

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, The Arc, Clowne on Wednesday 25th October 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

C. Fridlington (Planning Manager (Development Control)), H. Fairfax (Planning Policy Manager), A. Rhodes (Principal Planner), J. Owen (Legal Executive) and A. Brownsword (Senior Governance Officer)

0331. APOLOGIES

Apologies for absence were received from Councillors J.A. Clifton and M.J. Ritchie.

0332. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0333. DECLARATIONS OF INTEREST

There were no declarations of interest.

0334. MINUTES – 27TH SEPTEMBER 2017

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

RESOLVED that subject to the amendment of Councillor Bowmer's name, the minutes of a meeting of the Planning Committee held on 27th September 2017 be approved as a true and correct record.

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0335. SITE VISIT NOTES – 22ND SEPTEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor R. Turner

RESOLVED that the notes of a meeting of a site visit held on 22nd September 2017 be approved as a true and correct record.

0336. ORDER OF BUSINESS

Due to Members of the public being present, the Chair consented to the order of business being changed.

0337. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00314/FUL - Residential development of thirty-five dwellings (A revised scheme of part implemented permission 03/00730/FULMAJ for forty-three dwellings) at Residential Development at Former Courtaulds Site, Meridian Close (Off Oxcroft Lane), Bolsover

Further details 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.

Ms. C. Stainton (Agent) attended the meeting and spoke in support of the application.

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

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

RESOLVED that Application No. 17/00314/FUL be APPROVED subject to the following conditions given in précis form (to be formulated in full by the Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of Planning) and upon completion of a S106 obligation requiring:-

- Three 2 bed affordable houses
- £32,690 Youth and adult recreation facilities
- £27,475 Children's play facilities

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Conditions

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

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

2. Except where specifically stated otherwise in the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings:-

Location Plan – JHY/OLB/PH1/LP/01

Site Layout – JHY/OLB/PH1/SL04F

Single garage – SDL-2016-092

Double garage – SDL-2016-094

Twin garage – SDL-2016-095

Standard boundary treatments – JHY/SDL49D

Boundary details – SF13Bols

Stone wall entrance – OX-DSE-35

Field gate – J7/02179

Plot specific house types

1. OX-HN-1A
2. OX-B-22326
3. OX-D-3
4. OX-B-433A
5. OX-B-517
6. OX-B-6
7. OX-BW-7
8. OX-HN-8
9. OX-B-9
10. OX-B-101230
11. OX-BW-11A
12. OX-B-101230
13. OX-D-13
14. OX-HN-14
15. OX-BW-15B
16. OX-B-16
17. OX-B-517
18. OX-HN-18
19. OX-MT-192021A

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20. OX-MT-192021A
21. OX-MT-192021A
22. OX-BW-22
23. OX-B-22326
24. OX-D-24
25. OX-B-25B
26. OX-B-22326
27. OX-BW-27
28. OX-STY-28A
29. OX-BW-29
30. OX-B-101230
31. OX-D-31
32. OX-B-32
33. OX-B-433A
34. OX-HN-34A
35. OX-B-35A

R. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

3. The hedgerow along the western boundary of the site shall be retained and reinforced as may be necessary and thereafter maintained.

Before the development is commenced and before any equipment, machinery or materials are brought on to the site to implement this planning permission, temporary fencing must be erected to protect the existing hedgerow along the western boundary of the site located at least 2m from the bole of the hedge-line. The fencing shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be at least 1.2m high, strong enough to resist impacts and shall include intermittent signage along its length warning site operatives that the 'Hedge to be retained and protected by condition of planning permission' and also advising that nothing can be stored or placed within the fenced area and the ground levels within the fenced area must not be altered nor any excavation take place, without the written consent of the Local Planning Authority.

In the event that the hedgerow is removed which should have been retained in accordance with this condition, it shall be replaced within the next available planting season by Hawthorne whips planted at 25cm centres in a double staggered row which shall thereafter be retained and maintained.

R. To ensure that satisfactory landscaping is retained in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and ENV8 of the Bolsover District Local Plan.

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4. Potential Ground Contamination

Other than works to continue the construction of the highway access and estate road, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 'A' to 'D' 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 condition '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,
- ground waters and surface waters,
- ecological systems,
- archaeological sites;

(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 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

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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 (or 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 condition 'A', and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 'B', 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 condition 'C'.

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.

R. To reduce any risks associated with potential ground contamination or ground gas and to accord with policy GEN4 of the Bolsover District Local Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than to the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. The details shall include

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a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with:

a. The principles and details contained within the 'Flood and Drainage Assessment for a proposed residential development site adjacent to Oxcroft Lane, Bolsover, Dated: 21st May 2017 Project No: 7688'

b. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015).

R. To ensure that the site is properly drained, adopts sustainable drainage principles and in order to prevent overloading by surface water which must not be discharged to the foul sewer network and to accord with policies GEN5 and GEN6 of the Bolsover District Local Plan.

6. Plots 11, 12, 13, 15 and 16 shall be fitted with high performance acoustic glazing and mechanical ventilation of a type specified by an appropriately qualified person to mitigate potential noise impacts from existing commercial development to the south side of the site.

R. To ensure a an acceptable standard of amenity for the occupants of the proposed dwellings having regard to the existing commercial development to the south side of the site and to accord with policy GEN3 of the Bolsover District Local Plan.

7. Before construction progresses above foundation level on any building or wall, a materials plan and schedule and representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

8. Before any of the dwellings have been occupied, the feature dry stone walls at the entrance to the site shall have been provided in accordance with the approved layout plan JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and generally in accordance with drawing OX-DSE-35; subject the dry stone wall being constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with details and a sample panel constructed on site which have all been approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

9. Prior to the occupation of any of the dwellings 2.4 x 47m visibility splays at the site access junction shall be provided and thereafter maintained free from obstruction for the life of the development.

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R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

10. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings, constructed to base level and drained and lit.

R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

11. Prior to the occupation of any of the dwellings its external off-street parking, access drives and turning areas shall have been provided in accordance with the revised layout drawing JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and thereafter maintained for their intended use.

R. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with policy GEN1 and GEN2 of the Bolsover District Local Plan.

12. Notwithstanding the boundary detail shown on the submitted layout plan no dwelling shall be occupied until further details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented before the respective dwellings are occupied.

R. The front boundary treatments proposed on the layout plan are not approved and must be replaced with a more appropriate alternative to accord with policy GEN2 of the Bolsover District Local Plan.

13. Notwithstanding the landscaping detail submitted during the course of the planning application, no building shall be occupied until a scheme 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.

R. To ensure that satisfactory landscaping is retained and provided in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and of the Bolsover District Local Plan.

14. 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.

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R. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with GEN 1, GEN 2, GEN11 and ENV5 of the Bolsover District Local Plan.

Notes

The presence of a chicken rearing farm close to this site should be noted. The amenity of the occupants of the proposed dwellings will be affected from time to time, though the frequency is likely to be restricted to a few days per year and so this issue has not precluded planning permission being granted for residential development on this site.

With regard to the future discharge of the surface water drainage condition set out above, the Applicants attention is brought to the additional advice set out in the DCC's Flood Risk Management Teams Recommendations dated 12/10/2017 available to view on the Council's website.

Avoid bird nesting season for site clearance unless surveyed by an ecologist.

Compliance with ecology report's recommendations.

Highway Authority Notes.

(Planning Manager (Development Control))

2. 14/00080/OUTEA - Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision at Land Between Welbeck Road And Oxcroft Lane, Bolsover

Further details were included within the Supplementary Report.

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

The Committee considered the application having regard to the key issues including:

1. Whether the changed position in respect of a five year supply of housing would affect the 2016 resolution to approve this application;

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2. Whether the suggested planning conditions and obligations would be sufficient to make the proposed development acceptable in planning terms and meet the relevant legal and policy tests; and
3. Whether a proposed amendment to the original resolution to approve this application would be acceptable.

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

RESOLVED that Application No. 14/00080/OUTEA be APPROVED subject to the following conditions:

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the three key entry points at Marlpit Lane, Longlands and Oxcroft Lane approved by this permission (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, or phase of development, is commenced on site or on that phase of development.

[Reason: 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 ten years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

3. The development hereby approved shall be begun either before the expiration of three years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters whichever is the later.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev. F dated 21/01/2016.

[Reason: In order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

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5. Not later than concurrently with the submission of the first reserved matters within any phase, a supplementary Design and Access Statement for that phase shall be submitted to the local authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014, as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

[Reason: So that any reserved matters proposals are informed and shaped by the agreed design code in order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

6. A Site Wide Phasing Programme (generally in accordance with the submitted outline application) shall be submitted to the Local Planning Authority for approval in writing prior to or no later than concurrent with the first Reserved Matters application submitted for the site subject of this permission. The Phasing Programme shall include details of the proposed sequence of development across the entire site, strategic drainage and SuDs infrastructure, the extent and location of individual development phases and the associated access arrangements (including creation, diversion and improvement of pedestrian/ cycle routes and Public Rights of Way) and timescales for implementation of the off-site highway improvements (including inter-alia the junction arrangements shown on drawings numbered: 10020/GA/06/D and 10020/GA/04/H).

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of appropriate infrastructure.]

7. No development shall commence until the Phasing Programme required under condition 6 has been approved in writing by the Local Planning authority and thereafter each reserved matters planning application for any phase or part of a phase shall be accompanied by an updated site wide phasing programme for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Phasing Programme as approved and updated.

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of the necessary highways, drainage and open space and ecology infrastructure and in compliance with policies GEN1, GEN2, GEN5, GEN6, HOU5, TRA7, TRA10, TRA12, TRA13, TRA15, ENV5 and ENV8 of the Bolsover District Local Plan.]

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8. No later than concurrent with the submission of the first Reserved Matters planning application a Framework Travel Plan, including proposed Travel Plan targets, shall be submitted to and approved by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

[Reason: In the interests of encouraging sustainable transportation in association with the approved development and in accordance with the requirements of Policy GEN1 in respect of impacts on the highway network.]

9. No dwelling or other premises shall be occupied within any phase (or sub-phase as may be approved in writing by the Local Planning Authority) until the estate street serving that dwelling or premise has been constructed to base level, drained and lit and the garaging, parking, setting down or collection of passengers, servicing and manoeuvring space has been provided in accordance with any approved details and retained free from any impediment to its designated use accordingly thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

10. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall include detailed design for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. Facilities shall be provided in accordance with the approved details prior to first occupation of the dwellings to which they relate and retained free from any impediment to their designated use thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

11. The details to be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters application for any phase shall include a scheme (including a programme for implementation) for the disposal of highway surface water. The scheme shall be implemented in accordance with the approved details prior to the streets being taken into public use.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

12. No development shall be commenced within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until details of the proposed arrangements for the future management and maintenance of the

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proposed streets within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance scheme until such time as a an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

[Reason: In order to ensure that satisfactory arrangements for the long term management and maintenance of highway areas are provided the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, with the exception of the primary access points to Marlpit Lane, Longlands and Oxcroft Lane (with no through route from Oxcroft Lane to the larger part of the remainder of the site) as shown on the submitted application drawings there shall be no other new means of access either vehicular or pedestrian to the existing highway network unless details are first submitted to and approved in writing by the Local Planning Authority in conjunction with the discharge of phasing conditions above.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

14. Archaeology

a) Not later than concurrently with the submission of the first reserved matters application within any phase a programme of archaeological field evaluation and subsequent reporting shall be submitted to the Local Planning Authority for approval in writing.

b) No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a Written Scheme of Investigation for archaeological work within that phase has been submitted to and approved by the local planning authority in writing for that phase or sub-phase, and until any pre-start element of the approved scheme within that phase has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

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c) No development within a relevant phase shall take place other than in accordance with the Programme and Written Scheme(s) of Investigation approved under sections a) and b) of this condition.

d) No development within a relevant phase shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Schemes of Investigation for that phase approved under part b) of this condition.

[Reason: In order to facilitate the protection or recording of the archaeological interest of the development area and in compliance with policies GEN2 and CON13 of the Bolsover District Local Plan.]

15. The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

[Reason: In order to ensure that appropriate means for the long term management and maintenance of all public areas is provided in the interests of the establishment of such areas and the character and appearance of the development and its wider setting and in compliance with the requirements of policies GEN1 and GEN2 of the Bolsover District Local Plan]

16. Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centerline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

[Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies GEN2(11) and ENV5 of the Bolsover District Local Plan.]

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17. In accordance with the recommendations in Section 12.2.9 of the submitted Geo-environmental Appraisal Report (October 2013), remedial works to deal with any fissures including: excavation of the treated ground to expose the fissures; grouting and consolidation of any open fissures; suitable reinforcement of the footings; capping of the fissures at rockhead; and a no build stand-off area from any fissure encountered, shall take place prior to development within the affected part(s) of any phase or sub-phase of the development.

[Reason: The Geo-environmental Appraisal Report (October 2013) advises that coal mining legacy potentially poses a risk to the proposed development and that remedial works are required to treat the fissures to ensure the safety and stability of the proposed development and in accordance with policy GEN7 of the adopted Bolsover District Local Plan.]

18. Prior to the commencement of development within each phase or sub-phase, a construction management and mitigation plan for that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall cover:

- Construction traffic routing plan;
- Proposed temporary means of construction access;
- Site accommodation;
- Storage of plant and materials, including how any potentially polluting materials will be stored to minimise the risk of pollution;
- Parking and manoeuvring of site operatives and visitors vehicles;
- Loading, unloading and manoeuvring of goods vehicles;
- Hours of operation;
- Method of prevention of mud and debris being carried onto the highway;
- Dust management provision;
- Measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity;
- An assessment of the risks posed to groundwater during the construction phase of the development;
- The implementation of mitigation measures designed to protect groundwater;
- Details of a protocol to deal with any pollution that may occur during the course of construction.

The Construction Management and Mitigation Plan shall be implemented as approved and not altered without the prior written approval of the Local Planning Authority.

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[To ensure protection of the Principal Aquifer, public health, highway safety and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

19. Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

[Reason: Farnsworth Farm to the east is an established noise generating activity and appropriate mitigation measures need to be designed into dwellings that would be affected by such activity to ensure that the impact is reduced to an acceptable level, to ensure the continued operation of the adjoining business and in accordance with policy GEN3 of the adopted Bolsover District Local Plan.]

20. Unless otherwise approved in writing by the Local Planning Authority, development within any phase or sub-phase, other than that required to be carried out as part of an approved scheme of remediation, must not commence until 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 for each of the different zones, 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 assessments must be undertaken by competent persons and written reports 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,

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- 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 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; this should include details identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

[To ensure protection of the Principal Aquifer and in order to protect public health and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

21. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The scheme shall be implemented in accordance with the approved details before any development within any phase (or sub-phase) is first brought into use.

[REASON: To ensure that the development is provided with a satisfactory means of foul drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in compliance with Policies GEN2 (9) and GEN6 of the adopted Bolsover District Local Plan]

22. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a scheme for the improvement or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings within any phase (or sub-phase) until the scheme for improvement or extension of the existing sewage system for that phase (or sub-phase) has been completed in accordance with any approved details.

[Reason The existing sewerage and sewage treatment for Bolsover is known to be virtually at capacity. Therefore in order for this development to commence it is essential that enough sewerage and sewage treatment capacity is provided to cater for the extra flow and in accordance with the requirements of policies GEN2 (9), and GEN6 of the Bolsover District Local Plan.]

23. Each phase of the development shall not be commenced until such time as a scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to dispose of surface water has been submitted to and approved in writing by the local

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planning authority in respect of that phase. The scheme shall include:

- The utilisation of holding sustainable drainage ;
- The limitation of surface water run-off to the equivalent Greenfield runoff rate;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of detailed drainage calculations;
- A management and maintenance plan for the drainage system in accordance with DEFRA non-statutory technical standards for sustainable drainage (March 2015);
- Measures to mitigate risks to groundwater from surface water drainage; and
- A timetable for the provision of the drainage proposals insofar as they relate to that phase.

The approved scheme for each phase shall be implemented as approved in accordance with the agreed timetable for its delivery.

[Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to: ensure that the principles of sustainable drainage are incorporated into this proposal; to protect groundwater; reduce the risk of creating or exacerbating a flooding problem; ensure that surface water discharged from the site is managed appropriately to reduce the impacts of sediment, silt and pollutants derived from the site on the receiving waterbody; to improve and protect water quality; to improve habitat and amenity; to minimise the risk of pollution; to ensure the future maintenance of the sustainable drainage structures; and in compliance with Policies GEN2 (9) and GEN5 of the adopted Bolsover District Local Plan.]

24. No development shall be commenced unless and until a S106 Planning Obligation has been completed (signed by all parties) to address the details included as Appendix A to this planning permission.

[Reason: In order to ensure adequate infrastructure provision is made to mitigate the impacts of the development in respect of leisure and amenity spaces, highway safety and transportation and affordable housing and in order to comply with policies GEN1, GEN2, GEN11, HOU5, HOU6, TRA10, TRA13, TRA15, ENV5 and ENV8 of the adopted Bolsover District Local Plan and in line with the requirements of the National Planning Policy Framework.

(Planning Manager (Development Control))

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3. 17/00314/FUL - Residential development of thirty-five dwellings (A revised scheme of part implemented permission 03/00730/FULMAJ for forty-three dwellings) at Residential Development at Former Courtaulds Site, Meridian Close (Off Oxcroft Lane), Bolsover

Further details 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 Policies, emerging Replacement Local Plan and the National Planning Policy Framework.

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

RESOLVED that Application No. 17/00314/FUL be DEFERRED and delegated to Planning Manager in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover the heads of terms listed below;
- B. Conditions deemed necessary including those set out below in draft form to be formulated in full by the Planning Manager

S106 Heads of Terms:

10% affordable housing; contribution to South Street Recreation Ground (in lieu of on-site provision); contribution to off-site built & outdoor sports facilities; health care contribution; and Public Art contribution.

Recommended Conditions

- C 1 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- C 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.
- C 3 Reserved Matters details must include a detailed design and associated management and maintenance plan for surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015). The plan shall include details of a Surface Water Drainage

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Strategy with details of any temporary surface water drainage proposals for construction period and an implementation programme. The approved drainage system must be implemented in accordance with the approved detailed design and implementation programme.

C 4 No building will progress beyond foundation level unless and until a scheme of sound insulation has been submitted to and approved in writing by the local planning authority. The scheme must be designed following the completion of a sound survey undertaken by a competent person. The scheme must take account of the need to provide adequate ventilation, which will be by mechanical means where an open window scenario is not sufficient and must 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 LAmax 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 must 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 must be performed over a representative time period for a minimum of 1 hour.

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

C 5 Reserved Matters details must include a Dust Management Plan for the construction phase of the project. The construction phase of the development must only be carried out in accordance with the Dust Management Plan approved under this condition.

C 6 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C of this condition 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 Part D of this condition has been complied with in relation to that contamination.

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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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 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.

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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 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B of this condition, 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 Part C of this condition.

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.

C 7 Reserved matters details for this proposal must include a proposed scheme for boundary treatment at the boundary of the site with the M1 including details of an implementation scheme for such works. The development shall be implemented in accordance with any approved reserved matters and thereafter be maintained and managed in accordance with the approved scheme at all times.

C 8 Any reserved matters application for the layout of the site must be accompanied by the geotechnical details associated with this development, which must also include a programme for implementation. The development must be carried out in accordance with the approved details and in accordance with the agreed programme of implementation.

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C 9 Prior to the submission of any reserved matters planning application, a scheme of intrusive site investigations for the shallow coal workings must have been submitted to and approved in writing by the Local Planning Authority.

C 10 Any reserved matters application for the layout of the site must include the submission of a report of findings arising from the intrusive site investigations into shallow coal workings (condition 8) and, where shown to be necessary through that report, a scheme of remedial works for the shallow coal workings that must include an implementation programme. Any remedial works required under this planning permission must be implemented in full in accordance with the agreed implementation programme.

C 11 Any reserved matters for the appearance and landscaping of the site must include details of ecological enhancement measures that shall include details of measures for roosting bats and nesting birds and native planting within the landscaping scheme and must include details of an implementation programme. Any such details approved as a reserved matter shall be implemented in full as approved and maintained as approved thereafter.

C 12 Reserved matters details for this proposal must include an external lighting strategy, to include any street lighting, that must seek to limit the impact of light pollution from artificial light on nature conservation and must include a programme of implementation. Any such details approved as a reserved matter must be implemented in full and maintained as approved thereafter.

C 13 The reserved matters for the site must make provision for the retention of the hedgerow on the site's northern boundary and must demonstrate that the proposed development will not harm the hedgerow nor any trees within it.

C 14 In this condition "retained tree" or "retained hedgerow" means an existing tree or hedge which is to be retained to comply with the approved plans and particulars; and paragraphs (a) and (b) below will apply for five years after the occupation of the last dwelling on the development.

(a) No retained tree or hedgerow will be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow must be planted at the same place and that tree or hedgerow plants must be of such size and species, and must 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 to implement this planning permission, temporary fencing must be erected to protect the existing retained hedgerows and trees. The fencing must be retained and maintained until all equipment, machinery and surplus materials have been removed

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from the site. The fencing must be at least 1.2m high, strong enough to resist impacts and must include intermittent signage along its length warning site operatives that the 'Hedge and/or trees is/are to be retained and is/are protected by condition of planning permission' and also advising that 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

Reason(s)

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

R 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

R 3 To ensure that sufficient detail of the construction, operation and maintenance of any drainage systems is provided and incorporate the principles of sustainable drainage as far as is practicable, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act. and in compliance with the requirements of policies GEN1(6), GEN2 (1, 9 and 13) and GEN5 of the adopted Bolsover District Local Plan.

R 4 To protect the amenity of the occupants of the proposed dwellings, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with Policies GEN1(6) and GEN3 of the adopted Bolsover District Local Plan.

R 5 To protect the amenity of the occupants of nearby dwellings and in compliance with Policies GEN1(6) and GEN2(2) of the Bolsover District Local Plan.

R 6 To ensure the site is suitable for its intended use, to protect the amenity of residents and the quality of the water environment and in compliance with Policies GEN1(6), GEN2(8) and GEN4 of the Bolsover District Local Plan.

R 7 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policy GEN1(6) of the adopted Bolsover District Local Plan.

R 8 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policies GEN1(6) and GEN7 of the adopted Bolsover District Local Plan.

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R 9 In order to ensure that the extent of shallow coal workings and their potential to influence the design and layout of the scheme is fully understood at an appropriate time, to ensure that the site is suitable for its intended use, to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 10 In order to ensure that any shallow coal workings are suitably identified and means for their suitable remediation put in place to ensure that the site is suitable for its intended use to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 11 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 12 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 13 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests, to ensure that adequate protection is given to the retained hedgerow and trees in the interests of the visual amenity of the area and in compliance with policies GEN1(4), GEN2(1, 11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 14 To ensure that adequate protection is given to the trees and hedgerows to be retained on the site in the interests of the visual amenity of the area, in the interests of ecology and biodiversity and in compliance with Policies GEN1 (4), GEN2 (1, 11, 12 and 21), ENV5 and ENV8 of the Bolsover District Local Plan.

(Planning Manager (Development Control))

0338. PROPOSED UPDATE OF THE STATEMENT OF COMMUNITY INVOLVEMENT

The Principal Planner presented the report which updated Members on legislative changes and set out the impact of the changes on the Council's Statement of Community Involvement and the need to update it. A draft updated version had been circulated for Members information.

It was also noted that the Council's own Consultation Policy was not in line with the proscribed planning consultation set out in primary legislation and regulations. Public consultation on planning documents, must follow proscribed consultation.

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It was also noted that the updated approach to the Neighbourhood Planning Protocol was to be discussed at the Executive to be held on 6th November 2017.

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

RESOLVED that (1) the detailed issues in the report be noted,

(2) the updated Statement of Community Involvement be adopted,

(3) the relevant Officer be requested to amend the Council's Consultation Policy as a matter of urgency as follows:

'Consultation on all planning matters, including planning policies, planning proposals and planning applications shall be undertaken in accordance with the guidelines set out in the adopted Statement of Community Involvement'

Planning Policy Manager/Senior Governance Officer)

0339. REPORT ON LOCAL PLAN TIMETABLE

The Planning Policy Manager presented the report which considered the need to amend the current timetable for the preparation of the Local Plan and sought to agree the publication of a live on-line update until the final dates for the new Local Development Scheme could be agreed.

It was noted that due to uncertainties surrounding the Housing White Paper, the Strategic Housing Market Area Assessment, Whole Plan Viability Study, Green Belt and Emerging Issues, the current timetable could not be adhered to and a revised timetable was outlined in the report.

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

RESOLVED that the website be updated with the new Local Development Scheme, as amended by the dates outlined in the report.

(Planning Policy Manager)

The meeting concluded at 1102 hours.