

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 7th February 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, M. Crane, 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)), R. Routledge (Interim Planning Policy Manager), S. Phillipson (Principal Planning Officer), David O'Connor (Planning Officer), A. Brownsword (Senior Governance Officer) and L. Robinson (Finance Assistant)

0593. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, C.P. Cooper, M.J. Ritchie and B. Watson

0594. URGENT ITEM OF BUSINESS

The Chairman consented to the following item of business being heard following Agenda Item No. 6:

- Report on Local Plan Timetable

0595. DECLARATION OF INTEREST

The following declaration of interest was received:

Agenda Item No.	Councillor	Type of Interest
6(i)	J.A. Clifton	Non Significant Non Statutory

0596. MINUTES – 20TH DECEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor T. Munro
RESOLVED that the minutes of a meeting of the Planning Committee held on 15th December 2017 be approved as a true and correct record.

PLANNING COMMITTEE

0597. SITE VISIT NOTES – 15TH DECEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton
RESOLVED that the notes of a Site Visit held on 15th December 2017 be approved as a true and correct record.

0598. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00587/FUL - Development of a new single storey medical centre (D1) and associated car parking and landscaping at Proposed Medical Centre, Main Street, Whaley Thorns

Further details and an amended recommendation were included on 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.

Mr. J. Langdon-Bates attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework, the Emerging Local Plan for Bolsover District (October 2014 onwards) and the Green Space Strategy

Moved by Councillor J. Wilson and seconded by Councillor S.W. Fritchley
RESOLVED that Application No. 17/00587/FUL be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
3. The proposed alterations to the access shall be carried out in accordance with the submitted plans and the new access shall be provided with 2.4m x 43m visibility splays prior to the building hereby permitted being taken into use. Thereafter, the visibility splays shall be maintained free of obstruction to visibility exceeding 1m in height between the existing carriageway edge and the sightlines.
4. On site car parking and cycle racks shall be provided in accordance with the submitted plans prior to the building hereby permitted being taken into use. Thereafter, the parking spaces, cycle racks and associated off-street manoeuvring areas shall be maintained free of obstruction from their designated

PLANNING COMMITTEE

use.

5. Notwithstanding the details shown on the submitted plans, details of the design and colour of the proposed fence shall be submitted for approval and implemented prior to the building hereby permitted being taken into use.
6. Before the building hereby approved is first brought into use, the 2.4m high fence shown on the approved plans shall be erected along the site boundaries and shall be maintained as such thereafter.

(Planning Manager (Development Control))

2. 17/00405/FUL - Application for the erection of 96 dwellings, with associated car parking, infrastructure, surface water attenuation basin and open space at Land to the North of Congreave House and to the South of High Ash Farm, Mansfield Road, Clowne

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 and Mr. B. Croves 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 Bolsover District Local Plan, the Local Plan for Bolsover District, Consultation Draft Local Plan (October 2016), the National Planning Policy Framework and the Green Space Strategy.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro
RESOLVED that Application No. 17/00405/FUL be REFUSED for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that the housing scheme is necessary in the proposed location in the countryside.

The visual impact of the proposed housing on the rural setting of Clowne would have a significant adverse urbanising effect on the character of the local area and would be a further incremental extension and an unjustified encroachment of Clowne southwards into the surrounding 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.

PLANNING COMMITTEE

2. The proposal would not result in sustainable development, in particular the proposal fails to satisfy the social role dimension of sustainable development set out in paragraph 7 of The National Planning Policy Framework for the following reasons:-
- 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 the junior school, granting permission for the current application would not reflect the local community's needs or support its social well-being contrary to Paragraph 72 of the National Planning Policy Framework.
 - The location of additional housing to the south of Clowne will necessitate additional car journeys to reach a more distant alternative junior school and also to reach the major road connections to the north of Clowne including the M1 Motorway.
 - The proposed development would have only limited connectivity to the adjoining area, lacking any road links or direct footpath connection to its north side and would form a largely isolated, poorly planned pocket of development on the extreme southern edge of the settlement.

Approval of the application under these circumstances would be contrary to saved local plan policy ENV3 (A) and would be contrary to core planning principles in the National Planning policy Framework.

(Planning Manager (Development Control))

3. 17/00598/OUT -Outline planning for the proposed redevelopment and relocation of nursery and garden centre, and residential development for up to 65 dwellings and ancillary works with all matters reserved except for access at Glapwell Nurseries, Glapwell Lane, Glapwell, Chesterfield

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 report.

Councillor A.M. Syrett, Parish Councillor Fleetwood and Mr. Pursehouse attended the meeting and spoke against the application.

Mr. C. Waumsley and Mr. M. Briggs attended the meeting and spoke in support of the application.

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

PLANNING COMMITTEE

Moved by Councillor D. McGregor and seconded by Councillor P.M. Bowmer
RESOLVED that Application No. 17/00598/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 65 houses is necessary in the proposed location in the countryside. In addition, it has not been demonstrated that the proposed location would be a sustainable location for this number of houses with particular regard to the level of local services and employment opportunities in Glapwell, the distance between Glapwell and other service centres, and the extent to which future occupants would be dependent on a car to access services and employment. Therefore, the current application is contrary to saved Local Plan policies TRA1, GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan.
2. The proposed housing would have an urbanising effect on the rural setting of Glapwell, would fail to respect or reflect the historic pattern of development within the settlement and diminish its locally distinctive character. The submitted plans also fail to demonstrate that the scheme would otherwise significantly improve the environmental quality of the local area. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policy GEN2 and contrary to core planning principles in the National Planning Policy Framework.
3. For the above reasons, it is considered that the proposals do not constitute a form of sustainable development and the 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))

4. 17/00571/FUL - Proposed residential development of 6 no. two-storey dwellings at Land To The South 16 And 18 Ash Close, Pinxton

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.

Ms. J. Gibson attended the meeting and spoke against the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework, the Successful Places Interim Design Supplementary Planning Document and the Green Space Strategy.

PLANNING COMMITTEE

Moved by Councillor P. Smith and seconded by Councillor B.R. Murray-Carr
RESOLVED that Application No. 17/00571/FUL be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: (D) 01 REV A Location and Block Plan, (D) 02 Topographical Survey, (D) 03 REVB Proposed Site Plan, (D) 04 REV B Plots 1 and 2 Floor Plan and Elevations, (D) 05 REV A Plots 3 and 4 Floor Plan and Elevations, (D) 06 REV A Plot 5 Floor Plans and Elevations, (D) 07 Plot 6 Floor Plans and Elevations, (D) 08 Proposed Site Sections, SK100 Proposed Drainage Strategy.
3. External facing materials shall be Istock Oakmoor Orange brickwork and Sandtoft dark grey smooth face double pantile roof tiles.
4. The window to the first floor gable to Plot 1 serving the bedroom shall be glazed with obscure glazing which shall be retained.
5. The 1m high metal railing fence to the north of plot 1 and to the south and east of plot 6 and the east of plot 5 (alongside the footpath) shall be erected prior to the first occupation of plots 1, 5 and 6 and shall be retained for the life of the development.
6. Unless otherwise agreed by the Local Planning Authority, the development hereby permitted must not be commenced any further than carrying out development required to be carried out as part of an approved scheme of remediation and/or carrying out any operation in the course of laying out or constructing the new access or part of the new access, 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:

PLANNING COMMITTEE

- 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,
- archeological 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.

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 condition 2, which is subject to the approval in writing of the Local Planning Authority.

PLANNING COMMITTEE

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 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.

7. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
8. Before any other operations are commenced (excluding demolition/ site clearance) a temporary access for construction purposes shall be formed to Ash Close, laid out, constructed and provided with 2.4m x maximum achievable visibility splays in both directions in accordance with detailed designs to be submitted in advance to the Local Planning Authority and approved in writing the area in advance of the sightlines being cleared of all obstructions greater than 1m in height maintained in accordance with the approved scheme throughout the contract period free from any impediment to its designated use.
9. Prior to first occupation of any of the dwellings hereby approved the new vehicular accesses shall be created to Ash Close in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
11. The new parking and turning areas for the dwellings hereby approved shall be made of porous materials or provision shall be made to direct surface water run-

PLANNING COMMITTEE

off from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling houses.

12. 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.
13. 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.
14. Notwithstanding the provisions of Class E of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re enacting that Order) no incidental buildings shall be erected to the south (side garden) of plot 6 without the prior grant of planning permission.

(Planning Manager (Development Control))

0599. REPORT ON LOCAL PLAN TIMETABLE

The Interim Planning Policy Manager presented the report which considered the need to formally amend the current timetable (Local Development Scheme (LDS)) for the preparation of the Local Plan and sought agreement for two weeks consultation prior to confirming the new LDS.

It was noted that despite the Ministry for Housing, Communities and Local Government's (MHCLG) threat of intervention, the Planning Inspectorate had emphasised the importance of having a sound plan rather than a speedy one. The Planning Inspectorate had identified four main areas that the Council needed to address prior to publishing the Plan, all of which would impact on the timetable currently published.

A new proposed LDS had been formulated and communicated to the MHCLG which included a two week consultation period.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor

RESOLVED that (1) the draft Local Development Scheme be placed on the Council's website for public consultation for a period of two weeks,

(2) following the consultation, a report be submitted to the Planning Committee to finalise and adopt the new Local Development Scheme.

(Interim Planning Policy Manager)

The meeting concluded at 1210 hours.