

## 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 3<sup>rd</sup> July 2019 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, Steve Fritchley, Natalie Hoy, Duncan McGregor, Liz Smyth, Janet Tait, Graham Parkin, Deborah Watson and Jen Wilson.

Officers:-

Chris Fridlington (Planning Manager (Development Control)), Kay Gregory (Principal Planner), Jim Fieldsend (Team Manager – Solicitor (Non-Contentious)) and Donna Cairns (Senior Governance Officer).

### **0115. APOLOGIES**

Apologies for absence were received on behalf of Councillor Chis Kane.

### **0116. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0117. DECLARATIONS OF INTEREST**

No declarations of interest were made at the meeting.

### **0118. MINUTES – 5TH JUNE 2019**

It was noted that at Minute 25 (ii), Councillor Dexter Bullock was incorrectly listed as a South Normanton Parish Councillor when he was in fact Blackwell Parish Councillor.

It was further noted that Councillor Steve Fritchley and Councillor Paul Cooper were in attendance at the meeting but were not included in the Minutes.

Moved by Councillor Fritchley and seconded by Councillor Paul Cooper

**RESOLVED** that, subject to the above amendments, the minutes of a meeting of the Planning Committee held on 5<sup>th</sup> June 2019 be approved as a true and correct record.

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### 0119. SITE VISIT NOTES – 31<sup>ST</sup> MAY 2019

Moved by Councillor Nick Clarke and seconded by Councillor Jen Wilson

**RESOLVED** that the notes of the site visit held on 31<sup>st</sup> May 2019 be approved as a true and correct record.

### 0120. SITE VISIT NOTES – 28<sup>TH</sup> JUNE 2019

It was noted that Councillor Deborah Watson was recorded as being in attendance but had in fact submitted her apologies to these site visits.

Moved by Councillor Jen Wilson and seconded by Councillor Nick Clarke

**RESOLVED** that, subject to the above amendment, the notes of the site visit held on 28<sup>th</sup> June 2019 be approved as a true and correct record.

### 0121. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 18/00481/REM – Reserved Matters application for appearance, landscaping, layout and scale of Outline Planning Permission 16/00463/OUT – Land adjoining North side of Blind Lane, Bolsover

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 location and features of the site and key issues.

Mr. Matthew Jackson (applicant) attended the meeting and spoke in support of the application.

This application was submitted solely for approval of reserved matters which included scale, layout, appearance and landscaping.

Committee considered the application having regard to whether the application demonstrated that the residential development would be of a sufficiently high quality of design to meet the requirements of the Council's adopted planning policies and guidance and the requirements of national planning policies in the Framework with regard to the reserved matters.

Regard was given to the potential impact on Bolsover's designated Conservation Area because of the relationship between the site and the Conservation Area. The application was also assessed with due regard to the impact of the proposed development on the

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setting of Bolsover Castle taking into account its potential visual impact on the surrounding landscape.

Members also consider two amendments to the existing legal agreement accepting deletion of a commuted sum towards affordable housing, which would be replaced by a commitment to 30% on-site provision of affordable housing. Members also accepted an offer of a commuted sum for improvements to Blind Lane.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams  
**RESOLVED** that outline planning permission for application 18/00481/REM be approved subject to:

- (i) a **VARIATION** to the existing s.106 legal agreement deleting the obligation requiring a commuted sum of £1,025,000 towards affordable housing and inserting an obligation on-site provision of 30% affordable housing to be offered for sale at a price 20% lower than market value to first time buyers under the age of 40; and
- (ii) the addition of a **PLANNING OBLIGATION** to the existing s.106 legal agreement requiring a commuted sum towards improvements to Blind Lane or a **PLANNING CONDITION** requiring an agreed schedule of works to Blind Lane to be completed prior to the first occupation of more than 100 dwellings; and
- (iii) subject to the following **PLANNING CONDITIONS** requiring the development to be:
  - commenced within two years,
  - carried out in accordance with the revised plans;
  - carried out in accordance with approved drainage strategy;
  - carried out in compliance with the recommendations in the revised land stability and land contamination reports;
  - carried out in accordance with revised Landscape and Ecological Management Plan and the detailed landscape proposals;
  - carried out in accordance with relevant highways conditions; and if not fixed prior to the issue of a decision:
  - finished floor levels must be submitted to and agreed in writing prior to construction; and
  - samples of external facing materials must be submitted to and agreed in writing prior to construction.

(Planning Manager (Development Control))

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(ii) 19/00083/FUL - Residential development of 78 dwellings on Field adjacent To Pattison Street off Bolsover Road, Shuttlewood

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 location and features of the site and key issues.

Mr. Chris Dwan (agent) attended the meeting and spoke in support of the application. Committee considered the application having regard to the adopted Local Plan, noting that this application was contrary to it. Regard was had to the lawful implementation of the earlier planning permission on this site that was considered to weigh against the normal policy principles regarding development in the countryside. There had been negotiated improvements to the proposed development in the interests of the character and appearance of the area, highway safety, the privacy and amenity of neighbours and biodiversity to bring the proposal in-line with other policy requirements, the Council's published design guidance and the NPPF (2019). A S106 Agreement to address affordable housing need had been proposed.

Concerns were expressed in relation to the S106 contributions proposed, particularly in relation to education. It was therefore proposed that the application be deferred to enable further negotiations to take place with the applicant following submission and assessment of the applicant's viability appraisal.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth  
**RESOLVED** that outline planning permission for application 18/00481/REM be deferred in order for the Council to assess the viability appraisal and for further negotiations regarding the S106 Contributions to take place.

(Planning Manager (Development Control))

(iii) 19/00181/VAR - Variation of condition 4 (trading hours) of planning permission 17/00153/FUL to trade between 05:00 and 00:00, with deliveries and other service functions only between 06:30 and 23:00, 2 Tallys End, Barlborough, Chesterfield

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 location and features of the site and key issues.

Councillor Maxine Dixon, Ward Member, attended the meeting and spoke against the application.

Councillor Hilary Gilmour, representing Barlborough Parish Council, attended the meeting and spoke against the application.

Mr John Harrison also attended the meeting and spoke against the application.

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Committee considered the application with regard to saved policy GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan and to policies of the Framework which seeks to ensure that development is appropriate for its location.

Committee noted that the proposal was within an established business area, although it adjoined a residential area, and was within the settlement framework where development is generally acceptable, subject to no adverse impacts.

Consideration was given to the potential economic benefits from the proposal, through increased employment and provision of a food service at a time of day when there is no similar provision in the immediate area. Weight was also given to the amenity impacts from background noise levels at sensitive times of the day and the potential for additional disturbance and anti-social behaviour from the additional pedestrian and vehicular traffic visiting the premises to the detriment of the amenities of nearby residents.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor  
**RESOLVED** that outline planning permission for application 19/00181/VAR be refused for the following reasons:

While there may be economic benefits from the proposal, through increased employment and provision of a food service at times of day when there is no similar provision in the immediate area, it is considered that the amenity impacts outweigh any economic and employment benefits. The proposal will add to background noise levels at sensitive times of day and there is potential for additional disturbance and anti-social behaviour from the additional pedestrian and vehicular traffic visiting the premises to the detriment of the amenities of nearby residents. The many objections received outline amenity problems already experienced by local residents which could potentially be extended into the quieter night time period when impacts can be more closely felt.

The proposal is therefore contrary to saved policy GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan and to policies of the Framework which seeks to ensure that development is appropriate for its location. In view of the impacts of the development the proposal is not considered to be sustainable development within the terms of the Framework and it has not been demonstrated that the social and economic benefits of granting planning for the current application would demonstrably or significantly offset or outweigh the adverse impacts of doing so.

(Planning Manager (Development Control))

### **0122. Appeal Decisions: January 2019 – June 2019**

Committee considered the report of the Planning Manager (Development Control) on the Planning Service's performance against the Government's quality of decision making targets.

It was noted that in the 6 months since the last monitoring period ended (from January 2019 to the end of June 2019), the Council had won 100% of appeals on major planning

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applications, 100% of appeals on non-major applications and 100% of appeals against enforcement notices.

The Council was therefore exceeding its appeal decision targets and this indicated that the Council decision-making on planning applications and enforcement issues continued to be sound.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor  
**RESOLVED** that the report be noted and that appeal decisions continue to be reported to Committee every 6 months.

(Planning Manager (Development Control))

The meeting concluded at 11.05 hours.