

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 5th June 2019 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Allan Bailey, Anne Clarke, Nick Clarke, Jim Clifton, Chis Kane, Duncan McGregor, Elizabeth Smyth, Janet Tait, Graham Parkin and Jen Wilson.

Officers:-

Chris Fridlington (Planning Manager (Development Control)), Chris McKinney (Principal Planning Officer), Jenny Owen (Chartered Legal Executive) and Alison Bluff (Governance Officer).

0020. APOLOGIES

Apologies for absence were received on behalf of Councillors Derek Adams, Dan Salt, Natalie Hoy and Deborah Watson.

0021. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0022. DECLARATIONS OF INTEREST

Member	Minute No.	Level of Interest
Councillor Graham Parkin	0025 (ii)	Significant Other Interest

0023. MINUTES – 10th APRIL 2019

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** that the minutes of a meeting of the Planning Committee held on 10th April 2019 be approved as a true and correct record.

0024. SITE VISIT NOTES – 5th APRIL 2019

Moved by Councillor Tom Munro and seconded by Councillor Jen Wilson

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RESOLVED that the minutes of a meeting of the Planning Committee held on 5th April 2019 be approved as a true and correct record.

Councillor Graham Parkin left the meeting for the following item of business.

0025. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) **18/00393/FUL - Proposed Garage and MOT facility to rear of existing garage which is to be demolished, new road built to proposed site and change of use from car parking to light industrial - 190 Carter Lane East South Normanton Alfreton DE55 2DZ.**

There were no further details relating to the application in the Supplementary Report other than a note advising Committee that Coleman's Garage employed 12 full time staff according to their submitted application form.

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

Councillor Andrew Joesbury, South Normanton Parish Councillor, attended the meeting and spoke in support of the application.

Matthew Edwards (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.

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** that application 18/00393/FUL be **approved** subject to the conditions as detailed below;

(Planning Manager (Development Control))

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 buildings or walls a schedule of all external facing materials including boundary/retaining walls shall first have been submitted to and approved in writing by the Local Planning Authority.
3. The development shall take place exactly in accordance with the details submitted as follows:

SL05431.400 Rev B Existing sections
SL05431.401 Rev B General Arrangement and Proposed Levels
SL05431.404 Rev B Elevations and Levels
SL05431.403 Rev A Internal Layout
SL05431.402 Rev B Sections through the site

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SL05431.406 Rev B Site Access and Usage Plan

SL05431.405 Rev B Site Plan

SL05431.408 Rev A Construction Sequences Drawing

4. Prior to any works commencing on site, details of a scheme for the drainage and disposal of surface water from within the site shall be submitted to and approved in by the local Planning Authority. The scheme shall be implemented during the construction phase and maintained throughout the life of the development.
5. The phasing of the redevelopment of the site hereby permitted shall be carried out in accordance with the Construction Sequences Drawing (SL05431.408 rev B). Notwithstanding the submitted drawing, the "temporary road access" shall not exceed the site boundary or encroach onto the public highway.
6. Within 28 days of the new garage becoming operational the new access road shall be provided, laid out in accordance with the application drawing (SL05431.401 rev B) and paved in a solid bound material.
7. Prior to the new access being taken into use, the car parking and manoeuvring space shall be laid out in accordance with the application drawing (SL05431.401 rev B) and maintained throughout the life of the development free of any impediment to its designated use.
8. Within 28 days of the new access being taken into use, all other means of access to Carter Lane East shall be permanently closed and the frontage, including the redundant dropped crossing, reinstated as footway. The works shall be carried out in accordance with a scheme first submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority and may include the need to provide appropriate road markings fronting the site
9. The boundary fence shall be provided generally in accordance with the application drawings and provided with measures to ensure that headlights do not dazzle or distract drivers on the adjacent highway. However, notwithstanding the submitted drawing (SL05431.402 rev B) Section 1-1 and 7-7, the boundary fence shall be set back from the site boundary to ensure that the footings of the fence do not encroach into the public highway.
10. 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.
11. 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 and retained for the life of the

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development. The landscaping shall include robust tree and shrub landscape treatment to the northern boundary and retention of hedgerows.

12. 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.
13. Prior to the new building being brought into use, a noise management plan must be submitted to and agreed in writing with the Local Planning Authority. This shall include hours of use and noise management controls that shall be then implemented for the duration of the development. This shall include proposals for an acoustic fence to be erected at the rear of the residential properties closest to the proposed building which once agreed, shall be erected and maintained for the duration of the development.
14. Prior to the vehicle wash area being brought into use, plans for an acoustic screen must be submitted and approved in writing by the Local Planning Authority. This screen must be installed and maintained for the life of the development and no vehicle washing or valeting should take place on site outside of this area.

(Planning Manager (Development Control))

Councillor Graham Parkin returned to the meeting.

- (ii) **19/00055/FUL - Change of use of the former school rooms to a single dwelling with internal and external alterations. Two off-street parking spaces provided on the site frontage. The Old School Room 88 Main Street Newton Alfreton.**

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.

Councillor Dexter Bullock, South Normanton Parish Councillor, attended the meeting and spoke in support of the application.

Steven Rye (Applicant), attended the meeting and spoke in support of the application.

Mike Gyles attended the meeting and spoke in support of the application.

William O'Leary attended the meeting and spoke in support of the application.

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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.

Committee considered the access to be safe and suitable in planning terms because of the nature of the street, the presence of the existing pedestrian crossing, on-street parking, and the presence of other similar access points and off-street parking arrangements that all served to ensure drivers alongside this part of Main Street would be driving more cautiously than might normally be expected on a road with a 30mph speed limit, and would therefore be less likely to be inconvenienced or endangered by drivers using the new access and moving their car on to the highway to achieve adequate visibility before turning on to Main Street.

In reaching these conclusions, Committee also took into account that there was no record of any road traffic accidents in the local area over the previous five years, which indicated similar accesses had been used safely over that time and that the new access would not exacerbate any existing problems.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that application 19/00055/FUL be **approved** subject to the conditions as detailed below;

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Subject to the following conditions or modifications, the development shall be carried out in complete accordance with the following approved plans:
 - revised cross-sections (reference PR/S-CR-SEC/SCHOOL ROOM) received on 23 April 2019;
 - submitted Site Layout Plan (reference SITE-PLAN/SCHOOL ROOMS);
 - submitted elevational drawings (reference EX/PR/ELV/SCHOOL ROOMS/SIDE; EX/PR/ELV/SCHOOL ROOM; EX/PR/ELV/SCHOOL ROOMS/SIDE); and
 - submitted floor plans (reference OLD/SC-RM/F-PLANS).
3. No development shall be carried out until a nocturnal bat survey completed by a suitably qualified ecologist, demonstrating that the development proposals would not prejudice the conservation status of any bats or their habitat, is submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with any working practices, mitigation measures and/or enhancement measures recommended by a suitably qualified ecologist in the approved nocturnal bat survey and any mitigation measures or enhancement measures for future conservation of bat species and their habitat set out in the approved nocturnal survey shall be completed prior to the first occupation of the dwelling hereby permitted.
4. Prior to the installation of any new doors or windows, precise details of the windows or doors shall be submitted to and agreed in writing by the local

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planning authority. Thereafter, any new windows or doors shall be installed as approved prior to the first occupation of the dwelling hereby permitted.

5. Prior to the first occupation of the dwelling hereby permitted, obscured glazing shall be installed in all west facing window openings.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), other than the development expressly consented by this planning permission: there shall be no alterations to or extension of the dwelling hereby permitted without the prior written approval of the local planning authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new building or enclosure shall be constructed within the application site without the prior written approval of the Local Planning Authority.
8. The off street parking provision shown on the approved plans shall be made available prior to the first occupation of the dwelling hereby permitted and thereafter shall be maintained free of any obstruction to the parking and manoeuvring of cars in forward gear on and off the public highway throughout the lifetime of the development.

(Planning Manager (Development Control))

(iii) 19/00070/FUL - Change of Use from woodland, and the laying of hardstanding to provide additional parking for HGV lorries, trailers, and staff parking; in association with an existing use. Land Rear of Erewash Garage Kirkby Lane Pinxton.

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.

District Councillor Mary Dooley attended the meeting and spoke against the application.

Barry Wagstaff attended the meeting and spoke against the application.

Moved by Councillor Jim Clifton and seconded by Councillor Duncan McGregor
RESOLVED that application 19/00070/FUL be **approved** subject to the conditions as detailed below;

1. The development hereby permitted shall be carried out in accordance with the details and specifications shown on the submitted application form and plans.
2. The extended yard area hereby permitted shall be used solely for the purposes of the parking and manoeuvring of vehicles in association with the approved use of the site for cement handling, packing and distribution and for no other purposes.

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3. There shall be no movement of any vehicles, or any noisy activities, to be carried out within the area of land outlined in red on the submitted site location plan, outside of the hours 05:00-21:00 Mondays to Saturdays.
4. Within 3 months of the date of this permission, a landscaping scheme, including details of ecological mitigation for the loss of the trees cleared from the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, any approved scheme of planting and ecological mitigation measures shall be carried out no later than the end of the next Planting Season (October 2019 - March 2020).

(Planning Manager (Development Control))

0026. LOCAL PLAN – MAIN MODIFICATIONS

The Principal Planning Officer presented the report which outlined the Inspector's judgement on the Main Modifications to the Submitted Local Plan for Bolsover District that were necessary to make the Local Plan legally compliant and sound. The report also outlined the findings of Sustainability Appraisal and Habitat Regulation Assessment on the Main Modifications to the Submitted Local Plan for Bolsover District.

Committee's approval was sought on the Main Modifications and associated documents for the purposes of the required public consultation exercise.

Following a public consultation exercise, which took place between 2nd May 2018 and 15th June 2018, the Local Plan was formally submitted to the Secretary of State on 31st August 2018 and this led to the appointment of an independent Government Planning Inspector to undertake the formal Examination of the Local Plan for Bolsover District.

The Local Plan Examination had progressed and the Local Plan Inspector held Hearing Sessions between 21st January to 6th February 2019 with an additional and final session on 12th March. Following the final session, the Inspector explained the next stages and outlined her timetable for providing her judgement on the necessary Main Modifications to make the Local Plan for Bolsover District legally compliant and sound. In accordance with this, the Inspector provided her judgement and the necessary Main Modifications on 14th May 2019 and the Principal Planning Officer highlighted several of the listed modifications.

The final stage of the Local Plan Examination was for the Council to consult on the necessary Main Modifications for a six week period and send any representations received on the Main Modifications to the Inspector. The Inspector would consider the representations and then set out her recommendations in her Report, so concluding the Local Plan Examination.

In line with the report, the Principal Planning Officer advised the meeting that the view of the Local Plan Steering Group meeting held on 29th May 2019 was to recommend unanimously to Planning Committee the Main Modifications and associated documents for approval for the purposes of the required public consultation exercise as detailed in the report.

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Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

RESOLVED that (1) the Inspector's judgement on the Main Modifications to the Submitted Local Plan for Bolsover District that are necessary to make the Local Plan legally compliant and sound be noted,

(2) the findings of Sustainability Appraisal and Habitat Regulation Assessment as set out in the report be noted; and

(3) the Main Modifications and associated documents for the purposes of the required public consultation exercise as detailed in the report be approved.

Councillor Allan Bailey abstained from voting.

The meeting concluded at 1125 hours.