

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 26th September 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, T. Connerton, M.G. Crane, S.W. Fritchley, D. McGregor, S. Peake, K. Reid, P. Smith, K.F. Walker, D. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)) (from Minute No. 0324), R. Routledge (Interim Planning Policy Manager) (until Minute No. 0324), J. Fieldsend (Team Leader (Non Contentious) Solicitor), R. Scott (Principal Enforcement Officer) (until Minute No. 0323), J. Saggerson (Enforcement Officer) (until Minute No. 0323) and A. Brownsword (Senior Governance Officer)

0317. APOLOGIES

Apologies for absence were received from Councillors J.A. Clifton, R. Turner and B. Watson

0318. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0319. DECLARATIONS OF INTEREST

There were no declarations of interest.

0320. ORDER OF BUSINESS

The Chairman consented to the order of business being changed.

0321. MINUTES – 1st AUGUST 2018

Moved by Councillor D. McGregor and seconded by Councillor S. Peake
RESOLVED that the minutes of a meeting of the Planning Committee held on 1st August 2018 be approved as a true and correct record.

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0322. SITE VISIT NOTES – 27TH JULY 2018

Moved by Councillor K.F. Walker and seconded by Councillor J. Wilson

RESOLVED that the notes of a Planning Site Visit held on 27th July 2018 be approved as a true and correct record.

0323. DRAFT ENFORCEMENT PLAN

The Enforcement Officer gave a presentation which gave information on:

- Enforcement Enquiries to the Department
- What is the Local Enforcement Plan
- Why do we need a Local Enforcement Plan
- Prioritising Complaints
- Reporting Alleged Breaches
- Investigation Stage
- Formal Action
- Implementation and Monitoring
- Case Studies

The report sought approval for publication of a Local Enforcement Plan to provide information on how the Council will respond to suspected breaches of planning control, tackle unauthorised developments and monitor the implementation of planning permissions.

It was noted that 6 monthly updates would be made to Committee to ensure appropriate oversight of process.

Questions were asked regarding non planning enquiries and it was noted that these would be directed to the relevant department. It was also noted that consultations would be carried out with parish councils.

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

RESOLVED that (1) the proposals to publish a Local Enforcement Plan be noted and feedback be provided on the current draft,

(2) consultation take place on the draft Local Enforcement Plan subject to any amendments agreed by the Planning Committee,

(3) a publication version of the Local Enforcement Plan be approved following public consultation on the draft attached as Appendix A of the report.

(Principal Enforcement Officer)

The Principal Enforcement Officer and Enforcement Officer left the meeting.

The Planning Manager (Development Control) entered the meeting.

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0324. MODIFICATIONS TO THE PUBLICATION LOCAL PLAN FOR BOLSOVER DISTRICT

The Interim Planning Policy Manager presented the report which updated Members in relation to the Local Plan progress and the issues associated with it's development. The report also sought to delegate authority to the Chief Executive Officer to approve modifications to the Publication Local Plan for Bolsover District in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee.

It was noted that the Plan was submitted to the Inspectorate on 31st August with no further amendments. The Council was now awaiting details of the Inspector and when the Hearing sessions would be held.

A discussion regarding the delegated authority took place and it was suggested that the Local Plan Steering Group be included within the consultation.

Moved by Councillor K. Reid and seconded by Councillor S.W. Fritchley

RESOLVED that Delegated Authority be given to the Chief Executive Officer to approve Modifications to the Local Plan for Bolsover District policy and text prior to and during the Local Plan Examination Hearings (including but is not limited to the insertion or amendment of maps and illustrations within the document) in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee and the Local Plan Steering Group.

(Interim Planning Policy Manager)

The Interim Planning Policy Manager left the meeting.

0325. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00615/FUL - Demolition of existing buildings and erection of foodstore and retail terrace, car parking and associated works at Sherwood Lodge, Oxcroft Lane, Bolsover, Chesterfield

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. M. Rothery attended the meeting and spoke in support of the application.

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

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Moved by Councillor M.G. Crane and seconded by Councillor D. McGregor

RESOLVED that Application No. 17/00615/FUL be APPROVED subject to (a) prior entry into a s.106 legal agreement requiring financial contributions of £5000 towards public art and £150,000 towards highways improvements and (b) subject to the following planning conditions:

Statutory Time Limit

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

Reason: In accordance with the provisions of s.91 of the Town and Country Planning Act 1990, as amended, and in the interests of the proper planning of the local area.

Amended Plans

2. The development hereby permitted shall be carried out in complete accordance with the amended plans, Drawing No.s:
 - 7177-SMR-00-ZZ-DR-A-2003-S3-P15 – Proposed Site Plan
 - 7177-SMR-00-ZZ-DR-A-2004-S3-P6 – Proposed External works
 - 7177-SMR-00-ZZ-DR-A-2005-S3-P8 - Site sections

 - 7177-SMR-00-GF-DR-A-2101-S3-P5 – Proposed Ground Floor Plan - Foodstore
 - 7177-SMR-00-ZZ-DR-A-2102-S3-P6 – Proposed Roof Plan – Foodstore
 - 7177-SMR-00-ZZ-DR-A-2103-S3-P7 – Proposed Elevations – Foodstore

 - 7177-SMR-00-GF-DR-A-2201-S4-P3 – Proposed Ground Floor Plan – Retail Units
 - 7177-SMR-00-ZZ-DR-A-2202-S4-P3 – Proposed Roof Plan – Retail Units
 - 7177-SMR-00-ZZ-DR-A-2203-S4-P3 – Proposed Elevations – Retail Units

Reason: For clarity and for avoidance of doubt and in the interests of the proper planning of the local area.

Archaeology

3. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme must include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording

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- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3 (above).
5. The development must not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under Condition 3 (above) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons: In order to secure appropriate investigation of potential archaeological deposits in accordance with saved Local Plan policy CON13 and national planning policies in the Framework.

Drainage

6. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works in full accordance with details that have been submitted to and approved by the Local Planning Authority. No development shall take place until details of the proposed means of disposal of surface water drainage , including but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection ; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate

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during a 1 in 1 year storm event, have been submitted to and approved by the Local Planning Authority .

Furthermore, Surface water run-off from hard-standing (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal as far as is practicable and to ensure the sufficient detail of the construction, operation and maintenance of a sustainable drainage system is provided to the Local Planning Authority in accordance with saved Local Plan policies GEN5 and GEN6 and national planning policies in the Framework.

Biodiversity and Landscaping

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to works commencing.

Reason: In the interests of safeguarding ecological interests in accordance with saved Local Plan policy ENV5 and national planning policies in the Framework.

9. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include proposed boundary treatments, proposed finished levels and contours, hard surface finishes, including samples, details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units).

The information shall also include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction – Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

Reason: To conserve the natural environment and enhance the character and appearance of the completed development, and to ensure the proposed

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development would not result in a net loss of biodiversity in accordance with saved Local Plan policies GEN 2 and ENV5 and national planning policies in the Framework.

10. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement must be adhered to throughout the construction period.

The Statement must provide for:

- a) The precise details of how construction phase vehicles will access the site from the public highway.
- b) The parking of vehicles of site operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials used in constructing the development and the provision of temporary offices.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) Access and protection measures around the site for pedestrians, cyclists and other road users, including arrangements for diversions and the provision of associated directional signage if required.
- h) Measures to be taken to prevent pollution of the received ground and surface water.
- i) Hours that construction will take place on site.
- j) Details of the routes to be taken by construction traffic through the local road network to the site and any limitations on the times of vehicular movements to and from the site.

Reason: In the interests of highway safety and to safeguard residential amenity in accordance with saved Local Plan policy GEN2 and national planning policies in the Framework.

Highways

- 11. Before any other operations are commenced, a scheme of phasing and works programme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include temporary and permanent means of access to the site and temporary and permanent on-site parking and manoeuvring provision.

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12. Prior to any operations commencing on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the County Highway Authority, for the proposed new junction into the site from Town End (A632). The scheme shall generally be in accordance with application drawing 17-2950SKHA-001 to provide a signalised junction, pedestrian crossing facilities and replacement bus stop and new shelter facilities. The approved scheme shall be implemented, laid out and constructed prior to the first occupation of any premises hereby permitted.

For the avoidance of doubt, the developer will be required to enter into an Agreement under Section 38/278 of the Highways Act 1980 and obtain appropriate Traffic Regulation Orders in order to comply with the requirements of this condition.

13. The premises, the subject of the application, shall not be taken into use until the access onto Oxcroft Lane has been laid out and constructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, generally in accordance with the approved application drawing. Thereafter, this access point shall not be used by any vehicle with a gross access weight greater than 3.5 tonnes. For the avoidance of doubt, the applicant will be required to enter into an Agreement under Section 278 of the Highways Act 1980 to comply with this condition.
14. The premises, the subject of the application, shall not be taken into use until the permanent on-site car parking and manoeuvring space for staff and visitors to the site, the loading and unloading of service/delivery vehicles has been provided within the site, laid out in accordance with the approved application drawing and maintained throughout the life of the development free of any impediment to its designated use.
15. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reasons: In the interests of highway safety, efficient traffic movement and sustainable travel in accordance with saved Local Plan policies GEN1 and GEN2 and national planning policies in the Framework.

Amenity

16. Notwithstanding the information already provided, the development hereby approved shall not be brought into use unless and until:
 - a) Further information has been submitted regarding the acoustic assessment dated 21st February 2018 along with an updated scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local

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Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the boundary of any neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound. The scheme shall also include details of a delivery management scheme.

- b) Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The approved scheme has been implemented in full and retained thereafter.
17. A scheme to monitor and control noise and vibration generated during the construction phase of the development shall be submitted to and approved in writing by the local planning authority prior to work commencing. This should be included within a comprehensive Construction Environmental Management System
18. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reasons: To avoid unacceptable levels of noise, light pollution and disturbance with particular regard to the residential amenities of the nearest neighbouring residential properties in accordance with saved Local Plan policies GEN1 and GEN2

External Facing Materials

19. Before preparation of any foundations on site for the food store and retail units hereby approved, samples of materials to be used on the external surfaces of the approved buildings shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development.

Reasons: In the interests of the character and appearance of the completed development in accordance with the requirements of saved Local Plan policy GEN2 with due regard to the location of the development within the designated Bolsover Conservation Area.

Operational Matters

20. The premises hereby permitted shall not be open for customers outside the

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following hours:

- a) 07:00 - Midnight on Mondays to Saturdays other than on bank holidays; and
 - b) 08.00-22.00 on Sundays and Bank Holidays
21. The premises labelled food store on the approved plans shall be used for a convenience food store and for no other purpose including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.
22. The terrace of retail units (numbered 1-5 on the approved plans) shall be used for A1, A3, AA and D1 uses and for no other purposes including any other purpose in Classes A and D of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To enable the Local Planning Authority to regulate and control the development of land having regard to the exceptional circumstances that justified approval of the development.

(Planning Manager (Development Control))

2. 18/00238/FUL - Construction of a 3 bed dormer bungalow with double garage to the rear of 16 George Street, Pinxton at 16 George Street, Pinxton, Nottingham, NG16 6NP

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. C. Chambers attended the meeting and spoke against the application.

Mr. M. O'Reilly attended the meeting and spoke in support of the application. Mr. O'Reilly noted that the height of the garage had now been reduced to 4.44m to reduce impact.

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

Moved by Councillor K. Reid and seconded by Councillor T. Alexander

RESOLVED that Application No. 18/00238/FUL be APPROVED subject to conditions given in precis form below

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1. The development shall be begun before the expiration of three years from the date of this permission.
2. Prior to the construction of foundations, details of the finished ground levels and the proposed ground floor level(s) of the building(s) shall first have been submitted to and approved in writing by the local planning authority and the approved details shall be implemented.
3. Before the first occupation of the dwelling a new vehicular access shall be created to George Street in accordance with the application drawing, laid out and constructed in a hard bound material. The entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.
4. 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 for the new dwelling and 16 George Street laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
5. The new parking and driveways hereby approved shall be made of porous materials or provision shall be made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse unless otherwise approved in writing by the Local Planning Authority.
6. Before construction commences on the erection of any building or wall 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.
7. Prior to first occupation a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained as approved.
8. Notwithstanding the provisions of Classes A, B and C of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally including the creation of new openings or alterations to the roof without the prior grant of planning permission.
9. All roof lights shall have a minimum cill height of 1.7m above the finished floor level of the room to which they serve.

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10. The development shall be undertaken entirely in accordance with the approved drawings:
 - 1/200 Revised block plan received 15/06/18
 - Revised elevation drawing received 15/06/18
 - Revised internal layout received 15/06/18
11. No part of the development hereby permitted shall take place until an assessment of the risks posed by any actual or potential land contamination, ground gas contamination or pollution of controlled waters has been carried out by a competent person in accordance with British Standard BS 10175:2011 Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), submitted to and approved in writing by the local planning authority.
 - a. Where contamination is found which poses unacceptable risks to human health and/or the environment, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority prior to any remedial works being carried out.
 - b. Prior to occupation the site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority
 - c. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the affected part of the site and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for the remediation works shall be submitted to and approved in writing by the local planning authority before any building/the related building on the affected part of the site is occupied or the affected part of the site is brought into the permitted use.
12. Prior to commencement of the erection of the garage hereby permitted, revised elevational drawings shall be submitted to and approved in writing by the Council showing the garage with a maximum ridge height of 4.5m . Thereafter, the garage shall be built in complete accordance with the approved plans

Reasons for Conditions

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

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2. To enable the Local Planning Authority to fully assess the development having regard to the ground levels on the site and/or the surrounding land in compliance with policy GEN 2 of the Bolsover District Local Plan.
3. In the interests of highway safety and in compliance with Policy GEN 1 of the Bolsover District Local Plan.
4. 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 policies GEN 1 and GEN 2 of the Bolsover District Local Plan.
5. To ensure satisfactory drainage of the development without flooding or pollution and in compliance with policy GEN5 of the Bolsover District Local Plan.
6. To ensure a satisfactory standard of external appearance and in compliance with policy GEN 2 of the Bolsover District Local Plan.
7. To preserve the amenities of the occupants of nearby properties and in the interests of the visual amenity of the area and in compliance with Policy GEN 2 of the Bolsover District Local Plan.
8. To enable the Local Planning Authority to retain control over future extensions and alterations in view of the form and density of the proposed development and in compliance with policy GEN 2 of the Bolsover District Local Plan.
9. To avoid the possibility of overlooking in the interests of preserving the amenities of residents and in compliance with policy GEN 2 of the Bolsover District Local Plan.
10. To ensure a satisfactory standard of development in the interests of amenity and for the avoidance of doubt and in compliance with Policy GEN 2 of the Bolsover District Local Plan.
11. To ensure that when developed the site is free from contamination, in the interests of health and safety and in compliance with policy GEN 4 of the Bolsover District Local Plan.

(Planning Manager (Development Control))

3. 18/00043/FUL - Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office at Land to the West of Bridge Close, Hollin Hill Road, Clowne

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.

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Mrs. E. Salt and Mr. C. Salt attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the National Planning Policy Framework and the Publication Version of the Local Plan.

A discussion took place regarding the challenging issues faced by the family.

Moved by Councillor M.G. Crane and seconded by Councillor S.W. Fritchley

RESOLVED that Application No. 18/00043/FUL be DEFERRED for further information.

(Planning Manager (Development Control))

The meeting concluded at 1147 hours.