

## PLANNING COMMITTEE

Minutes of a Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 1<sup>st</sup> August 2018 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor T. Munro in the Chair

Councillors P.M. Bowmer, J.A. Clifton, C.P. Cooper, P.A. Cooper, M.G. Crane, S.W. Fritchley, D. McGregor, T. Munro, S. Peake, K. Reid, R. Turner, B. Watson, D. Watson and J. Wilson

Officers:-

C. Fridlington (Planning Manager (Development Control)), D. O'Connor (Planning Officer), J. Owen (Legal Executive) and A. Brownsword (Senior Governance Officer)

### **0220. APOLOGIES**

Apologies for absence were received from Councillors T. Alexander, P. Smith and B. Watson.

### **0221. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0222. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **0223. EXTRAORDINARY MINUTES – 26<sup>TH</sup> JUNE 2018**

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor  
**RESOLVED** that the minutes of an Extraordinary meeting of the Planning Committee held on 26<sup>th</sup> June 2018 be approved as a true and correct record.

### **0224. MINUTES – 4<sup>TH</sup> JULY 2018**

Moved by Councillor K. Reid and seconded by Councillor J. Wilson  
**RESOLVED** that the minutes of a meeting of the Planning Committee held on 4<sup>th</sup> July 2018 be approved as a true and correct record.

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### 0225. SITE VISIT NOTES – 29<sup>TH</sup> JUNE 2018

Moved by Councillor T. Munro and seconded by Councillor P.M. Bowmer

**RESOLVED** that the notes of a Site Visit held on 29<sup>th</sup> June 2018 be approved as a true and correct record.

### 0226. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00546/OUT - Outline Planning Application For Redevelopment Of Whaley Moor Farm (Bottom Yard) Comprising The Removal Of Agricultural Buildings, Conversion Of Existing Stone Barns And New Build Development To Provide 10 No. Dwellings With Access From Whaley Road at Land And Buildings South East Of The Old Cornmill, Whaley Road, Whaley

Further details and an amended recommendation was included on 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.

Mrs J. Dixon attended the meeting and spoke against the application.

Mr. W. Kemp attended the meeting and spoke in support of the application.

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

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

**RESOLVED** that application no 17/00546/OUT be REFUSED for the following reasons:

1. The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4, the emphasis within paragraph 193 of the revised Framework and S72 of the Listed Buildings and Conservation Areas Act 1990 to ensure 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
2. Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the scale of residential development proposed in this location and there is no evidence that the proposed affordable housing would meet an identified local

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need. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location 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 revised National Planning Framework as a whole.

(Planning Manager (Development Control))

2. 17/00539/FUL - Commercial development comprising an office building, workshop and manufacturing facility and a HGV trailer park and associated works at Land Adjacent to Brick Yard Farm, Slayley Lane, Barlborough

Further details and amended conditions were included on 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. Lindley attended the meeting and spoke against the application.

Mr. E. Senior 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 and the Emerging Local Plan.

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

**RESOLVED** that application no. 17/00539/FUL be APPROVED subject to the following conditions given in precis form:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in complete accordance with the following approved plans, Drawing No.s:
  - P17-0895 09A Location Plan
  - P17-0895 13B Ground Floor
  - P17-0895 14B First Floor
  - P17-0895 15C Elevations
  - P17-0895 16B Sections
  - P17-0895 17B GF Perspective
  - P17-0895 18B FF Perspective
  - P17-0895 19 Floor Areas
  - P17-0895 23F Proposed Layout

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3. Before construction commences on the erection of any building beyond the construction of the foundations for that building, a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the erection of the proposed retaining walls / introduction of gabions on site, precise details of site levels as existing and as proposed and sectional details of the gabions and retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out as approved.
5. Prior to the erection of any fences, railings or other similar items, the details of these shall be submitted to and approved in writing by the local planning authority. Thereafter, these items shall be constructed as approved prior to the development hereby permitted being taken into use.
6. Prior to the development hereby permitted being brought into use, full details of soft landscape works, including a programme for implementation, measures to encourage biodiversity, tree and hedgerow planting, and suitable mitigation for birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved.
7. Prior to the installation of any external lighting except street lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved and shall be designed to minimise light spillage outside of the site, it is designed to serve and into the sky.
8. No goods, material or waste shall be stored outside the building(s) except in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority and implemented as agreed. The submitted scheme shall include details of the height of storage and measures to contain and screen the material.
9. Sound from the entire commercial development shall, not exceed the residual noise level of 49dB LAR (1hr) daytime (7:00-23:00) and 43dB LAR (15min) night-time (23:00-7:00) corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development. The measurements and assessment shall be made in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
10. The jet wash shall only be used during daytime hours 08:00-19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
11. Any external plant equipment must comply with the design criteria in Table 12 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
12. The workshop building shall be constructed with sound insulation in accordance with the recommendations within sections 4.15 and 4.17 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
13. Prior to the start of development, a dust management plan for the construction phase and prior to the buildings being brought into use, a dust management plan for the operational phases of the development must be submitted and approved in writing by the

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Local Planning Authority and then implemented in full during construction and whilst the site is operational.

14. Drainage systems on the site including:
  - i. The proposed separate systems of drainage on site and off site
  - ii. The proposed amount of domestic foul water to be discharged to the public foul sewer
  - iii. The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 14.6 (fourteen point six) litres/second
  - iv. The proposed use of the petrol/oil separator

shall be carried out broadly in accordance with the details submitted on drawing BARL - AWP - ZZ - XX - DR - C - 0200 (revision P3) dated 14/02/2018 that has been prepared by Alan Wood & Partners.

15. Before the site is taken into use, a new access junction shall be formed to Chesterfield Road broadly in accordance with application drawing number: LTP/2439/T2/01.02 Rev B, shall be laid out and constructed, lined, signed, drained and lit to adoptable criteria.
16. The premises, the subject of the application, shall not be taken into use until a footway has been provided between the application site access roundabout and the bus stop shelter on Chesterfield Road to the north east of the site, laid out and constructed in accordance Derbyshire County Council's specification for adopted roads.
17. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking and turning of domestic and commercial vehicles, laid out and surfaced in a solid, bound material and maintained throughout the life of the development free from any impediment to its designated use.
18. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
19. No development within the application area shall be occupied or otherwise brought into use until the works to the A616/A619 roundabout as broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic unless an alternative mechanism for facilitating improvements to this junction has been agreed with the Local Planning Authority through consultation with the Local Highway Authority and Highways England.

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20. A detailed remediation scheme to address ground contamination issues including landfill gas and its potential for migration beyond the site, including all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures shall be submitted to the Local Planning Authority prior to commencement of the development hereby permitted.
21. The remediation scheme approved in accordance with condition 20 above, must be carried out in accordance with its terms, 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. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.

22. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.
23. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.

(Planning Manager (Development Control))

### **0227. UPDATE: SECTION 106 AGREEMENTS**

The Planning Manager (Development Control) presented the report which gave information on Section 106 Agreements and their status. It was important for Members to monitor Section 106 Agreements as part of a robust procedure. There was only one agreement that was due and assurances were made that the monies would be spent before the deadline.

Members noted that the system seemed to be working well.

Moved by Councillor D. McGregor and seconded by Councillor K. Reid.  
**RESOLVED** that the report be noted.

The meeting concluded at 1112 hours.