

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 6th June 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, P.Cooper, M.G. Crane, S.W. Fritchley, S. Peake, K. Reid, P. Smith, R. Turner, K.F. Walker, B. Watson, D.S. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)), J. Fieldsend (Team Leader (Solicitor) Non Contentious), A. Brownsword (Senior Governance Officer) and L. Robinson (Finance Assistant) (Observing)

0052. APOLOGY

An apology for absence was received from Councillor D. McGregor.

0053. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0054. DECLARATIONS OF INTEREST

There were no declarations of interest.

0055. MINUTES – 9TH MAY 2018

Moved by Councillor S.W. Fritchley and seconded by Councillor R. Turner
RESOLVED that the minutes of a meeting of the Planning Committee held on 9th May 2018 be approved as a true and correct record.

0056. SITE VISIT NOTES – 4TH MAY 2018

Moved by Councillor R. Turner and seconded by Councillor T. Munro
RESOLVED that the notes of a site visit held on 4th May 2018 be approved as a true and correct record.

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0057. APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS

1. 18/00026/FUL - Change of use to showman's site at Land Adjoining 7 Brookhill Road, Pinxton

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

Councillor M. Dooley and Mr. B. Woollard attended the meeting and spoke against the application.

Ms B. Storey attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the Bolsover District Publication Draft Local Plan, National Planning Policy Framework and Planning Policy for Travellers Sites 2015.

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

RESOLVED that Application No. 18/00026/FUL be APPROVED subject to the following conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

Reason: Y101 in compliance with legislation

2. The proposed caravans shall not be occupied until such time as full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers /
 - densities where appropriate

All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interests of visual amenity in accordance with policy GEN 2 of the Bolsover District Local Plan and paragraph 26 of the Planning Policy for Traveller Sites policy document 2015.

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3. The proposed caravans shall not be occupied until such time as a suitable scale drawing has been submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a minimum of 6 off-street car parking spaces of minimum dimensions 2.4m x 5.5m clear of the access and manoeuvring space and the spaces have been provided on site. Once provided, they shall be maintained thereafter clear of any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

4. In perpetuity all future occupants of the site hereby permitted shall meet the 'travelling showperson' definition within Annexe 1 of the Planning Policy for Traveller Sites Guidance 2015 (or any future guidance replacing or re-enacting this guidance).

Reason: The development hereby permitted is granted partially on the basis the site is appropriate for travelling showperson accommodation due to the specific site requirements associated with travelling showperson accommodation and equipment storage and maintenance. The condition is imposed to ensure that the site is not open to a purely residential caravan use which could be contrary to the development plan.

5. No more than 6 caravans and/or mobile homes (whether for storage or human habitation), as defined in the Caravan Sites and Control of Development Act (1960) and the Caravan and Sites Act 1968 (and any act or guidance supplementing, revoking or re-enacting those acts), other than those expressly approved by this consent, shall be placed on the land for temporary or permanent purposes. The agreement of the Local Planning Authority shall be issued in writing prior to the siting of any further caravans in addition to those expressly permitted.

Reason: In order to ensure the use of the site remains in line with the proportion of users proposed under the application to avoid additional uncontrolled highways and amenity impacts.

6. Within 1 month of the commencement of the use hereby permitted, mains drainage, mains water and mains electricity utility services shall be provided and made available for use on the site. Thereafter the utilities provided shall be retained for the life of the development.

Reason: In the interests of the amenity and living environment of future occupants and neighbouring properties.

7. There shall be no gates other than those already installed and such gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

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Informative Notes:

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. The Highway Authority recommends that the first 5 metres of the proposed access should not be surfaced with a loose material (e.g. unbound chippings or gravel). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

(Planning Manager (Development Control))

2. 18/00178/FUL - Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane at Land Formerly Known as Coalite on North And South Side Of Buttermilk 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 history of the site and the key issues set out in the report.

Mr. S. Crapper and Mr. Philpott attended the meeting and spoke against the report.

Ms. S. Watkin attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the Bolsover District Publication Draft Local Plan, East Derbyshire Greenways Strategy (1998), Derbyshire Key Cycle Network (2017) and the National Planning Policy Framework.

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Moved by Councillor T. Munro and seconded by Councillor P. Smith

RESOLVED that Application No. 18/00178/FUL be APPROVED subject to the following conditions:

1. The development shall be carried out within a period of three years from the date of this decision.
2. The development hereby permitted shall be carried out in complete accordance with Drawing No. VC0125 Revision A subject to the following conditions:
3. No development shall take place until detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved planting scheme shall be carried out within one planting season of completing the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of being planted then they must be replaced with trees of a similar size and species within one planting season.
4. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.
5. No development shall take place until a detailed design for the removal of the bridge backfill of the void and the layout, construction, drainage and lighting of the new road and proposed ramps have been submitted and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. For the avoidance of doubt, the applicant will need to enter into an Agreement with Derbyshire County Council under Section 278/72 of the Highways Act 1980.
6. Prior to being taken into use, the new access shall be laid out in accordance with application drawings VC0125/011 & 012, having a 7.3m carriageway, 2 x 2m footways, 12m radii and visibility sightlines of 4.5m x 160m in each direction. The area in advance of the sightlines shall be levelled, constructed as highway and not be included in any plot or other sub-division of the site.

INFORMATIVES

Highways

- a) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. The appellant should be aware that this will be the subject of separate approval. Advice regarding the technical, legal,

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administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

- b) Construction works are likely to require Traffic Management. Advice regarding procedures should be sought from Derbyshire County Council's Traffic Management section (01629 538686). All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
- c) In addition to entering into a Section 278 Agreement prior to commencing any works within the public highway, the applicant will need to obtain separate Approval in Principle for the structural elements of the proposed works. Advice regarding the process involved can be obtained from the Structures Section of the Economy, Transport and Environment Department at County Hall, Matlock (01629 533190).

Wildlife

- a) When the development hereby permitted is carried out, any person on site must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. It is therefore recommended that any removal of habit and/or works affecting trees should be carried outside of the bird-nesting season (March to July) or under the supervision of a suitably qualified ecologist.
- b) When the development hereby permitted is commenced, any person on site must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Therefore, it is advised that works must stop immediately if bats are found to be present at any stage of the development and a suitably qualified ecologist should be instructed to advise on the appropriate action to take including advising whether a European Protected Species Licence is required prior to works re-commencing.

(Planning Manager (Development Control))

The meeting concluded at 1056 hours.