

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 22nd November 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

J. Arnold (Assistant Director – Planning and Environmental Health), C. Fridlington (Planning Manager (Development Control)), R. Routledge (Interim Planning Policy Manager), C. McKinney (Principal Planning Officer (Policy)), D. O'Connor (Planning Officer), J. Owen (Legal Executive) and A. Brownsword (Senior Governance Officer)

0423. APOLOGIES

An apology for absence was received from Councillors T. Alexander, J.A. Clifton and R. Turner

0424. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0425. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Agenda Item No.	Member	Nature of Interest
7(i)	J. Wilson	Significant Non Statutory Interest Family Member has interest in the Application site

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0426. MINUTES – 25TH OCTOBER 2017

Further to Minute No. 0337 – Applications to be determined under the Town and Country Planning Acts – 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, Councillor Crane noted that although he had voted in favour of the application, he wished his concerns regarding the highways issues to be noted.

Moved by Councillor T. Munro and seconded by Councillor M.J. Ritchie

RESOLVED that with the above amendment, the minutes of a meeting of the Planning Committee held on 25th October 2017 be approved as a true and correct record.

0427. SITE VISIT NOTES – 20TH OCTOBER 2017

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

RESOLVED that the notes of a site visit held on 20th October 2017 be approved as a true and correct record.

0428. FIVE YEAR HOUSING SUPPLY – UPDATED

The Principal Planning Officer (Policy) presented the report which set out and sought approval for an amendment to the annual assessment and publication of the five year supply of deliverable sites following the release of the North Derbyshire and Bassetlaw SHMA – Objectively Assessed Need (OAN) Update Report.

The Principal Planning Officer (Policy) explained that the OAN Update Report provided a new OAN of 272 dwellings per year based on updated population projections utilising the Government's existing methodology. He also advised that the Government were consulting on a revised methodology, which would see an OAN of 244 dwellings per year. The Principal Planning Officer (Policy) then explained how these two figures would affect the five year supply calculation.

Based on this, the Principal Planning Officer (Policy) advised that it was appropriate to use the OAN Update Report figure of 272 dwellings per year at this stage and that

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on this base the Council had just under 8 years of deliverable supply and now a track record of delivery against its OAN requirement.

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

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

(2) the findings of the North Derbyshire and Bassetlaw SHMA – OAN Update' (October 2017), be agreed and utilised in the calculation of the 5 year supply,

(3) the assessment of the Council's current five-year supply of deliverable housing sites as set out at Appendix A of the report be approved,

(4) the publication of the five Year Supply Assessment (Appendix A of the report), the Schedule of Deliverable Sites in the five year supply (Appendix B of the report) and the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update' on the Council's website be authorised,

(5) delegated authority be given to the Joint Assistant Director - Planning and Environmental Health in consultation with the Chair and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 4, prior to publication.

(Interim Planning Policy Manager)

0429. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

Having previously declared her Non Statutory Significant interest in the following item of business, Councillor J. Wilson left the meeting during the discussion and took no part in the voting thereon.

1. 17/00417/OUT - Residential development of up to 400 dwellings with the safeguarding of land for a primary school/nursery, a community hub to include a local shop, a large swathe of formal parkland, other public open space areas, associated landscaping, pedestrian/cycle links and vehicular access from Low Road and Cliff Hill at Land North South And East Of Stanfree Farm, Low Road, Clowne

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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 report.

Councillor J.E. Smith (Bolsover District Council), Ms. M. Rose (Stanfree Valley Preservation Group), Ms. S. Goodwin and Mr. I. Sykes attended the meeting and spoke against the application.

Ms. A. Gilliver attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the emerging Bolsover District Local Plan, Bolsover District Local Plan (February 2000), National Planning Policy Framework, and the updated 5 year housing supply.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor
RESOLVED that Application No. 17/00417/OUT be REFUSED for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 400 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would not only constitute an unwarranted departure from the Development Plan, it would also conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
2. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. Furthermore, the site is poorly related to the main built up area of Clowne and to the nearby village of Stanfree. Consequently, the proposed development would not appear to be a logical extension of either urban area and would detract from the distinctive character of both settlements. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies GEN2 and GEN11 and contrary to core planning principles in the National Planning Policy Framework.
3. In the absence of adequate survey work, it cannot be demonstrated that the derogation tests in the Habitat Regulations can be met in respect of European Protected Species, it is not possible for this Council to approve this application

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and demonstrate that due regard has been paid to the purpose of conserving biodiversity in accordance with s.40 of the Natural Environment and Rural Communities Act 2006, and it is not possible to determine that there would be no net loss of biodiversity in accordance with national planning policies if permission were to be granted for the current application.

4. In the absence of adequate information on archaeology, it cannot be demonstrated that the proposals would not result in substantial harm to heritage assets contrary to the provisions of paragraphs 128, 135 and 139 of the Framework and contrary to core principles in the Framework that require local planning authorities to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
5. In the absence of adequate information on land stability, it cannot be demonstrated that the site is stable or can be made so and also that the proposals would not be likely to initiate landsliding on, or contribute to the instability of, the adjoining land. Consequently, it cannot be determined that the site is suitable for its new use taking account of ground conditions and land instability, and any approval for the current application would conflict with national planning policies set out at paragraphs 121 and 122 of the Framework
6. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
7. In the absence of a robust transport assessment, it cannot be demonstrated that the development would not have a severe adverse impact on the local road network contrary to paragraph 32 of the Framework because of the overall scale of development, the proposed location of the development and in the absence of appropriate mitigation. If planning permission were to be granted in these circumstances, the resulting traffic congestion would have subsequent negative impact on the environmental quality and the vitality and viability of the local area contrary to saved Local Plan policies GEN1 and ENV3. The submitted application also fails to demonstrate the proposed development can be provided with a safe and suitable access, which is also contrary to national planning policies set out in paragraph 32 of the Framework.
8. The public sewer is at capacity and drainage issues remain unresolved. There is a potential odour nuisance issue for future occupants of the proposed housing because of a combined sewer overflow on the site that also remains unresolved. Until these issues are addressed, it cannot be demonstrated that

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the proposed development would accord with core planning principles in the Framework that require a good standard of amenity for all existing and future occupants of land and buildings.

9. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole

(Planning Manager (Development Control))

Councillor J. Wilson returned to the meeting.

2. 17/00409/OUT - Erection of up to 100 dwellings, public open space, landscaping and sustainable drainage system (SuDS) with vehicle access from Mansfield road. (All matters reserved except for means of access) at Land To The South Of Ramper Avenue And Between Mansfield Road And Ringer Lane Clowne

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 report.

Councillor J.E. Smith (Bolsover District Council), Mr. M. Bond (Wickets Residents Association) and Mr. P. Hillman attended the meeting and spoke against the application.

The Committee considered the application having regard to the emerging Bolsover District Local Plan, Bolsover District Local Plan (February 2000), National Planning Policy Framework, and the updated 5 year housing supply.

Moved by Councillor S.W. Fritchley and seconded by Councillor .D. McGregor
RESOLVED that Application No. 17/00409/OUT be REFUSED for the following reasons:

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1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 100 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan and would conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
2. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
3. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area also taking into account the proposals would result in the loss of Grade 2 agricultural land. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies ENV2, GEN2 and GEN11 and contrary to core planning principles in the National Planning policy Framework.
4. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the

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adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

(Planning Manager (Development Control))

The meeting concluded at 1105 hours.