

## **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 13<sup>th</sup> March 2019 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor T. Munro in the Chair

Councillors J.A. Clifton, T. Connerton, C.P. Cooper, Mrs P. Cooper, M.G. Crane, S.W. Fritchley, , B.R. Murray-Carr, S. Peake (to Minute No. 0796), K. Reid, P. Smith, R. Turner, D.S. Watson and J. Wilson.

Officers:-

R. Purcell (Joint Head of Planning), C. Fridlington (Planning Manager (Development Control)), J. Owen (Chartered Legal Executive) and A. Bluff (Governance Officer).

### **0791. APOLOGIES**

Apologies for absence were received on behalf of Councillors T. Alexander, D. McGregor and B. Watson.

### **0792. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0793. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0794. MINUTES – 16<sup>TH</sup> JANUARY 2019**

Moved by Councillor P. Smith and seconded by Councillor B.R. Murray-Carr

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 19<sup>th</sup> December 2019 be approved as a true and correct record.

### **0795. SITE VISIT NOTES – 11<sup>TH</sup> JANUARY 2019**

The Chair advised the meeting that no site visits had taken place on 11<sup>th</sup> January 2019, hence there were no site visit notes for Committee to consider.

## PLANNING COMMITTEE

### 0796. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 18/00411/OUT - Low density residential development (5 dwellings), Greenacres, Budget Lane, Scarcliffe.

Further details relating to the application were included in 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 key issues.

Mr N. Willder (Applicant's Agent) attended the meeting and spoke in support of the application.

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

The Committee also considered the benefits of removing the existing buildings and the appropriateness of residential development on this site taking into account the presence of existing dwellings and the effect of the proposals on the setting of the village.

Moved by Councillor M.G. Crane and seconded by Councillor K. Reid

**RESOLVED** that outline planning permission for application 18/00411/OUT be **approved** (with all matters reserved) and that officers enter into discussions with the applicant to acquire a suitable design.

(Planning Manager (Development Control))

- (ii) 18/00413/FUL - Residential development comprising 31 two-bedroom bungalows and associated access, car parking, ground level changes and landscaping (revisions to previous approval of planning permission 16/00510/FUL), Jacques Brickyard, Water Lane, South Normanton, Alfreton.

Further details relating to the application were included in the Supplementary Report, which included additional information on viability, the embankments and the retaining structures attached to the property adjoining the site.

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

Mr D. Cross (Applicant) attended the meeting and spoke in support of the application.

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

In light of the additional information included in the Supplementary Report, officers considered that the original reasons to refuse the application had still not been addressed. However, given the finely balanced nature of the recommendation, if Committee were of the view that the development now proposed would still deliver benefits and adequate improvements to the character of the area, sufficient to continue to outweigh the failure to provide 3 affordable houses and to account for a

## PLANNING COMMITTEE

proportionate increase in junior school capacity then planning permission could be granted for the current application.

Moved by Councillor P. Smith and seconded by Councillor B.R. Murray-Carr  
**RESOLVED** that application 18/00413/FUL be **approved** subject to the conditions as detailed below;

Officers suggest 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 and documents:-
  - 23/01/19 Proposed Site Sections 2505-015 Rev K
  - 23/01/19 Proposed Site Sections 2505-037 Rev A
  - 23/01/19 Site Layout Plan 2505-001 Rev AL
  - Location Plan 2505-016
  - House Types:- type 04 2505-005 B, type 07 2505-013 B, type 08 2505-017 A, type 15 Elevations 2505-032, 15 GF plan 2505-031, 2505-002 C.
3. Prior to the occupation of any of the dwellings hereby approved, the existing bus stop and shelter on the Water Lane site frontage shall have been relocated in accordance with the detail approved for planning permission 16/00510/FUL and Discharge of Condition Application 18/00412/DISCON.
4. (a). Implementation of Approved Remediation Scheme:  
The ground remediation scheme approved to discharge condition 6A of planning permission 16/00510/FUL and Discharge of condition application 18/00262/DISCON shall be carried out in accordance with its terms prior to the commencement of development (other than works 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 (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.

- 4 (b). 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 and where remediation is necessary a remediation scheme must be prepared 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.

- 4 (c). 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.
1. Notwithstanding the surface water drainage information submitted to discharge condition 8 of planning permission 16/00510/FUL (with application for Discharge of Condition 18/00262/DISCON), development on site must not continue until a detailed model of surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority, to show that the proposed system will not surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or flood buildings or leave the site in the 100 year + climate change event. The approved scheme shall be implemented.
2. Ground level changes shall be implemented in accordance with the approved plans and sections: Proposed Site Sections 2505-015 Rev K; Proposed Site Sections 2505-037 Rev A and Sections Key Plan 2505-001 Rev AL.
3. The external building materials to be used in the development shall be as approved for 19/00024/DISCON (Ibstock Balmoral red brick and Marley Eternit Edgemere smooth grey tile) unless an alternative has first been approved in writing by the Local Planning Authority.
4. Prior to the first occupation of any new dwelling hereby permitted, the new access road junction shall be provided to Water Lane, laid out in accordance with application drawing 2505-001 rev L, drained and lit and constructed to an adoptable standard, having a 4.8m wide carriageway, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 47m in each direction, the area forward of which shall be level, constructed as footway and not form any plot or other sub-division of the site.
5. Unless otherwise approved in writing by the local planning authority, the gradient of the access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and no more than 1:20 thereafter.
6. The new dwellings shall not be occupied until the proposed new estate streets, between each respective plot and the existing public highway, have been laid out in accordance with the approved application drawings and constructed to base course level and drained.
7. Prior to the occupation of any of the dwellings its associated external off-street parking spaces, access drives and turning areas shall have been provided in accordance with the revised layout drawing Site Layout Plan 2505-001 Rev AL

## PLANNING COMMITTEE

(or any subsequently approved variation to it) and thereafter maintained for their intended use.

8. Visitor parking as shown on the approved layout drawing 2505-001 Rev AL shall be provided before the 25th dwelling on site has been occupied, surfaced in a solid bound material and drained and lit and shall thereafter be maintained for its intended use in accordance with a scheme which beforehand has been submitted to and approved in writing by the local planning authority.
9. Prior to the first occupation of Plot 30, the new access to it from Water Lane shall be constructed and the driveway and parking laid out in accordance with the application drawing 2505-001 Rev AL, surfaced in a solid bound material and maintained throughout the lifetime of the development free of any impediment to its designated use.
10. Prior to first occupation of any dwelling, the fronting footway on Water Lane shall be reinstated as footway with full face kerbs to adoptable standard.
11. Prior to occupation of any of the dwellings a detailed scheme of boundary treatments shall have been submitted to and approved in writing by the local planning authority. The scheme shall include the provision of metal railings to the front of plots 1 - 3 and to the side of plot 3, and shall include the provision of 1.8m close boarded fencing to the rear of plots 15-19 and 22-25 in the location shown on the revised site layout plan 2505-001 AL and at the level shown on drawings 2505-015 Rev K and 2505-037 A. The approved scheme shall be implemented before any related dwelling is occupied and thereafter the boundary treatments shall be retained as approved.
12. No building shall be occupied until a scheme 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 in accordance with the landscaping scheme, 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. Unless an alternative system has been approved in writing by the local planning authority, where proposed embankment gradients on site exceed 25% they shall be reinforced using the proposed Tensartech Naturalgreen earth retaining system for slopes. In addition a french drain shall be provided along the northern boundary of the site in accordance with the approved site layout plan 2505-001 AL which shall be designed to discharge to an appropriate outfall for surface water.

(Planning Manager (Development Control))

Councillor S. Peake left the meeting at this point.

## PLANNING COMMITTEE

### 0797. DRAFT LOCAL ENFORCEMENT PLAN

Committee considered a report regarding a draft Local Enforcement Plan in relation to Planning. A copy of the draft Plan was appended to the report.

The National Planning Policy Framework (NPPF) stated that effective enforcement was important as a means of maintaining public confidence in the planning system and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Enforcement action was discretionary and a Local Enforcement Plan was not a statutory requirement, however, the NPPF stated that local planning authorities should consider publishing a Local Enforcement Plan to manage enforcement proactively in a way that was appropriate to their area. The Plan should set out how the planning authority would monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it was appropriate to do so. It should also be consistent with Government guidance on best practice in respect of planning enforcement, the Regulator's Code and the Council's existing and emerging corporate enforcement policies.

The Council's draft Local Enforcement Plan sets out key points and service standards that officers considered specific, measurable, achievable and realistic. The service standards had been designed to facilitate prompt investigation of suspected breaches of control and encouraged making timely decisions on how to progress individual cases.

Moved by Councillor K. Reid and seconded by Councillor B.R. Murray-Carr

**RESOLVED** that (1) the final draft of the Local Enforcement Plan be accepted as the Council's adopted policy on planning enforcement,

(2) Planning's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement following adoption of the Local Enforcement Plan be reported to Planning Committee on a half-yearly basis.

(Head of Planning)

The meeting concluded at 1135 hours.