/FUL **FILE NO.** PP-05566646
CASE OFFICER Mr David O'Connor
DATE RECEIVED 19th October 2016

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: PLANNING MANAGER
REASON: Public Interest

SITE

The application site is a vacant area of land located on the western edge, yet outside the defined Settlement Framework boundary associated with the village of Hilcote. The land in question is sandwiched between an existing long access driveway serving a domestic property to the south and the residential properties fronting onto Hilcote Lane. The application site is not subject to any formal policy designations and is located close to the M1.

The site is predominantly surrounded by tree planting albeit with some tree cover having been recently removed in the central area of the site. Access to the site was recently permitted under application reference 16/00405 in order to facilitate maintenance of the land. The access has been completed and is provided direct from Hilcote Lane with good visibility along the relatively straight road.

PROPOSAL

The application seeks full planning permission for the change of use of land and the siting of three traveller pitches and their associated vehicles. The application includes details of the intended occupants of the caravans and provides confirmation the proposed occupants meet the Gypsy and Traveller definition (as set out in Government guidance). A proposed site layout plan is also provided which shows areas for the siting of the proposed caravans along with areas for the siting of touring caravans for each plot as is advocated in the former best practice guidance. The driveway access serving the site is intended to be in excess of 3.5m in width, also in line with this guidance.

AMENDMENTS

The application plans upon submission did not scale correctly owing to a printing distortion. Amended plans have been provided correcting these distortions and showing more precise proposed parking arrangements. The comments received from the County Highways Authority relate to these updated plans.

HISTORY

16/00405/FUL - Vehicular access, Approved 5 October 2016.

CONSULTATIONS

The Coal Authority - The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this development, we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and do not object to this planning application. Include Coal Mining informative note.

Housing Strategy - A Gypsy and Traveller Accommodation Assessment was commissioned by Derbyshire County Council, the Peak District National Park Authority, the District and Borough Councils in Derbyshire (including Bolsover), and East Staffordshire Borough Council. The aim of this study was to quantify the accommodation and housing-related support needs of Gypsies, Travellers and Travelling Show People in the study area 2014/15 to 2034/35.

In Bolsover District the study found that 17 additional residential pitches would be needed by 2034, with 9 of these required by 2019.

Bolsover District Council Engineer - There is insufficient details regarding the disposal of foul and surface water from the development to enable comments to be made in this regard. The applicant indicates that foul sewage will connect to the public sewer but the nearest mapped public sewer is over 100m away.

Bolsover District Council Planning Policy – The issue of meeting the Councils needs for the provision of Gypsy and Traveller sites carries significant weight in this proposal.

Derby, Derbyshire, Peak District National Park Authority and East Staffordshire GTAA (2015)

The total accommodation need for Bolsover District is 17 pitches, of which there are still 16 left to find by 2034. Approval of this application would help to meet the District's requirement to 2034.

5 year supply situation

The 5 year supply requirement is shown in the GTAA and covers the time period 2014 – 2019, and amounts to 9 pitches. Currently, there are no outstanding planning permissions for pitches. The Council therefore does not have a 5 year supply of Traveller's Pitches, and approval of this application would help the Council to meet its 5 year supply requirement.

The site itself is very close to the urban area of Hilcote (although not actually adjoining it) and

therefore is reasonably close to the shop in Hilcote and public transport. According to the Settlement Hierarchy Study (2015), Hilcote is considered to be the district's least sustainable settlement taking into account its population, jobs, public transport and services and facilities. Considering that there are more likely to be much more sustainable locations in the district to locate traveller's pitches, this site is not the most sustainable location. However, there is a shop in Hilcote and limited public transport services.

The Council has a requirement to try to meet a 5 year supply target as part of an overall requirement for the district. There have been no other applications for gypsy and traveller pitches since the start of the 5 year supply period and if the relative infrequency of traveller applications in the last few years continues it will make it difficult for the Council to both achieve a 5 year supply and meet the Council's requirement over the plan period. The Council is currently undertaking a 'call for sites' for Gypsy and Traveller Pitches to help to address this situation, however, currently, insufficient sites have been identified.

Conclusion

Overall, due to the governments clear position in relation to Council's seeking to meet a requirement for such sites, there is no policy objection to this proposal. If this application is approved the planning permission should be conditioned so that the use of the site can only be occupied by persons that meet the definition of travellers within Annex 1 of Planning for Travellers Sites (2015).

Bolsover District Council Environmental Health

Originally requested further information in relation to noise given the proximity of the site to the M1 and the high ambient noise levels owing to traffic using the motorway. A noise report has since been received and recommends dense planting and noise mitigation in the form of double glazing. Further queries were raised as to the enforceability of such measures. In response further information was received confirming use of a close boarded acoustic fence at 2m high. At the time of writing this report, Officers have received no further correspondence from Environmental Health.

Derbyshire County Highways Authority: There are no highway objections to the proposals. Please include the following conditions and notes in any consent granted:

1. The new vehicular access shall be created to Hilcote Lane in accordance with the submitted application details, laid out, constructed and provided with visibility splays of 2.4m x 43m in the eastern direction and 2.4m x 103m in the western direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
2. The site shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

PUBLICITY

The application site was publicised via site notice and neighbouring notification letters.

A total of 3 No. Letters of support for the proposals have been received. In summary these raise the following matters:

- Access visibility is sufficient for the use proposed
- The plot is set back from the road, fenced and screened by trees
- People have the right not to be discriminated against

A total of 40 No. Letters in opposition to the proposals have been received in addition to a petition containing 69 signatures. In summary the letters and petition raise the following matters:

- A similar Traveller site exists in Blackwell. Two sites in one Parish is too many. There is no need requirement for this further site. Bolsover District and Blackwell Parish are highlighted in the Derbyshire Gypsy and Traveller Assessment (2008) as having more than their share of sites. More parity with other areas should be ensured. This guidance also suggests that sites should not be located too close to existing residential properties in order to minimise problems with community relations.
- The site's proximity to Hilcote village makes the site inappropriate for the use proposed
- The proposal would extend development along Hillcote Lane, outside of the defined settlement boundary
- The site is not large enough for three caravans, three cars and three works vehicles. New houses have to have two parking spaces, so should the caravans.
- The proposals will result in the contamination of the water course
- The application will cause traffic problems, increased volume of traffic and will cause parking to overspill onto the road. In addition the lack of footpath is a concern as is the loose driveway surface. Approved application 16/00405 approves access for woodland management only
- A 20' (6m) safety gap is required between caravans for fire safety reasons
- How will utilities be provided to the site? E.g. water, electricity, gas, foul drainage. There is a risk that generators for power will cause noise and disturbance and pollution, gas bottles will be a fire hazard and improper refuse storage will cause vermin.
- The development will lead to poor living conditions for future occupants as a consequence of noise, pollution and lack of amenity space.
- Approval will set a precedent for future approvals
- The applicants and future occupants will not abide by any conditions or restrictions imposed
- BOL/893/285 in 1993 rejected an application for housing on the basis of the intensification of use of the highway network with insufficient visibility, interference with the free flow of traffic and harm to neighbour amenity. Double yellow lines should be provided.
- The proposals will cause unease to animals in fields nearby and disrupt wildlife
- The proposals will devalue property and lead to negative equity
- Trees and shrubbery on the site were removed prior to any application being made
- The scale of use will lead to adverse impacts on local schooling and NHS services

- Greenbelt land should be protected

POLICY

Relevant saved policies in the adopted Bolsover District Local Plan ('the Local Plan') include:

GEN 1 Minimum Requirements for Development
GEN2 Impact of Development on the Environment
GEN5 Land Drainage
GEN6 Sewerage and Sewage Disposal
GEN7 Land Stability
EMP5 Protection of Sites and Buildings for Employment Uses
HOU14 Residential Caravans and Mobile Homes
HOU15 Sites for Gypsies and Travellers.

Relevant policies in the National Planning Policy Framework ('the Framework') include:

Paragraphs 14 and 17 with regard to the presumption in favour of sustainable development and core planning principles.

Paragraphs 120-121 which define how local planning authorities should address land stability and contaminated land issues.

Planning Practice Guidance also offers further guidance on the application of national policies set out in the above paragraphs.

Consultation Draft Local Plan (2016)

The consultation draft local plan is out for consultation between October 31st and December 12th 2016. Limited weight can be applied to policies and proposals within it given the draft status of the document. Policy LC7 Gypsies, Travellers and Travelling Showpeople is considered to be of relevance.

Planning Policy for Travellers (August 2015)

Paragraph 27 states that *"if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission."*

It is considered that this statement also applies to 'permanent' planning permissions in line with the NPPF.

Paragraph 27 goes on to say that *"The exception to this is where the proposal is on land that designated as Green Belt; sites protected under the Birds and Habitats Directive and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park."* None of these exceptions apply to this site.

ASSESSMENT

Principle of Development

Gypsy and Traveller Need Evidence

The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2015 (GTAA 2015) evidence document which has informed the approach being taken forward in the Emerging Local Plan establishes that the total accommodation need in Bolsover District is for 17 Gypsy and Traveller pitches, of which there are still 16 left to find by 2034. In common with Housing policies in the NPPF, a 5 year supply requirement exists in relation to Traveller sites as set out within the Planning Policy for Traveller Sites (PPTS) document 2015. Where the Council cannot demonstrate 5 year supply, this should be a 'significant material consideration.'

The Council's GTAA evidence establishes that for the time period 2014 – 2019, nine pitches would be required. Comments received from the Council's planning policy team confirm there are no outstanding planning permissions for pitches and therefore the Council does not have a 5 year supply of Traveller's Pitches. The current application would help the Council to meet its 5 year supply requirement for Gypsy and Traveller sites and this factor should be given significant weight in line with Government guidance in the PPTS.

Bolsover District Local Plan

Policy HOU 15 – Sites for Gypsies and Travellers in the adopted Local Plan is relevant to the application. This policy states that planning permission will be granted for new Gypsy and Traveller caravan sites if there is an identified need. The policy goes on to require consideration of the functional considerations of the site (e.g. amenity provision, highways access, character implications). These are assessed individually below.

Regarding the broader spatial considerations within HOU15, the policy seeks to ensure sites are positioned with access to local services and facilities. In the views expressed by Planning Policy, although criterion 2) requires proximity to a school and there is no school in Hilcote, Planning Policy assess the site would have reasonable access to educational services in the same way that existing pupils from Hilcote travel e.g. by private means or if there is a school bus service. Moreover further services in the form of a local pub, and local shop and post office appear to continue to serve the village. The site also has good accessibility to the main highway network given the close proximity to the M1 and A38. As such the spatial position of the site, despite its existence outside of the defined settlement framework is considered to be reasonably located and closely associated with the available services within the village as required by HOU15. The site is not within Green Belt, a Conservation Area or an Important Open Area and is considered to be required in this location (in line with ENV3) given the need requirement evidence discussed above.

An area of conflict which does exist with the Council's adopted Local Plan relates to criterion 5 of Policy HOU15. This states that sites should not be within or adjoining a residential area. Officers assess that such a policy criterion conveys an inherent tension with the spatial position and general presumption against isolated traveller sites as set out in the more up to

date 2015 PPTS. This Government guidance discourages isolated sites (Para 25) in the open countryside. Therefore the weight which can be given to this policy conflict is considered to be limited given there is a degree of inconsistency with government guidance (PPTS) and national planning policies (NPPF). Indeed, despite this conflict, the Council's planning policy team advises that, in their view, the development would accord with HOU15 in general terms.

Consultation Draft Local Plan (2016)

The more recent policy in the form of the Draft Local Plan 2016 takes into account the more up to date Traveller site guidance. Policy LC7 Gypsies, Travellers and Travelling Showpeople removes any requirements which discourages sites in close proximity to residential areas and instead (at LC7(f)) suggests an assessment of the scale of a proposal in relation to the scale of the existing settlement, its services and infrastructure should be undertaken. From an officer perspective, the development in this case is relatively small scale in comparison to the settlement of Hilcote and would not be disproportionate or dominate the scale of the settlement when contrasted with larger residential area. As such, in line with the advice from the Council's planning policy team, the development is considered to comply fully with the requirements of Draft Local Plan Policy LC7, which should be give some moderate weight in support of the current application.

Summary

In summary, the Council's evidence in relation to need for Gypsy and Traveller sites indicates a requirement for nine pitches up to 2019. This need is shown to be unmet and the Council therefore cannot demonstrate a 5 year supply of available sites. Government guidance in the PPTS requires significant weight to be given to a lack of 5 year supply when assessing applications which will contribute towards meeting this need requirement. The site in question is judged to be sustainably located with reasonable access to local services and the highway network. Although the site is close to the Hilcote settlement and this is discouraged by Criterion 5 of Policy HOU15, it is considered this factor should be given limited weight in the assessment of the sustainability credentials of the site given the shift away from such restrictions in the emerging Local Plan. Therefore subject to the assessment of the functional considerations below, and subject to conditions requiring all occupants meet the Gypsy and Traveller Definition, the application is considered to be acceptable in principle under adopted Local Plan policies ENV3 and HOU15, emerging Local Plan Policy LC7 and Government guidance in the Planning Policy for Traveller Sites 2015 (PPTS).

Character and Appearance

Concerns are raised in the representations received regarding the potential character and appearance implications of the proposed use, Officers do not foresee significant wider landscape implications as a consequence of the proposals given the vegetation and fencing proposed. The static caravans in the main will be sited behind this existing tree planting, and although visible in immediate views to the front of the site, will not be visible in wider and more distant views from public vantage points. Moreover the caravans and associated vehicles will be observed in close association with the adjacent dwellings to the east of the site and hence will not be viewed as isolated development in a landscape sense. As such it is considered the character and appearance implications as a consequence of the proposals will

be minimal and the proposals will accord with Local Plan Policies GEN1 and GEN2.

Highways Matters

The majority of the works involved with the formation of the access to the site have already been carried out in line with the previous permission. The access possesses good visibility and slopes inwardly into the site, meaning the transfer of loose material is unlikely. Conditions could reasonably secure a bound material for the first 5m, but given the Highway Authority have not requested this, there is reduced justification for such an approach.

Although respondents have raised concerns in relation to the volume of traffic a development of this type would produce, Officers consider that as a proportion of traffic movements associated with the wider village or using Hilcote Lane, the movements will equate to a very small percentage. As such refusal on the grounds of significant transport impacts would be unjustified in the Officer's view and lacks support from the Highway Authority.

Further queries are raised in relation to the lack of a footpath linking in to the village. Whilst this is a slight criticism, given the shortness of the length of road outside of the village, Officers give this criticism limited weight and consider that for the scale of the development proposed, further expansion of the footpath would be disproportionate.

In terms of parking, each plot is provided with two off street parking spaces for cars and space for a touring caravan in addition to the static caravans permitted. Such a level of provision is considered to be reasonable in the context of the proposed use. Although double yellow lines could be sought outside the site, given the straightness of the road, the level of parking provision within the site and absence of further justification from the County Highway Authority, such measures are judged disproportionate to the scale of the issue to warrant the expense that would result from a Traffic Regulation Order for double yellow lines.

In terms of loading and unloading of the large static caravans in question, this would be managed locally at the time of installation. The site is sufficiently large enough to enable works to occur within the site without significant disruption to highway.

The application plans do not contain a defined area for refuse storage and disposal. In the absence of this information, it is considered appropriate to condition the provision of a paved refuse storage area within 10m of the site access. Such provision would ensure ease of collection by the Council refuse service operatives in the same manner as neighbouring properties along Hilcote Lane.

Taking the above factors into account, the highway impacts of the proposed development are considered to be minimal and subject to conditions regarding visibility, surface provision and refuse storage, the proposals are considered to meet with the requirements of Local Plan policy GEN1 and GEN2.

Amenity Impacts

In terms of the impact of a residential caravan site on the use of nearby properties, the site proposed is relatively small scale and is unlikely to raise wider noise or disturbance impacts.

Specific concerns have been in relation to the potential use of diesel generators on the site or septic tanks. Officers have been assured that this is not the intention and that mains electricity and drainage will be provided. Conditions can reasonably secure such provision. With such provision in place, it is unlikely that there would be wider issues of noise or water pollution as a consequence of the reasonable use of the site. Should such matters occur, in line with other occupants of land and buildings, the Environmental Protection Act would afford protection from unreasonable disturbance.

A number of concerns are raised that an approval will lead to poor living conditions for future occupants as a consequence of noise, pollution and lack of amenity space by virtue of the proposed siting and layout. The site is designed broadly in line with the now withdrawn Gypsy Site Design Guidance (2008). The site is within 50m of a road and is provided with access in excess of the 3.1m minimum suggested width. The site provides for in excess of 6m spacing between units, storage for a touring caravan, two car parking spaces and a small garden area. The site is to be provided with mains water, mains electricity and mains drainage in line with the guidance. Taking the above design matters into account, Officers are satisfied the site is designed to provide for a reasonable level of amenity for future occupants.

The site is positioned not far from the M1 motorway and as such noise considerations are of relevance to the amenity of future prospective residents. The applicant has provided a noise report for the site which discusses mitigation measures such as double glazing to all static units. In addition to this, the applicant has since confirmed that a closed boarded fence will be provided on the site to supplement the mitigation afforded by the double glazing and planting. Environmental Health have been consulted on the further amendments and have yet to respond. Notwithstanding the absence of further formal comments from Environmental Health, at the time of writing this report, officers consider that the mitigation measures within the noise report supplemented by the acoustic fencing proposed would convey a reasonable standard of amenity to future occupants. Conditions can secure the implementation and retention of these measures. On this basis the proposed development is considered to accord with the requirements of Local Plan Policies GEN1 and GEN2 but an update will be presented to the Planning Committee when final comments on the scheme have been received from Environmental Health.

Ecological Impacts

Concerns are raised in correspondence in relation to the tree removal works carried out on the site. The trees in question were not subject to Tree Protection Orders and the site is not located within a Conservation Area. Consequently there is no legislative basis under which the Council could resist or otherwise seek reinstatement of the removed trees. The application therefore must be assessed on the basis which the site exists today. No further trees are shown as removed on the submitted plans.

In terms of the ecological impacts that may result from the development, the site is a relatively vacant plot with little vegetative cover or ecological value. The use of the site is not considered to have wider implications for the ecological merits of neighbouring sites given the limited physical construction work involved with the positioning of the caravans. The main ground disturbance which will result will be as a consequence of the installation of foul drainage. Electricity is already understood to be available on the site.

Concerns have been raised regarding the provision of diesel generators potentially impacting upon watercourses or fish stocks in a neighbouring landholding. It is confirmed in the application submissions that mains electricity, water and foul drainage will be provided on the site. Hence diesel generators will not be relied upon to serve the development, which would address concerns in relation to the potential impacts of the development on fish and/or nearby watercourses.

Taking these factors into account, officers are satisfied the proposed development would not result in significant adverse impacts upon known ecological interests within the vicinity of the site. As such the proposed development is considered to accord with the requirements of extant Local Plan Policy ENV5.

Other Matters

Concerns are raised that granting planning permission for this application would set a precedent for further traveller site permissions and this carries some weight insofar as a further six pitches need to be found before the Council can demonstrate it has a five year supply of pitches for gypsies and travellers. In the earlier sections of this report, the objectively assessed need for the area is discussed and until this need is met then great weight should be attached to granting permission for sites that are otherwise acceptable in planning terms. However, this does not mean granting permission for the current application sets a precedent because the justification for the site in this case is specific to the individual circumstances of the current applicants and the individual planning merits of the current application.

It is widely held that the perceived impact of a development upon property values is not a material planning consideration. It is also widely held that the potential for an applicant to breach planning conditions is also not a material consideration. Officers therefore ask Members to give no weight to these considerations in their assessment of the proposals.

Concerns are also raised that schools would become overloaded as a consequence of any approval or that NHS services would suffer adversely. Officers consider the proportion of population generated by the proposed development is limited and would not justify additional school or NHS contributions.

Concerns are raised that a fire appliance would be unable to access the site fully. Typically fire authorities and Building Regulations Approved Document B5 (para 11) require within 45m access of all parts of a residential building. The site in question as a whole is 50m long with the further pitch being approximately 45m from the site entrance. It is also apparent that a fire appliance (no more than 2.5m) would be able to use the 2.5m width access into the site. On this basis it is considered the proposals would meet the typical standards applicable for residential building.

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No crime and disorder implications are considered to result from the development proposals

Equalities: The above report adequately covers the Council's responsibilities to respect the rights of the Gypsy and Traveller community in line with National Planning Policy.

Access for Disabled: The pitches proposed will have relatively level access.

SSSI Impacts: N/A

Trees (Preservation and Planting): Existing trees retained in proposed development

Biodiversity: Biodiversity implications are discussed in the above report

Human Rights: The relevant provisions of the Human Rights Act, including the qualified right to the peaceful enjoyment of private property, are adequately considered in the above report.

Conclusion

In conclusion, it is acknowledged that the current application has generated considerable public interest and that a number of legitimate concerns are raised regarding a number of potential adverse impacts that might be associated with the proposed development. However, the Council's evidence is that there is a need for nine pitches for gypsies and travellers and this need is shown to be unmet. Therefore, the Council cannot demonstrate a 5 year supply of available sites and Government guidance requires Councils to give a lack of 5 year supply significant weight when assessing applications which will contribute towards meeting this need requirement. In all other respects, the site in question is judged to be sustainably located with reasonable access to local services and the highway network. Therefore, despite local concerns, the planning balance is weighed heavily in favour of the proposals.

With regard to functional matters, the proposals are considered to have a limited effect on the character and appearance of the area and would not harm the residential amenity, privacy or lead to other adverse impacts on the reasonable use of neighbouring properties. The proposals are subject to no objections with regard to highway matters, are provided with adequate manoeuvring and visibility, and would not result in significant impacts upon the biodiversity value of the site or its surroundings.

Therefore, subject to appropriate planning conditions, the current application is considered to accord with the requirements of Local Plan Policies ENV5, GEN1, GEN2, ENV3 and HOU15, Emerging Local Plan Policy LC7 and the Planning Policy for Traveller Sites 2015 Government Guidance. Accordingly, the current application is recommended for conditional approval.

RECOMMENDATION: The current application be APPROVED subject to the following conditions provided in précis form and subject to members granting delegated authority to the Joint Assistant Director / Planning Manager to formulate the precise wording for these conditions:

- 1. Development to commence within 3 years**
- 2. Development to be completed in accordance with amended plans.**
- 3. In perpetuity all future occupants of the site hereby permitted shall meet the 'Gypsies and Travellers' definition within Annexe 1 of the Planning Policy for Traveller Sites Guidance 2015.**
- 4. No additional caravans and/or mobile homes (whether for storage or human habitation), as defined in the Caravan Sites and Control of Development Act (1960) and the Caravan and Sites Act 1968 (and any act supplementing, revoking or re-enacting those acts), other than those expressly approved by this consent,**

shall be placed on the land for temporary or permanent purposes. The positioning of the Local Planning Authority shall be issued in writing prior to the siting of any further caravans.

5. There shall be no trade or business uses carried out on the caravan site hereby permitted. In particular no trading or breaking of equipment, scrap metal, timber, motor vehicles or other waste materials shall occur from the site.
6. Existing trees on site to be retained as part of a landscaping scheme for a minimum period of 5 years.
7. All caravans to be positioned on the site hereby permitted shall accord with the design recommendations as set out within the Section 6 'Mitigation and Recommendations' Section of the submitted Noise Impact Assessment report. The proposed Acoustic Fencing referenced in the same report shall be positioned on the site prior to first use and shall thereafter be retained for the duration of the use of the site.
8. Prior to use as a Gypsy and Traveller caravan site, mains drainage, mains water and mains electricity shall be provided and made available for use. Thereafter the utilities provided shall be retained for the life of the development
9. The new vehicular access shall be created to Hilcote Lane in accordance with the submitted application details, laid out, constructed and provided with visibility splays of 2.4m x 43m in the eastern direction and 2.4m x 103m in the western direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
10. The site shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Informative Notes:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

Statement of Decision Process

The Council has sought amendments and further information to ensure that the proposals complies with the policies and guidelines adopted by the Council, Government guidance and national planning policies in the National Planning Policy Framework.

Site Location Plan

