

# PLANNING COMMITTEE

8<sup>TH</sup> OCTOBER 2008

AT 1000 HOURS

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Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 30<sup>th</sup> September 2008

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday 8<sup>th</sup> October 2008 at 1000 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16<sup>th</sup> May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on pages 48 & 49.

Yours faithfully,



Chief Executive Officer

To: Chairman & Members of the Planning Committee  
Other Members of the Council for information

**DECLARATION OF INTERESTS**

**PLANNING COMMITTEE**

**DATE – 8<sup>TH</sup> OCTOBER 2008**

**NAME OF MEMBER - \_\_\_\_\_**

- Levels of Interest
1. Personal
  2. Personal and prejudicial

AGENDA ITEM	SUBJECT	LEVEL OF INTEREST
Signed		
Dated		

**Note**

- \* Completion of this form is to aid the accurate recording of your interest in the minutes only. This form, duly signed, should be provided to the Clerk at the commencement of the meeting
- \* A nil return is not required.
- \* It is still your responsibility to disclose any interests which you may have at the commencement of the meeting.

Planning Site Visits held on 15<sup>th</sup> September 2008 commencing at 1000 hours.

**PRESENT:-**

Members:

Councillors: P.M. Bowmer, R. Brooks, J.A. Clifton, R. Holmes, D. Kelly (Chair), A.M. Syrett and R. Turner (Councillor G.O. Webster attended as an observer).

Officers:

T. Ball (PPDC).

**APOLOGIES**

Apologies were received from Councillors J. Morley, D. McGregor and B.R. Murray-Carr.

**SITES VISITED**

- (1) 08/00147/OUTMAJ – Residential development for 24 units with all matters reserved – Land south of Station Road and west of Villas Road, Carr Vale, Bolsover.
- (2) In connection with Agenda Item 7: E08/064 – Erection of stables and use of land for equine use – Land at rear of 81-95 Alfreton Road, Pinxton.
- (3) 08/00108/REM – Application for approval of reserved matters for the erection of a terrace of 3 two-storey dwellings and 1 two-storey detached dwelling – Croft Service Station, Sheffield Road, Creswell.

During the site visits progress at Markham Vale and with the Council Depot at Doe Lea was noted.

The meeting concluded at 1130 hours.

Committee:	Planning	Agenda Item No.:	6
Date:	8 <sup>th</sup> October 2008	Category	Open
Subject:	Applications to be determined under the Town and Country Planning Acts	Status	
Report by:	Head of Planning The Case Officer as identified in the report for each individual case.		
Other Officers involved:	Development Control Manager Planning Policy Manager And, as appropriate:- The Conservation Manager Head of Environmental Health and Street Services Head of Leisure Head of Regeneration The Solicitor to the Council		
Nominated Member(s)	Environment Portfolio Holder		

## **CORPORATE AIMS**

The main themes of the Bolsover District Local Plan, which are *sustainability, regeneration, making the district a better place to live, work and visit and looking after our heritage* closely follow the Council's Corporate aims of:-

*Environment – promoting and enhancing a clean and sustainable environment;*

*Regeneration – developing healthy, prosperous and sustainable communities;*

*Social Inclusion – promoting fairness, equality and lifelong learning;*

*Community Safety – ensuring that communities are safe and secure.*

Many policies of the Bolsover District Local Plan directly relate to the above aims.

The procedures of the department and committee are aimed at providing excellent customer focused services, and in accordance with strategic organisational development all suggested improvements to the service or procedures are seriously considered.

## **PURPOSE OF THE REPORT**

The report makes recommendations for the determination of individual applications made under the Town and Country Planning Act 1990, (as amended by subsequent Acts) or the Planning (Listed Buildings and Conservation Areas) Act 1990, or the Planning (Hazardous Substances) Act 1990, or the Environment Act 1995, and also recommends responses on such applications referred to the Council for comments by other Local Planning Authorities, where appropriate. Where retrospective applications are under consideration the report also considers, where appropriate, enforcement or other regulatory action.

Exceptionally, where the issues in respect of the application are finely balanced, the assessment may make reference to an alternative recommendation, which may be considered if different weight is given to material considerations. In such exceptional cases the assessment section of the report will commence with the words "Not straightforward", in accordance with Policy 2.1.3 of the Council's Supplementary Planning Policies.

## **SUPPLEMENTARY REPORT**

Representations received after the committee agenda has been prepared will be presented to the committee in two supplementary written reports by the Head of Planning in accordance with Policy 2.3.2 of the Council's Supplementary Planning Policies. The first report, if necessary, will be issued 5 days before the meeting, and will also include any consultation replies or any information supplied by the applicant after the committee agenda was prepared. The second report, if necessary, will be issued on the morning of the meeting and will include any further correspondence received up to 4.00pm the previous day. These supplementary reports may include an altered or amended recommendation by the Head of Planning, in respect of the determination of the application, taking into account the additional information received.

Where the information tabled in the supplementary report raises wholly new or complex issues not covered in the agenda report, or amends the planning application in a significant way, the committee should defer consideration of the application to enable consultation to take place.

Oral reports will be given to the committee in respect of very late representations, where appropriate to explain the written information, and in response to questions.

## **IMPLICATIONS**

**Legal** - Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. For applications to be determined by this authority the development plan consists of the Regional Spatial Strategy for the East Midlands (RSS8) March 2005, the Derby and Derbyshire Joint Structure Plan, January 2001, and Bolsover District Local Plan, February 2000.

All refusals and conditional approvals may be subject to appeal to the Secretary of State by the applicant. Appeal may be by written representations, informal hearing or public inquiry.

All decisions may be subject to legal challenge through the courts by way of Judicial Review.

Where the Council does not comply with its own procedures, or recognised good practice or if there has been maladministration in any way, it may also be challenged through the Local Government Ombudsman, although the Ombudsman cannot alter a planning decision.

Most applications should be determined within 8 weeks unless a written agreement to extend the period has been reached with the applicant. After the 8 week period, the applicant may appeal to the Secretary of State because of the non-determination of the application. For major applications the period for determination is 13 weeks.

To limit the possibilities for legal challenge and appeal, where complex or obscure legal issues are raised, it is the Council's practice to seek legal advice, which may extend to advice from Counsel. When legal advice is presented to the Committee, the Committee may resolve to exclude the public from the meeting under Paragraph 5 of Schedule 12A of the Local Government Act 1972 which provides that "Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings" is exempt.

The reports have regard to the statutory duty to consider crime and disorder reduction imposed by the Crime and Disorder Act 1998 and to the statutory duty to promote the economic, social and environmental well being of its area under the Local Government Act 2000.

**Financial** - Where a planning decision is challenged at appeal by way of public inquiry or formal hearing, and that challenge is successful, the District Council may be required to pay the costs the applicant has incurred in making the appeal, if it is not able to adequately justify its original decision in planning terms.

Where a planning decision is challenged in law by Judicial Review, if the Council loses, the decision may be quashed, and the Council will probably be required to pay the costs incurred by the appellant.

If the Council is found to have not administered the determination process properly, maladministration may be found and, if injustice has occurred, the Ombudsman may request the Council to compensate the complainant.

The Council does not specifically budget for payments of costs or compensation. Costs awarded at appeal and Judicial Review can be substantial.

Where the Council is involved in public inquiries or legal actions, legal representation may be sought from counsel and legal costs can be considerable and unpredictable dependent upon the length and complexity of the case.

Decisions on some applications may result in the opportunity for a claim for compensation to be made against the Council. However this prospect is not material to the planning decision and should not be taken into account in the decision making process.

**Environmental** - Environmental issues involved with each application are dealt with in the individual report.

**Human Resources** - The Council budgets to provide adequate personnel for the processing of an average number of planning applications annually. The Council budgets for a personnel provision for an average number of appeals annually. Appeals, particularly by public inquiry, require a significant personnel input, which can easily exceed one man week. Judicial Review cases can involve a high personnel input from Planning and Legal Services.

## **RECOMMENDATIONS**

The recommendation is given separately for each application. The recommendation may be varied by the written Supplementary Reports, or verbally following late submissions/representations/ consultations received after the supplementary report has been written and before the committee has commenced.

The decision options available to the Committee are:-

**Accept** the recommendation of the Head of Planning

**Vary** the recommendation of the Head of Planning

\* The Planning Officer will advise whether such variations are:-

- (i) lawful
- (ii) likely to be defensible at appeal
- (iii) whether varied or added conditions meet the requirements of Circular 11/95, that is:-
  - a) necessary
  - b) relevant to planning
  - c) relevant to the development being permitted
  - d) enforceable
  - e) precise
  - f) reasonable in all respects
- (iv) whether a varied summary of reasons for approval, or summary of development plan documents, is adequate.

**Reject** the recommendation of the Planning Officer and formulate a different decision.

\* **Except:-**

- (i) Where the Planning Officer advises that the application may not be approved without first referring the application to the Secretary of State, the Committee may not lawfully approve and must refer the application as indicated.

(ii) The Committee is not delegated by the Council to determine applications contrary to the Policy of the Council. Any application which has been advertised as a departure to the development plan may not be approved by the Committee, but must be referred for determination by the full Council.

\* The Head of Planning will advise whether the proposed decision is:-

(i) lawful  
(ii) likely to be defensible at appeal  
(iii) whether conditions meet the requirements of Circular 11/95, that is:-

- a) necessary
- b) relevant to planning
- c) relevant to the development being permitted
- d) enforceable
- e) precise
- f) reasonable in all respects

(iv) whether the summary of reasons for approval, and the summary of development plan policies, is adequate.

\* Where a decision is taken contrary to the recommendation of the Head of Planning the committee must record the material consideration which has led to this decision.

**Defer** the determination of the application for:-

(i) A site visit

\* The Committee must record the reason why a site visit is necessary.

(ii) More information

\* The Committee should specify what is required.

(iii) Further negotiation (including the negotiation of a Section 106 Planning Obligation).

\* The Committee should specify the purpose of the negotiation.

(iv) Re-consultation or consultation.

\* The Committee should record the reason for re-consultation/consultation.

(v) Any other justified and recorded reason.

**Defer and Delegate** the determination of the application to the Head of Planning following a specified event, for example the signing of a Section 106 Planning Obligation in the terms specified by the Committee.

SOURCE DOCUMENTS: (Local Government Act 1972, Section 100D)

The list of background papers, considered in respect of each application report is:-

1. The application and submitted supporting documents received on the date indicated in the report.
2. Any amendments to the application described in the "amendments" section of the report, or in the supplementary report, with the date of receipt.
3. Replies from consultees as described in the "consultations" section of the report, or in the supplementary report, with the date received. The abbreviations used for consultees are given below.
4. Representations received from the public, as described in the "publicity" section of the report, and listed on a list retained on the case file.
5. Landslide Hazard Survey, Eastwood and Partners 1998.

In addition, the background papers include published documents, including Bolsover District Local Plan, and documents listed in Policy 2.6 of the Council's Supplementary Planning Policies are also potential material considerations.

Copies of background papers are available for inspection at the meeting and at Sherwood Lodge, and may be purchased subject to payment of the Council's standard copying charge or (for published documents) the standard purchase price.

FILE REFERENCES: As indicated on each application report.

#### LIST OF ABBREVIATIONS

A.M.S.	Ancient Monuments Society
ASH.D.C.	Ashfield District Council
A.V.B.C.	Amber Valley Borough Council
B.P.C.M.	Bolsover District Council, Building and Property Contracts Manager
B.V.P.I.	Best Value Performance Indicator
BAS.D.C.	Bassetlaw District Council
C.A.	Coal Authority
C.A.A.	Civil Aviation Authority
C.A.P.S.	Conservation Area Partnership Scheme
C.B.A.	Council for British Archaeology
C.E.O.	Bolsover D.C. Chief Executive Officer
CHE.B.C.	Chesterfield Borough Council
D.C.C.	Derbyshire County Council
D.C.C. (HWY)	Derbyshire C.C. Highways Authority
D.C.C. (PLG)	Derbyshire C.C. Planning Authority
D.C.C. (CON)	Derbyshire C.C. Design and Conservation Advisor

DCC(Archy)	Derbyshire C.C. Archaeologist
D.C.C. (ED)	Derbyshire C.C. Education Authority
D.C.C. (SOC)	Derbyshire C.C. Social Services
DEFRA	Department of Environment, Food and Rural Affairs
D.H.B.T.	Derbyshire Historic Buildings Trust
D.P.D.	Development Plan Document
D.T.L.R.	Department of Transport, Local Government and the Regions
D.R.O.	Derbyshire Record Office
D.T.I.	Department of Trade and Industry
D.W.T.	Derbyshire Wildlife Trust
E.A.	Environment Agency
E.H.	English Heritage (Historic Buildings and Monuments Commission)
E.NAT.	English Nature (Nature Conservancy Council)
EMDA	East Midlands Development Agency
EMRA	East Midlands Regional Assembly
EMRLGA	East Midlands Regional Local Government Association
E.P.	English Partnerships
F.E.	Forest Enterprise, an executive agency of the Forestry Commission
F.O.	Derbyshire Fire Service
G.G.	The Georgian Group
G.H.S.	The Garden History Society
H.A.	Highways Agency of the Department of Transport, Local Government and the Regions
H.E.H.S.S.	Bolsover D.C. Head of Environmental Health and Street Services
H.E.R.S.	Heritage Economic Regeneration Scheme
H.G.V.	Heavy Goods Vehicle
H.Leisure	Bolsover D.C. Head of Leisure
H.O.	Home Office
H.Regen.	Bolsover D.C. Head of Regeneration
H.S.E.	Health and Safety Executive
H.S.E.(E.I.)	Health and Safety Executive (Explosives Inspectorate)
I.C.N.I.R.P.	International Commission on Non-Ionising Radiation Protection
L.D.D.	Local Development Document
L.D.F.	Local Development Framework
L.D.S.	Local Development Scheme
L.G.A.	Local Government Association
MAN.D.C.	Mansfield District Council
N.E.D.D.C.	North East Derbyshire District Council
NOTT.C.C.	Nottinghamshire County Council
N.R.P.B.	National Radiological Protection Board
N.T.	National Trust
P.C.	Parish Council
POL.	Derbyshire Constabulary
P.P.G.	A Planning Policy Guidance Note issued by the Government
P.P.S.	A Planning Policy Statement issued by the Government
R.A.	Ramblers Association
Radio A.	Radio Communications Agency
RAIL.	Railtrack

R.C.H.M.	Royal Commission on the Historical Monuments of England
R.P.B.	The Regional Planning Board (The East Midlands Regional Assembly)
R.P.G.	Regional Planning Guidance
R.S.S.	The Regional Spatial Strategy (currently the Regional Planning Guidance RPG8 January 2002)
R.T.P.I.	Royal Town Planning Institute
ROTH.B.C.	Rotherham Metropolitan Borough Council
S.C.I.	Statement of Community Involvement
S.E.	Sport England (East Midlands Region)
S.H.M.	Bolsover D.C. Strategic Housing Manager
S.M.R.	The Sites and Monuments Record (maintained by D.C.C. Archaeologist)
SOL.	Bolsover D.C. Solicitor
S.P.A.B.	Society for the Protection of Ancient Buildings
S.P.D.	Supplementary Planning Document
S.P.G.	Supplementary Planning Guidance
S.P.P.	Supplementary Planning Policy
S.R.B.	Single Regeneration Budget
S.T.W.	Severn Trent Water
T.C.	Town Council
T.H.I.	Townscape Heritage Initiative (Creswell)
TOUR	Heart of England Tourist Board
T.P.O.	Tree Preservation Order
V.S.	The Victorian Society
Y.W.	Yorkshire Water

**PARISH** Barlborough

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**APPLICATION** Conversion of garage to room and erection of garage to rear (on boundary to Heywood View) with new vehicular access off Heywood View

**LOCATION** 3 Cottam Drive Barlborough Chesterfield Derbyshire

**APPLICANT** Mr Morton 3 Cottam Drive Barlborough  
Chesterfield Derbyshire S43 4WS

**APPLICATION NO.** 08/00532/FUL **FILE NO.** H1644/X9

**CASE OFFICER** Mrs Karen Wake

**DATE RECEIVED** 4th August 2008

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Watts

REASON: Traffic hazard and street scene

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#### **SITE**

Two storey detached dwelling with integral double garage and two parking spaces side by side in front of the existing garage. 1.8m high wall along each side boundary and 2m high fence along the rear boundary. Site slopes up quite steeply towards the rear boundary. Two storey dwelling to the rear of the site is set higher and has a blank side elevation facing the site.

#### **PROPOSAL**

The application is for the conversion of the existing integral garage into living accommodation and the erection of a detached, pitched roof garage adjacent to the west side boundary which is 3m wide, 7.5m long and which is shown as being dug into the rising ground resulting in an eaves height of about 2.3m at the front and 1.5m at the rear. The proposal also includes the creation of a new access and driveway/hardstanding to the side of the dwelling to give access to the new garage. Also proposed is the widening the existing parking area on the site frontage to create a third parking space to the front of the dwelling. The conversion of the living room and the creation of the new vehicular access although forming part of the proposal, do not require planning permission (they are permitted development under the regulations).

#### **AMENDMENTS**

None

#### **HISTORY (if relevant)**

None

#### **CONSULTATIONS**

Head of Env Health: No objections: 22/8/08

DCC (Hwys): No objections subject to conditions requiring the new access to have 2.4m x maximum achievable visibility splays in either direction, existing access to be modified and provided with 2.4m x 43m visibility splays and the new access on Heywood View to have 2m x 2m x 45° pedestrian intervisibility splays: 29/8/08

## **PUBLICITY**

Site notice and 6 neighbours notified. 4 letters of objection received which raise the following issues:

1. The amount of on street parking on Heywood View is already limited due to the number of vehicular access and dropped kerbs. The proposal will further reduce the amount of on street parking to an unacceptable level
2. The proposal will create a danger to pedestrians as it blocks the sight line from the driveway of 1 Heywood View
3. The proposal will spoil the visual amenity of Heywood View which is a short cul-de-sac and is visually constrained at the top by the houses which are set higher than the houses on Heywood View. This was compensated for by the developers by creating a green strip along each side of the close and the wall to the back garden of 3 Cottam Drive was built back from the pavement edge for this reason. The construction of the garage as proposed on the green planting strip, will encroach on the close and adversely affect the aesthetic of all the properties on Heywood View
4. The entrance to and exit from the new driveway will create a hazard. The new driveway will run parallel to Heywood View and will mean a 180° manoeuvre is required to exit the driveway. This will create a hazard to pedestrians and traffic entering Heywood View.
5. The development is prohibited by restrictive covenants on the owners/occupiers of the property
6. The proposal represents an over development of this part of the estate and results in a significant loss of mature landscaping which is one of the most attractive features of Heywood View
7. The proposal will adversely affect the value of properties on Heywood View
8. The construction of the garage would cause considerable inconvenience and disruption to residents on Heywood View during it's construction
9. The existing dwelling is a large 5 bedroom property in a corner position with little or no screening. The dwelling forms part of an estate of similar dwellings, the layout of which has been designed so that each dwelling relates to each other and to it's own plot size and the layout and design of Heywood View and Cottam Drive sees, in general, open plan landscaped frontages to plots with little or no development directly adjoining or close to the highway margins. The proposal would see more built development on both road frontages and a reduction in soft landscaping to the general detriment of the locality and specifically to Heywood View.
10. The dwelling to the east of the site has its main aspect and habitable

room windows facing onto Heywood View. The garage would be directly in front of these windows forming virtually uninterrupted blank walling from the front of the application house to the rear of the proposed garage to the detriment of the amenity of the residents of this adjacent dwelling.

11. One of the residents who lives in Heywood View is disabled and access to the front of the dwelling in which she resides is essential at all times and the proposal may affect this access by reducing available on street parking

## **POLICY**

Bolsover District Local Plan (BDLP) GEN 1 & GEN 2

Other BDC Housing layout and Design Guidelines

## **ASSESSMENT**

The site is within the settlement framework in a predominantly residential area. The main issues are therefore highway safety and visual amenity.

The conversion of the existing garage to living accommodation and the construction of a new vehicular access and hardstanding do not require planning permission. The impact of the proposed access on highway safety cannot therefore be given significant weight in the determination of this application as it can be formed without the permission of this Council.

The proposed garage does require planning permission and this garage is considered to be in keeping with the original dwelling in terms of scale, design and materials. A number of nearby dwellings also have detached garages and the proposal is therefore considered to be in keeping with the general form of development. In the locality The garage is adjacent to the highway but is proposed to be cut into the existing land levels and retains some low level planting between the garage and the highway. Whilst the proposed garage will be clearly visible in the streetscene and will result in the removal of some of the existing amenity planting it is not considered to appear unduly prominent within the street scene. Elsewhere on this estate garages are set forward of the dwelling. Whilst this is a change to the immediate surroundings the overall impact is acceptable.

The garage is set away from adjacent dwellings and although it is clearly visible from the habitable room windows of the dwelling to the east of the site this garage is more than 12m from the front of this dwelling and the garage meets the requirements of the Council's Housing Layout and Design Guidelines in terms of it's impact on the daylight to these windows. The garage will be visible in the outlook from this adjacent dwelling but this is not

considered to be so significant as to harm the amenity of the residents of this adjacent dwelling. The impact is not so significantly different to say a 2m high wall (that could be erected under permitted development rules). The proposal is therefore considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan.

The changes to the permitted development regulations that came into force on 1<sup>st</sup> October would allow a garage to be built in this position provided that it did not exceed 2.5m height- in other words a flat roofed garage could be erected without the need for planning permission. The eaves height of 2.3m in this case indicates that that would be feasible. It would be preferable for such a prominent building to have a pitched roof as it would be more attractive. The pitch in this case is not that great as to significantly affect the neighbours, and does improve the appearance of the building. The proposal is therefore acceptable in terms of visual amenity.

The new access and alterations to the existing access do not require planning permission and it is therefore considered unreasonable to condition the provision of visibility splays or pedestrian inter-visibility splays. Access into the garage may require some manoeuvring but there are three additional parking spaces on the site frontage and there are no objections to the proposal from the Highway Authority. The proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

Some of the issues raised by the Local residents are covered in the above assessment. The issue of loss of value, breach of covenants and disruption to the highway during construction have not been considered since these are not material planning issues.

The land to which the application relates is owned by the applicant and the existing landscaping can be removed at any time and this cannot be controlled by the Council.

The issue of a new access removing on street parking cannot be considered since the access itself does not require planning permission. In any event there is no right to park in the highway and so any impact on this matter cannot be given any weight in the decision.

#### **Other Matters**

PPS3, Greenfield/Brownfield, Density: N/A

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues relating to this proposal

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: No issues relating to this proposal

## **Conclusions/Reasons for Approval**

Approve subject to the following conditions which are given in précis form to be formulated in full by the Head of Planning:

1. Start within 5 years
2. Materials to match the existing dwelling

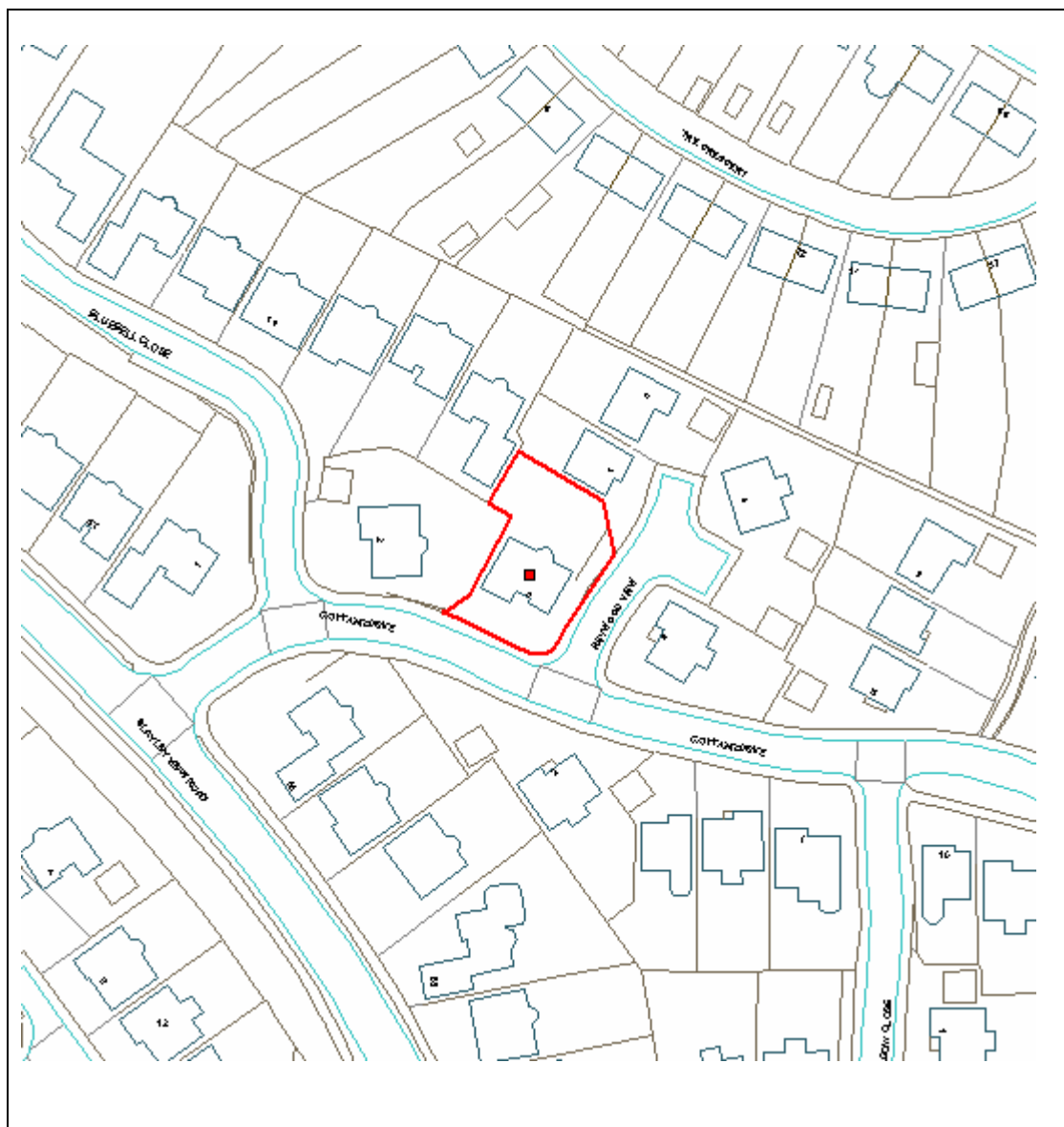
## **RECOMMENDATION**

Summary of Reasons for Granting Planning Permission

Consideration has been given to the issues of impact on the street scene, impact on residential amenity and the impact on highway safety. The proposal is generally in accordance with policy. The impacts of the proposal are not so great as to justify refusal. Conditions have been imposed where appropriate to generally address the issues raised.

Summary of Development plan policy Applicable

Policies GEN 1 and GEN 2 of the Bolsover District Local Plan



**Scale 1:1250**

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**Date Produced:** 23rd September 2008

**PARISH** Scarcliffe

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**APPLICATION** Demolition of bungalow and erection of 2 detached three storey dwellings (Revised Scheme)  
**LOCATION** Hill Crest Carcroft Lane Scarcliffe Chesterfield  
**APPLICANT** Mr J Adamson Papillon 29A Back Lane  
Palterton Chesterfield Derbyshire  
**APPLICATION NO.** 08/00504/FUL **FILE NO.** C12994  
**CASE OFFICER** Mrs Kay Crago (Wed-Thurs Only)  
**DATE RECEIVED** 23rd July 2008

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor M Crane

REASON: Extent of public concern and affect on adjacent conservation area.

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## **SITE**

The site is located adjacent to the conservation area. A single storey dwelling occupies the site which is in need of modernisation. There is a hedgerow to the southern and eastern boundary. Two residential properties are sited to the north east of the application site. An area of open land is situated to the north west (rear) of the site. A stone built cottage is sited south of the site at a lower level, and which is separated by a track and the cottage garden. Vehicular access to the site and two other houses is off an unmade track (also a public footpath),. The application site slopes downwards towards the highway..

## **PROPOSAL**

Demolition of the existing dwelling and detached garage and erection of two three storey houses.

Plot 1 measures 9 metres to the ridge is 10m wide at the widest point, 6m at the narrowest point with a maximum depth of 14.5m. Accommodation is spread over three floors using the roof space. Car parking spaces are shown to the front of the property with garden area to the rear.

Plot 2 measures 9m to the ridge, is 9m in width at the widest point, 5.5m at the narrowest point with a maximum depth of 14m. Accommodation spread over three floors. Car parking shown to the front of the house with garden to the rear.

Proposed materials red facing brickwork, dark smooth tile/slate roof covering, dark upvc glazed windows.

## **AMENDMENTS**

Revised access arrangements submitted to address points raised by the Highway Authority 11th September 2008

### **HISTORY (if relevant)**

Previous application for demolition of existing dwelling and the erection of 2 dwellings withdrawn. (08/00172/FUL)

### **CONSULTATIONS**

STW Ltd No objection to the proposal subject to the inclusion of a condition relating to the submission of a scheme for the disposal of surface water and foul sewage. 14/08/08

Pollution Control Officer: Suggests full phased contaminated land condition. 8/08/08

ConsConsultant The revised scheme has addressed the points raised in the previous consultation. No objections subject to conditions relating to sample panel of brick, sample of stone cills and lintels and roof coping, sample of roof slate, large scale drawings of windows and doors which shall be painted, details of hard and soft landscaping, rainwater goods to be cast metal on rise and fall brackets, no fascias. 5/08/08

PC No comments to add to previous statement. 1/08/08 Previous comments "The parish council still has concerns about aesthetics of such a development in a village setting".

DCC ( Hwys) Visibility splays of 2.4m x 17m in each direction have not been demonstrated (achievable but not demonstrated), three off street car parking spaces per dwelling required although only two spaces shown, the access should be un-gated unless the gate can be set back 5m back from carriageway edge. No objections subject to these being achieved/ demonstrated. 21/08/08

### **PUBLICITY**

Advertised in the press, site notice posted and four properties notified. 17 letters of objection received. Grounds of objection summarised as follows:

The site is too small for two large, three storey houses.

Adverse impact upon village and conservation area.

Impact on daylight to Woodlea and Jasmine Cottage.

Existing dwelling could be extended and modernised which would be more in keeping.

The application is little different to that previously submitted.

Inadequate parking provision.

Permitted Development rights should be removed.

Height and footprints of the two dwellings remains unchanged.

Too intensive a development., better with only one plot

Nobody is listening to the views of local residents.

There is significant local concern about this application.

Previous poor decisions in relation to quality and character of area should not set precedent for poor scheme.

Size and scale wrong for the area

Amendments from previous application, which was subject to extensive objection, are not sufficient to make scheme acceptable  
Landscaping is not a solution to making unacceptable development acceptable  
Buildings with higher roofs will be much more visible from the listed church (II\*) and from the conservation area  
Too dominant in relation to the adjacent traditional cottage which is in the conservation area  
Land is elevated and development will be too intrusive  
Disturbance, access and safety issues from construction traffic  
Loss of privacy from overlooking of adjacent dwelling and garden and increased traffic  
More traffic in tranquil part of the village  
Proposals bear no relationship to scale and details of surrounding properties  
Houses are twice the size of normal houses in terms of floorspace  
Inadequate treatment of surface water in an area already suffering from surface water problems  
Amendments to address highway concerns move scheme from bad to worse, removal of hedge will also need lowering of the ground which will destroy this unspoilt area and open up views of the proposal  
Will block Carcroft Lane with deliveries  
The parking spaces do not work as they are incorrect sizes and turning space is inadequate unless trees and hedges are compromised by widening works  
Absence of garaging means vehicles will be visible to the detriment of the visual amenity of the area  
Working hours not specified  
No 3D image of the proposal

## **POLICY**

Bolsover District Local Plan (BDLP)

Policies GEN1, GEN2, GEN8, GEN4, GEN11, HOU2, CON4,

Other Supplementary Planning Guidance contained within the Council's Housing layout and Design Guidelines.

## **ASSESSMENT**

The site lies within the settlement framework of Scarcliffe adjacent to the conservation area. Development of the site for residential use is acceptable in principle and the site is well related to public transport routes and a primary school. The village does not benefit from a local shop, but the overall numbers involved will not significantly affect sustainability. The proposed development meets the requirements of policy HOU2 of the Bolsover District Local Plan and PPS 3.

The site is sensitive, being slightly elevated and due to its proximity to the boundary of the conservation area and the views from the listed church. This is a resubmitted scheme. The previous application was withdrawn to enable the applicant to reconsider the design of the scheme and other issues raised as part of the consultation process.

The revised scheme still shows two detached three storey dwellings (second floor in roofspace). The overall dimensions of each of the dwellings has been slightly reduced and the ridge heights have been reduced to 9m. Whilst the footprints of the two dwellings is not dissimilar to the previously submitted scheme the overall size, scale and massing has been reduced. The number, proportions and placing of the windows has been addressed and reflects some of the detailing found within the village. Other design cues from properties (both traditional and more modern) within the village have been incorporated such as roof pitches, verge detailing, cills, lintels and the inclusion of a chimney. Conservatories shown on the previous scheme have been removed along with an integral garage. Car parking is shown to the front of the properties. Two spaces are shown for each unit although it is likely that an additional space for each unit could be demonstrated. Maximum guidelines for a four bedroom dwelling require the provision of three off street spaces. The Local Highway Authority has no objections to the proposal subject to the provision of 2.4m x17m visibility splays in either direction, space to be provided for adequate off street parking and manoeuvring space and gates to be sited 5m away from carriageway edge or no gates. That Authority would prefer maximum provision of off street car parking as on street parking is difficult and the site lies adjacent to a Public Right of Way. Whilst three spaces per dwelling would be desirable, two spaces are shown and there would be room for an additional space per dwelling. It is unlikely that a refusal on this ground alone could be sustained at appeal, since parking requirements are expressed as maxima. The removal/reduction of a section of hedge to meet visibility requirements is considered to be excessive having regard to the adverse visual impact arising and the limited amount of traffic likely to be using the lane and the limited speed of that traffic. A 2m visibility splay appears to be achievable without the need to remove hedges; and as this was until recently (with the advent of Manual for Streets) the normal splay distance for an individual access it is felt that retaining the existing hedge in this instance overrides the highway matters. The matter of gates can be covered by condition.

Adequate garden space is shown to the east of the properties in excess of the requirement of the Housing Layout and Design Guidelines. There are no overlooking issues to the west or east. No windows are proposed to the north east elevation of Plot 2 (facing Woodlea) although there are two rooflights serving a stairwell and bedroom. These should be conditioned to be obscure glazed and fixed in the event of a permission being granted. This requirement should also be applied to Plot 1.

To the south western elevation of both plots there is one secondary window to a bedroom to the first floor and two rooflights serving the roof space and a bedroom. These need not be restricted on plot 2 but do need to be obscured glazed for Plot 1 to minimise the perception of, and opportunity for, overlooking. These can be conditioned to be obscure glazed. The ground floor windows will be partially screened by the existing vegetation.

The separation distance from this elevation to Jasmine Cottage to the south is 26.5m. This exceeds the requirement of 25m for principal windows at 90° as outlined in the Council's Housing Layout and Design Guidelines. The proposed development does not conflict with the 25° rule of thumb whereby generally a building should not be situated in front of a window to a principal room if it is higher than a 25° line drawn from the centre of the lowest window.

The proposed houses are shown not to extend beyond the rear elevation of the existing property Woodlea and that property should experience no loss of daylight to principal windows.

Due to the difference in ground levels the proposed development will impact on Jasmine Cottage particularly within the kitchen of that property, as the proposed dwelling is significantly closer to that property and is a larger, taller building than the existing bungalow. The proposed dwellings do not extend across the entire width of the site and some uninterrupted outlook to the east will be retained. The existing height of vegetation to the field to the north of Jasmine Cottage already has some impact upon the outlook from that property. It is not considered that the proposed development is so overbearing that a refusal on this point alone would be sustainable at appeal. The separation distance is adequate and it is not considered that there will be an adverse impact upon daylight to Jasmine Cottage. Daylight will remain uninterrupted to either side of the proposed development.

The proposed development generally achieves compliance with the Council's Housing Layout and Design Guidelines.

The Pollution Control Officer recommends that a full phased contaminated land investigation be undertaken as it is likely that made land is present. This can be addressed by a condition.

As the site lies adjacent the conservation area a high level of design is required. Policy Con 4 of the Bolsover District Local Plan states "that development adjacent to a conservation area shall preserve or enhance the special character and setting of the conservation area. Planning permission will not be granted for proposals which would have a detrimental effect on the special character or setting of the conservation area including views into or out from the conservation area."

The previous application was withdrawn as there were fundamental issues with the design and detailing of the proposal. The applicant has on an informal basis discussed revisions to the scheme with the Case Officer and Conservation Officer. The Conservation Officer considers the scheme to be acceptable subject to conditions relating to materials, large scale drawings of the doors and windows which are to be timber, details of hard and soft landscaping/ fencing and rainwater goods to be cast metal on rise and fall brackets. The ridge heights step down to the south from the existing houses and should not appear over dominant when viewed from the conservation area. There are other three storey houses in the village both traditional and modern and the pattern of development is mixed. Some areas are

characterised by a high density other areas are characterised by detached houses within spacious gardens. Whilst the site in question is currently occupied by a single dwelling, based on the submitted plans there is adequate space for the two houses proposed. It is not considered that the proposed development will look incongruous.

There is substantial local opposition to the proposed development. 17 letters of objection to this application have been received. The objections are summarised in the publicity section of this report.

#### Summary.

Although the site lies outside the designated conservation area, the proposed development will have a significant impact on the character of the area, and on this part of the village of Scarcliffe. The dwellings are large but have been amended to better relate to the immediate vicinity of the application site. Other modern and traditional large houses exist in the village. They will be visible from various parts of the village but this in its own right is not an issue. The issue is whether the impact of the development will be positive or negative. The removal of the existing bungalow is potentially beneficial, if what replaces it is beneficial

The proposed development has been carefully assessed by the case officer and the Conservation Consultant and in its resubmitted form it is not considered that it will have an adverse impact upon the conservation area, or neighbouring properties. The design and scale, proportions and detailing are considered to be acceptable and preserve the character of the conservation area. This is an informed judgement by professional staff, which needs to be considered by the Committee. I have a slight concern that the duplicated design is somewhat regimented, although similar duplicated designs have been approved elsewhere in the village., . The proposed houses meet the requirements of the Council's Housing Layout and Design Guidelines. It is not considered that the proposed development affects the setting of the listed church on Main Street. The existing dwelling whilst having a lower ridge height and smaller footprint is in a relatively run down condition and will not potentially have a positive impact on the area in the longer term. Issues such as the upkeep of the access track are private issues, although in the design and access statement it is stated that the access track will be reinstated.

The proposed development is considered subject to conditions to be acceptable. It meets the requirements of policies GEN1, GEN2, GEN4, GEN11, HOU2 and CON4.

#### **Other Matters**

PPS3, Greenfield/Brownfield, Density Brownfield

Listed Building: N/A

Conservation Area: Adjacent to the conservation area

Crime and Disorder: No specific crime and disorder issues identified.

Equalities: No specific equalities issues identified.

Access for Disabled: Properties will need to meet the relevant part of the Building Regulations.

Trees (Preservation and Planting): Some small trees and shrubs within the site.

SSSI Impacts: N/A  
Biodiversity: No significantly adverse impact.  
Human Rights: N/A

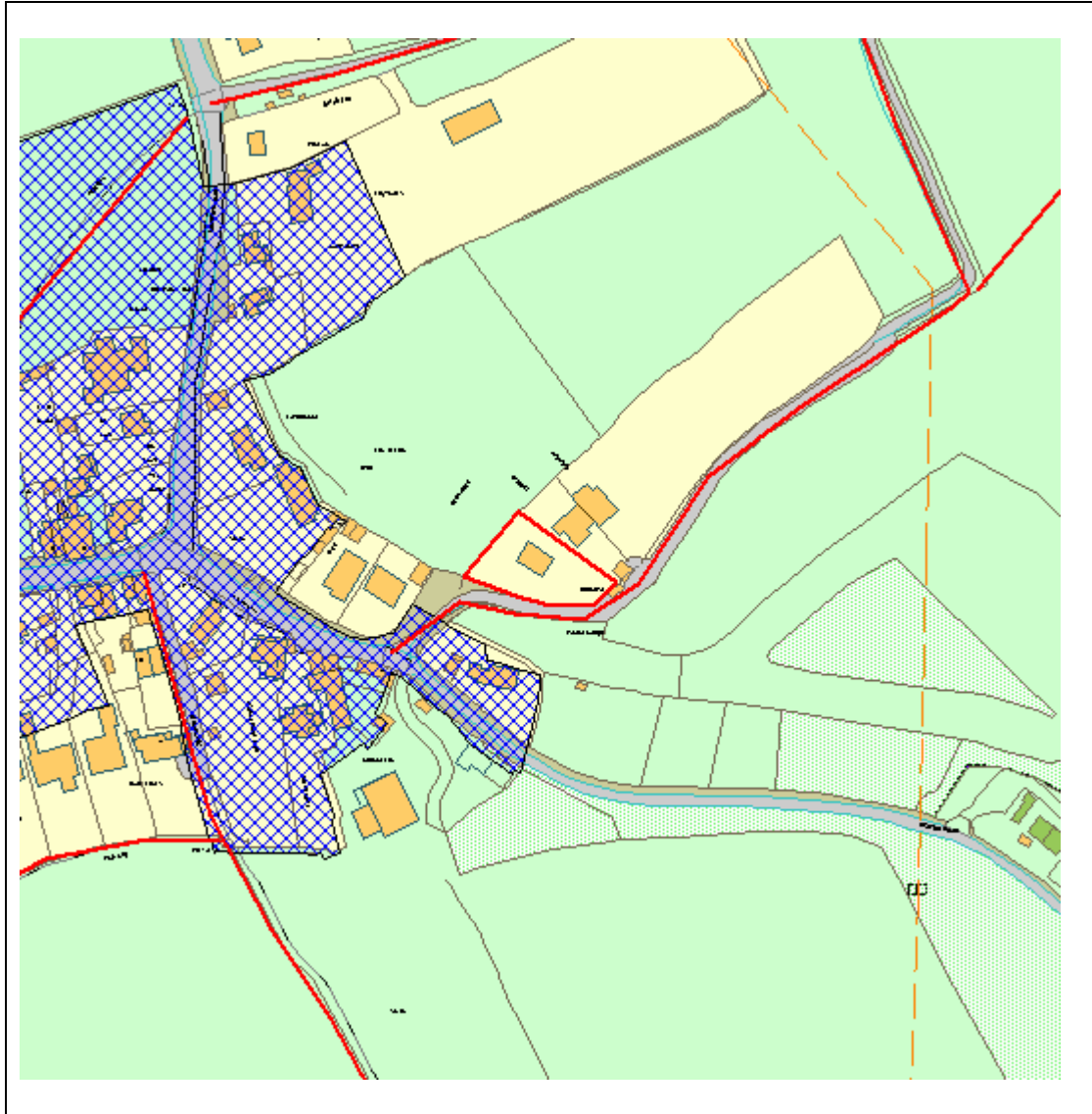
## **Conclusions/Reasons for Approval**

### **RECOMMENDATION Approve subject to conditions written in précis form**

1. Start within three years.
2. Sample of materials to be submitted and approved
3. Contaminated land investigation
4. Submission of scheme for disposal of surface water and sewage disposal.
5. Rooflights to the north east of both dwellings and the south west elevation of Plot 1 and the first floor bedroom window in the south west elevation of Plot1 shall be at all times obscure glazed and fix none opening.
6. Removal of Permitted Development Rights to both plots
7. Two off street car parking spaces to be provided and retained within the curtilage of each dwelling.
8. Windows to be in timber with a paint finish
9. Large scale drawings to be submitted and agreed of windows
10. Large scale drawings of doors to be submitted and agreed
11. Rain Water Goods's to be cast metal with rise and fall brackets.
12. Boundary treatment scheme
13. Landscaping scheme.
14. Maintenance of landscaping.
15. No gates within 5m of carriageway edge and hung to open inwards only.

#### **Summary of Reasons for Granting Planning Permission**

Consideration has been given to the issues of the impact on the character of the conservation area, setting of the listed church, impact upon residential amenity, highway safety, design, size and massing of the buildings and the extensive representations received. The proposed development is considered to generally meet the requirements of policy and achieves general compliance with the Supplementary Planning Guidance contained within the Council's Housing Layout and Design Guidelines. It preserves the special character of the Conservation Area. The comments of local residents who object to the proposal have been noted. The impacts of the development are not so great as to justify refusal. Conditions have been imposed where appropriate to generally address the issues raised.



**Scale 1:2500**

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**Date Produced:** 22nd September 2008

**PARISH** South Normanton

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**APPLICATION** Change of use to hot and cold food take away (Class A5 of Use Classes Order)  
**LOCATION** 10 Alfreton Road South Normanton Alfreton Derbyshire  
**APPLICANT** Mr Darren Booth 10 Alfreton Road South Normanton Alfreton Derbyshire DE55 2AS  
**APPLICATION NO.** 08/00274/FUL **FILE NO.** PP-00432113  
**CASE OFFICER** Mr Stephen Kimberley  
**DATE RECEIVED** 7th May 2008

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Head of Planning

REASON: Level of public concern and highway objection.

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### **NOT STRAIGHTFORWARD SITE**

The site is situated within the settlement framework of South Normanton and within the town centre as designated in the Adopted Bolsover District Local Plan. There are residential properties on all side with a mix of designs. The building is a detached large single storey brick built property with a slate roof. At the front there are two large shop windows with a central doorway. The whole frontage can be covered by a roller shutter. To the immediate west of the building is a timber gate which serves a potential vehicle access at the side. At the rear is a small enclosed garden area with either 2.4m high hedging or 1.8m close boarded fencing on top of brick walls as boundary treatment. The property has an open curtilage to the front with marked parking spaces. The verge is quite wide with parking restrictions (double yellow lines) on the highway immediately to the front of the property.

### **PROPOSAL**

The application is for a change of use for the property to include A5 use as a hot food takeaway. There are no external changes proposed. Hours of opening are to be 07.30 to 14.30 Monday to Friday and 07.30 to 12.30 on Saturday with no Sunday opening.

### **AMENDMENTS**

Amended plan received on the 9<sup>th</sup> June 2008 revising the red line boundary and showing three marked out parking spaces to the front of the property.

### **HISTORY (if relevant)**

None

### **CONSULTATIONS**

Crime Prevention Design Advisor – No objections 13/05/2008

South Normanton Parish Council – Note that the site has been subject to numerous comments and complaints relating to highway concerns.

14/05/2008

Highway Authority – Object and recommend refusal on the basis that there is not adequate provision for the parking and manoeuvring of vehicles clear of the public highway. 21/05/2008

Environmental Health – No objections relating to food hygiene matters.

18/05/2008

Environmental Health – No objections relating to noise pollution. 22/09/2008

## **PUBLICITY**

Site notice posted and 25 neighbours notified.

Thirteen representations received, one in support 12 objecting (with some objectors sending in more than one letter).

One was a letter of support, from a commercial office, noting that such a use is often of benefit to an office.

12 letters of objection covering the following grounds:

- a) No need for another takeaway; will adversely affect existing takeaways in the area
- b) Business will generate more litter problems
- c) Business will add additional smells
- d) Pavement is blocked by vehicles of all types causing a danger to pedestrians who have to go into the road to get round vehicles
- e) Rubbish in the rear garden
- f) Inadequate parking
- g) Parking on highway which has parking restrictions on it and between two mini roundabouts and a pedestrian crossing and bus-stop opposite
- h) Noise levels late in the evening through extended opening hours.
- i) Proposal will lead to a devaluation of property
- j) Drainage onto neighbours property causing damage
- k) Previously a DIY shop that caused highway problems but this use likely to be higher numbers of vehicles
- l) Premises previously printing outlet, double glazing firm, cycle shop, and DIY shop all operating regular business hours, not evenings and weekends; takeaway use likely to extend to evenings and weekends with associated additional impacts
- m) Blocking of drive through inconsiderate parking
- n) New house next door was not allowed access from Alfreton Road
- o) Vehicles parking on zigzag lines to pedestrian crossing

## **POLICY**

Bolsover District Local Plan (BDLP)

GEN1, GEN2, SAC1, and SAC9

## **ASSESSMENT**

The premises are located in an area defined as a town centre within the Bolsover District Local Plan. In such areas shops and takeaways would normally be acceptable subject to satisfactory impacts and not affecting the vitality and viability of the town centre.

The proposal is for the change of use to the property known as 10 Alfreton Road. This property seems to have been originally built as a Co-op store but since that use ceased has been used for a variety of A1 (shop) uses including cycle shop, and a DIY shop. The lawful use of the premises would appear to be A1. The premises reopened in early 2008 as a sandwich shop which would be within the A1 use, but as this one sold a variety of hot food including Jacket Potatoes it brings the use into A5 (hot food takeaways) class for which planning permission for a change of use is required. (If the property did not sell hot food it would have a fallback position of selling cold food, which would not be regarded as a change of use in planning terms and so would not need a further planning permission).

In essence the proposed change of use can be viewed as one from a cold food takeaway to a hot food takeaway (which can sell cold food as well). The use is acceptable within a town centre location, subject to satisfactory impacts. The scale of the proposal will not affect the viability or vitality of the centre.

The applicant has confirmed that they would deal with any odours by means of an internal filtration system. There are no proposed additional external flues or extraction systems. Therefore the effect of the change of use to a hot food takeaway should not result in additional odours or noise from fan motors etc..

The premises are situated on a classified road, on a particularly busy stretch of highway. To the east of the property there is a Pelican crossing with associated white zigzag lines and beyond this a mini roundabout. To the west there are double yellow lines leading to another mini roundabout. There are sufficient parking spaces to the front of the premises to enable three cars to be parked off the road. These spaces have been available for some time and where in position when the premises were used as DIY and Cycle shops.

Most of the representations received are concerned over the effect the proposal has on highway safety. The three parking spaces (which measure 2.4mx 4.5m approximately, compared to a standard size of 2.4m x 4.8m), but in use there is evidence of a tendency on occasion to lead to the pavement being obstructed to varying degrees, dependent on the length of the vehicle and care taken by the driver. The pavement is wide enough that often a pedestrian can still pass the vehicle using the footway, but on occasions pedestrians have had to go into the carriageway to walk past the parked vehicle. Moreover any vehicles using these spaces have to reverse off or onto the highway which is considered detrimental to highway safety. Many of representations are objecting to the proposal due to increased amount of indiscriminate parking in the vicinity. Photographs have been supplied to demonstrate the effect of this parking. This parking includes parking in front of

adjacent dwellings on grass verges and parking by lorries half on and half off the roadway resulting in parking on white zigzag lines or double yellow lines.

It is accepted that the parking situation is unacceptable to the residents, but it is also considered that the problem is likely to be similar if the shop use was to continue. As stated earlier such a use would not need planning permission. The Highway Authority has confirmed that the affected area including the three car parking spaces is within the highway limits. Consequently regardless of the need or not for planning permission the Highway Authority already have the necessary powers to stop the indiscriminate parking in this area whether it be from a hot food use or any other permitted use of the premises. (This could include measures such as bollards at the side of the road.) If the reversing manoeuvres are so detrimental to safety again the Highway Authority is in a position to take action to prevent this.

The Council's parking standards were laid out in the Supplementary Planning Guidance called "Parking Requirements". This expanded on policy TRA14 of the Local Plan which is not a saved policy and no longer applies. As a consequence the "Parking Requirements" document can no longer be treated as Supplementary Planning Guidance. However as the intention appears to have been to keep the document as supplementary planning guidance it is considered reasonable to still treat the document as guidelines though without the status awarded to Supplementary Planning Guidance. It is noted that the standards predated the introduction of the A5 use class, however the standards do give a standard of 1 space per 30sq metres for a shop (A1) and 1 space per 4 square metres of waiting space at a hot food takeaway. The customer waiting area in the premises is approx 4m x 7m which gives a parking requirement of seven cars. Clearly even with the three parking spaces the premises do not meet these guidelines. However the property is within the designated town centre and the same parking guidelines state that parking requirements may be relaxed within town centres. Moreover, whilst the Highway Authority has objected to this proposal, it is of note that they have not objected or required any form of off road parking for a similar proposal on the same classified road at 122 – 124 The Common, which is outside of any designated town centre. Although it is acknowledged that that site does not have the nearby mini roundabouts, parking restrictions or pelican crossing it is felt that consideration has to be given to the highways comments on this and other similar sites on this same road, for the sake of consistency.

Overall given the existing permitted use as a cold food takeaway, and that it would be difficult to demonstrate that there will be a material change in traffic patterns from the addition of the hot food takeaway element, the premises location within the designated town centre and highways comments on similar applications, it is considered unreasonable to refuse this application on highway grounds. Though the current indiscriminate parking is creating a situation hazardous to pedestrian and highway this should be dealt with under existing highway powers. (Indeed on appeal Inspectors have given little weight to highway safety concerns where other powers are available to enforce regulations, such as double yellow lines and zigzag markings to pedestrian crossings, and damage to verges etc).

The Highway Authority object as they considered that the use as a hot food takeaway will encourage on street parking in the vicinity over and above that associated with cold food sales. Whilst the indiscriminate parking which already exists could be controlled by the Highway Authority or by the use of police powers it is noted that it may not be possible to achieve control of the indiscriminate parking in a timely manner, they can't always be present whilst the business is open. For these reasons members may wish to give greater weight to the comments of the Highway Authority and refuse the application on highway grounds as follows (in précis form to be formulated in full by the Head of Planning): The use as a hot food takeaway will result in parking in the public highway at a point close to a pedestrian crossing, near a bus stop and between two busy highway junctions and near a busy petrol filling station and on a busy road. As a consequence this would not be in the best interests of safe and efficient pedestrian and vehicular traffic movement contrary to policy GEN1 of the Bolsover District Local Plan. It is, however, considered that such a decision will be difficult to sustain at appeal, unless it can be shown that the traffic generated by a hot food takeaway is materially different to that generated by a cold food takeaway

The material consideration being the greater weight given to the objection of the highway authority and the difficulty likely to arise from effective policing of the traffic controls already in place which would be likely to give rise to a level of residual risk mainly to pedestrians that is not acceptable.

It is considered that it is appropriate to condition, on any permission, hours of opening to that stated in the form in order to reduce any impact on residential amenity and place a note to ensure that the applicant is aware of the need for a further application if any external changes are made including flues. This will also mean that there will be no noise into the evening from this use as the hours do not extend into those times. This addresses one of the areas of concern raised by resident. (It should be noted that there would be no control over the opening times of any shop use of the premises.)

Permitted rights should also be removed on any permission to ensure that the premises cannot be used as a restaurant /café unless approved by a further application again to retain control over future development to ensure that residential amenity issues can be properly considered.

The comments regarding hygiene and the presence of rodents are noted but these are not material planning issues and the issues are covered by other legislation. As regards smells these will be dealt with by Environmental Health in respect of internal hoods. The comments regarding value of property and the need for another takeaway are also noted, but again these are not material planning considerations.

#### **Other Matters**

PPS3, Greenfield/Brownfield, Density	Brownfield
Listed Building:	n/a
Conservation Area:	n/a
Crime and Disorder:	no known issues
Equalities:	no known issues

Access for Disabled:	no known issues
Trees (Preservation and Planting):	none affected
SSSI Impacts:	n/a
Biodiversity:	no known issues
Human Rights:	no known issues

### **Conclusions/Reasons for Approval**

The proposal is in accord with the terms of development plan policy. Consideration has been given to the effect of the proposal on the character and appearance of the area and the effect on the amenity of the occupiers of neighbouring properties and highway safety, and the objections received from residents and the highway authority. It is considered that the impacts over the permitted use as a shop are not so significant as to warrant the refusal of permission, and conditions can be imposed to deal with some of the issues raised. Other powers exist to deal with the issues of indiscriminate parking and hygiene matters.

The main development plan policies applicable:  
GEN1, GEN2, SAC1, and SAC9

### **RECOMMENDATION**

**APPROVE subject to the conditions given in précis form to be formulated in full by the Head of Planning**

- 1) The use hereby permitted shall only be open to customers within the following times 7.30am – 14.30pm Monday to Saturday and shall not be open on Sundays, Bank Holidays or other public Holidays.**
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, as amended, Schedule 2 Part 3 Class AA (or any order revoking or re-enacting that Order) the use hereby permitted shall only be A5 (Hot Food Takeaway), and shall not include use as Class A3 (restaurant or café) unless planning permission has first been granted by the Local Planning Authority.**

### **Notes.**

- 1) The applicant should be aware that any external alterations, including the installation of external flues and ducting, and any extension to hours hereby approved will require a further planning permission.**
- 2) The area currently used for parking is according to information received from the Highway Authority within the highway limits. If it is considered that the use of these parking areas is causing obstruction the Highway Authority can take steps to remove the parking spaces.**



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**Date Produced:** 22nd September 2008

**PARISH** South Normanton

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**APPLICATION** Alterations to front elevation of 122 and 124 and internal alterations and change of use of 122 to a use class A1 and A5 (shop and hot food takeaway)

**LOCATION** 122 The Common South Normanton Alfreton Derbyshire

**APPLICANT** Mr Riaz Chowdhury 2 Wye Gardens Nottingham NG7 5RX

**APPLICATION NO.** 08/00276/FUL **FILE NO.** PP-00439728

**CASE OFFICER** Mr Stephen Kimberley

**DATE RECEIVED** 8th May 2008

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Cook  
REASON: Parking situation

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(The application was referred to committee before the amendment which removed the proposed A3 (restaurant) use.)

#### **SITE**

The site is within the settlement framework of South Normanton in a predominantly residential area. There are other takeaways including a Fish and Chip Shop to the east together with a Newsagents and a Hot and Cold food takeaway shop to the west. To the east and south there are residential properties whilst across the road to the north there is a place of worship and further housing. The building is a semi detached brick built building with an alleyway to the eastern side. The properties have very small front curtilage which has open boundaries. There is no off street parking available within the curtilage but there is a lay-by slightly to the west and in front of the site. The road to the front is a wide classified road which has a 30mph speed limit with speed cameras positioned along it to enforce this limit. There are no parking restrictions immediately to the front of the proposal.

#### **PROPOSAL**

The proposal is for the change of use to A1 or A5 uses (shop or hot food takeaway) and various alterations to the front elevation which include new shop windows to both properties removal of redundant external duct from 124 The Common and rendering of the front elevation to provide a uniform appearance.

#### **AMENDMENTS**

Letter received on the 12<sup>th</sup> September 2008 removing the proposed A3 (Restaurant/café) use from the proposal.

#### **HISTORY (if relevant)**

07/00333/FUL – Change of use from residential to hot and cold food takeaway was approved by Planning Committee on the 1<sup>st</sup> August 2007.

Decision issued 03/08/2007

03/00337/FUL – Change of Use to Hot food takeaway at 124 The Common was approved 21<sup>st</sup> March 2003 Times restricted to 8am – 11pm Mon – Saturday and no opening on Sunday or Bank holidays

01/00011/FUL – Change of use from residential to sandwich shop at 124 The Common was approved on the 9<sup>th</sup> March 2001

97/00145/VAR – Application to vary a previous permission so that the premises at 122 The Common could be used for cold Food Takeaway and extension of opening hours. This application was approved on 16<sup>th</sup> June 1997. This use was restricted to between 8am and 6pm

BOL1089/627 – Application for an extension to 128 The Common to form a fish and chip shop was allowed on appeal 5<sup>th</sup> October 1990.

## **CONSULTATIONS**

Environmental Health – No objections in relation to air quality but note that if any new extraction filtration system is to be fitted the details should be submitted for approval. 29/06/2008

South Normanton Parish Council – Major concerns over the volume and congestion of traffic in this area. Additional commercial development in this area will exacerbate the problem. 23/05/2008

Highway Authority – No objections subject to no signs with highway limits and no part of a disabled ramp built within Highway Limits. 02/06/2008

Environmental Health – No objections in principle to the proposal. They have written to the applicant with regard to food safety and health and safety matters. 18/06/2008

Environmental Health- No objections in principle in relation to control of noise and odour but note that if a new external duct system is to be installed details should be provided before installation. 19/09/2008

Crime Prevention and Design Advisor – No comments 17/09/2008

## **PUBLICITY**

Site notice posted and seven neighbours notified.

Two representations received from neighbours and one from a solicitor acting on behalf of one of those neighbours.

One representation objects to the property being opened as a café because of Highway concerns.

The second representation objects because of:

- a) No need for a further restaurant or café
- b) Smells from the existing food establishment
- c) Rodents from existing use as a hot food takeaway
- d) Fire hazard
- e) Effect on the value of their house.

These points were reiterated in the letter from the solicitor who also asked whether the existing premises had been built without adequate fire proofing.

## **POLICY**

Bolsover District Local Plan (BDLP)

## **ASSESSMENT**

The proposal is for a change of use to two properties 122 and 124 The Common and alterations to the front elevation. The change of use is to an A1 (shop) or A5 (hot food takeaway) use. It is noted that the Use Class Order permits a change for A5 to A1 without requiring planning permission as well as a change from A5 to A3 (restaurant/café).

124 The Common was granted planning permission in 2003 for a hot food takeaway which is an A5 use. 122 The Common was granted permission for a "cob shop" in 2001 though hours were restricted from 8am to 6pm.

In essence the proposed change of use is already permitted for 124 The Common and for 122 The Common the only difference in planning terms is the change from a cold food takeaway/sandwich bar to a hot food takeaway. The proposal does not state any opening times but given the time restrictions on the existing hot food takeaway at 124 The Common it is considered reasonable that any approval should replicate these opening times, which are from 8am to 11pm in the interests of minimising the impact on nearby residential amenity.

There are no proposed additional flues or extraction systems and therefore the effect of the change of use to a hot food takeaway should not result in additional odours or noise from machinery. Immediate neighbours to 122 The Common are 124 ( the existing hot food takeaway) and 120 The Common which was granted planning permission in 2007 for a hot food takeaway. It is considered therefore that as the closest properties are also hot food takeaways the change of use for this property will not result in such a detrimental effect on residential amenity of other neighbours over the existing situation as to warrant a refusal of permission. There are two signs proposed which would be back lit illuminated. Until recently there were two signs on the premises, one which is back lit and one which was externally illuminated. The back lit sign is still in position. Whilst the signs are slightly larger than the previous signs it is not considered that the difference is so significant as to warrant a refusal. However no details of lighting are given and levels of illumination but it is not possible to impose conditions on a planning permission in respect of this as advertisements are controlled under separate regulations. If problems arise with the signs action will need to be considered separately.

The proposal does include some changes to the front elevation. The changes include replacement windows of a similar size at first floor level, replacement windows at ground floor level and removal of existing unsightly ducting. The windows will not be placed any closer to the adjacent residential property than those existing and whilst the ground floor level windows are larger they are not considered inappropriate for a shop/takeaway property.

The removal of the ducting will result in an improvement to the look of the existing property as will the uniform rendering of the front of the property. The look will not be too dissimilar to that existing or nearby shop units including

the newsagents and it is considered that the proposal will not have a significant effect on the character or appearance of the area.

The Parish Council and neighbours do have concerns over the proposal including the lack of off street parking. No off street parking spaces are proposed as part of the application. The Highway Authority has no objections to the proposal but requested conditions to ensure that no signs or a disabled ramp were positioned within the Highway Limits.

The Council's parking standards were laid out in the Supplementary Planning Guidance called "Parking Requirements". This expanded on policy TRA14 of the Local Plan which is not a saved policy and no longer applies. As a consequence the "Parking Requirements" document can no longer be treated as Supplementary Planning Guidance. However as the intention appears to have been to keep the document as supplementary planning guidance it is considered reasonable to still treat the document as guidelines, though without the status awarded to Supplementary Planning Guidance. It is noted that the standards predated the introduction of the A5 use class, however the guidelines do give a standard of 1 space per 30sq metres for a shop (A1) and 1 space per 4 square metres of waiting space at a hot food takeaway. Whilst no details of internal waiting spaces are indicated the likelihood is that there are increased parking requirements for a hot food takeaway. However it is difficult to see how a hot food takeaway has significantly different parking requirements to a cold food takeaway. Given the existing permitted use and in view of the lack of an objection from the Highway Authority it would be difficult to justify refusal on the impact on traffic safety. It is also noted that the Planning Committee approved a similar application at the next door property, 120 The Common which also had no off street parking of its own and relied on the nearby lay-by.

The changes of use that are permitted under the General Permitted Development Order would allow a change to A3 (restaurant/café) use from A5. It is considered that such a use would have increased and different parking requirements with customers likely to be parking for a length of time on neighbouring streets. . Consequently as this would be more detrimental to highway safety and residential amenity it is considered reasonable to impose a condition removing these permitted development rights and allowing only an A1 or A5 use, unless subsequently approved through another planning application.

The comments regarding smells and hygiene are noted but these are not material planning issues (the appearance of any external flue is an issue, but none is proposed) and the issues are covered by other legislation. The comments have been passed through to the Council's Environmental Health department which is dealing with the existing issues. It is noted that the proposal do not include any additional extraction systems and that those existing are already in operation. The comments regarding value of property are also noted but again this is not a material planning consideration. Comments were made on the standard of the building work in the existing property and whether it meets regulations or not. These issues are not material planning issues and are covered by other legislation. The comments

have been forwarded to Building control for their consideration.

A representation also raises the point that they feel that there is no need for another takeaway unit in this area. The proposal is considered on its individual merits and the fact that there are other such units in the vicinity cannot be a reason for refusal of this proposal which is considered to meet the requirements of policies GEN1, GEN2 and SAC9 of the Bolsover district Local Plan.

#### **Other Matters**

PPS3, Greenfield/Brownfield, Density	Brownfield
Listed Building:	n/a
Conservation Area:	n/a
Crime and Disorder:	no known issues
Equalities:	no known issues
Access for Disabled:	see above
Trees (Preservation and Planting):	none affected
SSSI Impacts:	n/a
Biodiversity:	no known issues
Human Rights:	no known issues

#### **Conclusions/Reasons for Approval**

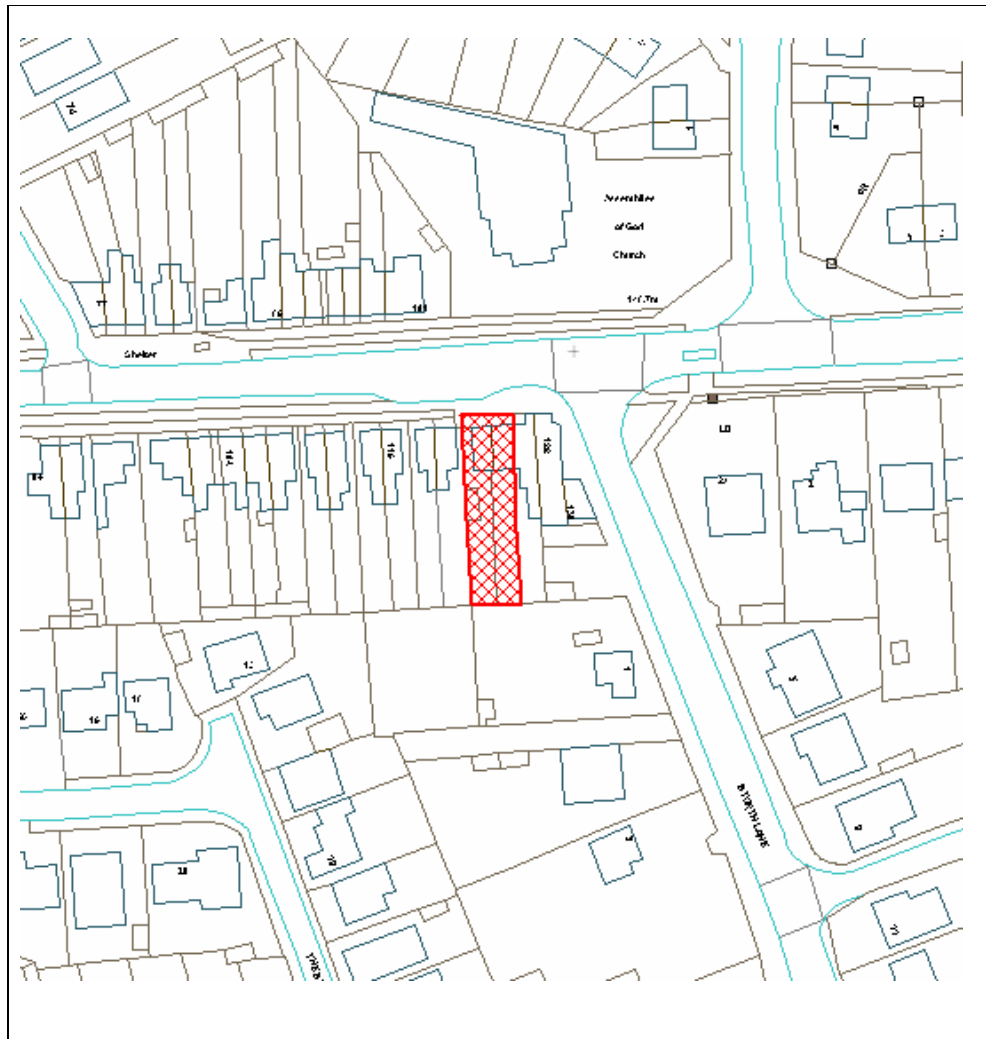
The proposal is in accord with the terms of development plan policy. Consideration has been given to the effect of the proposal on the character and appearance of the area and the effect on the amenity of the occupiers of neighbouring properties and , the comments made in the representations . There is no objection in principle from either the Highway Authority and Environmental Health Pollution Control. It is considered that the impacts are not so great as to justify refusal and those that arise can be controlled by condition, or are matters to be dealt with under other regulations.

The main development plan policies applicable:  
GEN1, GEN2, SAC9 of the Bolsover District Local Plan

#### **RECOMMENDATION**

**APPROVE subject to the conditions given in précis form to be formulated in full by the Head of Planning**

- 1) Start within 3 years.**
- 2) The use hereby permitted shall only be open to customers within the following times: 8am – 11pm Monday to Saturday and shall not be open on Sundays, Bank Holidays or other public Holidays.**
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 as amended (or any order revoking or re-enacting that Order) the use hereby permitted shall only be A1 or A5 unless planning permission has first been granted by the Local Planning Authority for use as a restaurant or cafe.**



**Scale 1:1250**

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**Date Produced:** 22nd September 2008

Committee:	Planning	Agenda Item No.:	7
Date:	8 <sup>th</sup> October 2008	Category	*
Subject:	Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan - Start of Public Participation	Status	Open
Report by:	Head of Planning (written by Temporary Assistant Conservation Officer)		
Other Officers involved:	Creswell Townscape Heritage Initiative Project Officer		
Director	Director of Strategy		
Relevant Portfolio Holder	Cabinet Member for the Environment		

## **RELEVANT CORPORATE AIMS**

### **Environment - Promoting and enhancing a clean and sustainable environment.**

One of the Council's priorities for its aim for the environment is to protect, enhance and improve the natural and built environment in a sustainable way.

The proposed Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan seeks to ensure that the historic and natural environment of the Markland and Hollinhill Grips Conservation Area is preserved and enhanced by defining its special character and appearance and by setting out appropriate policies and proposals. As a result, the proposed Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan will form an extremely important policy tool in the Council's efforts to protect and enhance the built and natural environment in a sustainable way.

### **TARGETS**

Achieving the milestones set in the Historic Environment Scheme by March 2011 is a specific target in the Corporate Plan. Within this target, preparing and adopting the Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan by January 2009 will achieve one of the milestones.

## **VALUE FOR MONEY**

Preparing and adopting Conservation Area Appraisals and Management Plans aids efforts for a more efficient planning determination process as the additional guidance they contain enables applicants to better prepare their proposals, which in turn reduces the need for amendments, and enables the district to gain better developments.

In addition to this, the proposals for enhancement that the Conservation Area Appraisals and Management Plans contain, aids efforts to secure external funding for the District.

## **PURPOSE OF THE REPORT**

To seek Committee approval to carry out a public participation exercise on the draft Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan. In addition, to carry out consultation on whether the conservation area boundary should be amended as suggested during the initial stakeholder process.

## **THE REPORT**

### Background Information

Members will be aware that the process for the preparation of Conservation Area Appraisals and Management Plans was set down in the Historic Environment Scheme that was approved by the Council at its meeting on 6<sup>th</sup> February 2008.

This process involves the following stages:

- Stage 1 - Evidence gathering
- Stage 2 - Prepare draft conservation area appraisal and management plan addressing issues raised at initial consultation stage
- Stage 3 - Public participation on draft appraisal and management plan
- Stage 4 - Final document prepared and reported to Planning Committee and then Council for adoption as Council Policy setting out how representations have been taken into account. Procedure for speaking at Committee clearly identified

Stages 1 and 2 of the process have been completed, with the stakeholder (local experts) meeting held at the Creswell Social Centre, Elmton Road, Creswell on 24<sup>th</sup> June 2008. The main issues raised were:

Damage to and future protection of the promontory fort (Scheduled Ancient Monument)  
Flooding and drainage issues at Boler's Corner and within the Grips  
Lack of interpretation and signage  
Public access – footpaths & bridleways  
Management of the Site of Special Scientific Interest (SSSI) and Regionally Important Geological and Geomorphological Site (RIGS)  
Poor state of the old railway viaduct and incompleteness of infilling scheme along the former railway

Appendix 1 contains a list of attendees and the note of the meeting.

## **ISSUES FOR CONSIDERATION**

### **Conservation Area Appraisal and Management Plan issues**

The draft Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan seeks to define the special character and appearance of the Markland and Hollinhill Grips Conservation Area by assessing the built form and landscape value. It also provides guidance on the implementation of certain saved policies in the Bolsover District Local Plan and where appropriate proposes schemes for the preservation and enhancement of the conservation area.

In the preparation of the draft document, the issues raised at the stakeholder meeting have been considered and where appropriate incorporated in the draft document.

In considering when the proposed schemes for the preservation and enhancement of the conservation area should take place, regard has been paid to the Council's Historic Environment Scheme and its approved conservation work programme.

Therefore, given that the preservation proposals contained in the draft Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan, such as investigating opportunities for providing archaeological interpretation are largely dealt with through current but non-programmed work, it is considered at this stage that they do not require prioritisation above existing work programme management plan actions.

The exceptions are the proposed remediation works to tackle the threat of further flooding at Boler's Corner and the monitoring of archaeologically important sites which are seen as priority actions.

The enhancement proposals, which are generally less urgent than preservation proposals, given that they pose less immediate threat to the conservation area, are considered to be desirable but not able to be delivered before the next available date within the work programme management plan actions without additional resources.

A copy of the draft document is contained at Appendix 2.

### Conservation Area boundary issues

The present conservation area boundary has been considered in accordance with the Council's statutory duty to review the boundary of existing conservation areas from time to time and the suggestions made at the stakeholder meeting.

The suggested extensions are:

- Land adjacent Hollinhill Lane – former 'sheepwash' site
- Land east of Boler's Corner, to include Lower Mill Farm and other properties
- Former railway line, Markland Grips

Further research is needed to assess the historic importance of these areas and whether their inclusion in the existing conservation area is justified.

In addition, officers consider that the sewage treatment works at Hollinhill Lane should be excluded in its entirety from the conservation area. The reasoning behind its original inclusion in the conservation area is not clear. The site is not a particularly attractive or complementary use to the aims and objectives of conservation area designation in general.

The suggested boundary changes are described in more detail in the document and are shown on the site map.

### Next stage

Following consideration of these issues and preparation of a draft Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan, it is proposed to progress to Stage 3, with a four week public participation exercise commencing on 13<sup>th</sup> October 2008 until 7<sup>th</sup> November 2008. A public meeting will be held during this period.

During this exercise a separate consultation exercise will also take place regarding the suggested boundary changes to the conservation area.

The outcome of both exercises, stating how the responses have been considered and where necessary incorporated into the document, together with the revised appraisal and management plan, will be reported to the Planning Committee at a future date.

### **IMPLICATIONS**

Financial – cost of the public participation exercise can be met by existing budgets. The draft Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan does not include proposals that require additional Council funds to deliver them on the timescales proposed.



# Note of Meeting

## Markland and Hollinhill Grips Conservation Area – Conservation Area Appraisal and Management Plan

### Local Experts Meeting

**Venue:** Elmton with Creswell Social Centre  
**Time:** 3pm – 5pm  
**Date:** 24<sup>th</sup> June 2008

### Present:

	<u>Name</u>	<u>Title</u>	<u>Organisation</u>
1	Enid Hibbert	Joint Secretary	Elmton-with-Creswell Local History Group
2	Pam Finch	Joint Secretary	Elmton-with-Creswell Local History Group
3	Jim Russell		Landmark Trust & Clowne Wildlife Group
4	Robin Slaney		Clowne Wildlife Group
5	Duncan McGregor	Councillor	Bolsover District Council and Elmton-with-Creswell Parish Council
6	Brian Betts	Access Group representative	Clowne Community Association
7	Margaret Hewitt	Access Group representative	Clowne Community Association & S.O.R.R.
8	Hilary Wignell	Environment Group representative	Clowne Community Association
9	Enid Glassey	Councillor	Elmton-with-Creswell Parish Council
10	Robert Glassey	Councillor	Elmton-with-Creswell Parish Council
11	Rita Turner	Councillor	Bolsover District Council and Elmton-with-Creswell Parish Council
12	George Webster	Councillor	Bolsover District Council and Elmton-with-Creswell Parish Council
13	D. H. Steinberg	Director	Lower Mill, Hazelmere Road
14	Anne Western	Councillor	Derbyshire County Council
15	Jonathan Moore	Assistant Conservation Officer	Bolsover District Council
16	Chris McKinney	Creswell Townscape Heritage Initiative Project Officer	Bolsover District Council

### Apologies:

Ken Stevenson, Councillor, Derbyshire County Council  
Natural England, East Midlands office

**Note Prepared by:** Chris McKinney

		<u>ACTION</u>
<b>1.0</b>	<b>Introduction</b>	
1.1	Chris McKinney opened the meeting and explained that the District Council had started an ambitious programme for preparing Conservation Area Appraisal and Management Plans for the 27 conservation areas in the district. He explained that the Markland and Hollinhill Conservation Area was the ninth conservation area in the programme and that the purpose of the meeting was to meet with local stakeholders, such as local representatives and residents, at an early stage in the process and that he was pleased to see people representing the Clowne, Creswell and Whitwell interests.	
1.2	Jonathan Moore explained that the Markland and Hollinhill Conservation Area was designated in 1991 and that the District Council has a duty to review designated conservation areas from time to time. The purpose of the meeting was to gather information regarding the character and appearance of the conservation area and to identify any management issues. He also explained that it was important to identify any threats and opportunities to the conservation area and that local knowledge is important in this process.	
<b>2.0</b>	<b>Characteristics</b>	<b>JM</b>
2.1	Jonathan explained that the conservation area covered a large area, 63 hectares in total, resulting in it containing a variety of features such as the limestone grips and caves, an iron age promontory fort, sites of importance for nature conservation and a range of topographies.	
2.2	<b>Jim Russell said that the natural interest of the area was very important and that most of the area was identified as a Site of Special Scientific Interest. Enid Hibbert mentioned the importance of the promontory fort. Cllr McGregor mentioned the importance of the former railway line.</b>	
<b>3.0</b>	<b>Boundaries and potential extensions</b>	<b>JM</b>
3.1	Jim Russell asked where the existing conservation area boundary came from. Jonathan explained that the boundary was established when the Council considered designation in 1991 and that it was intended to cover the area considered to be of special architectural or historic interest.	
3.2	Jonathan mentioned that two potential extensions to the conservation area had been suggested to the Council previously, the first on the western edge around the water treatment works and the second on the eastern edge around Boler's Corner.	

3.3 Hilary Wignell advised that Millwood Brook was important and that the suggested extension around the water treatment works should look at the former sheepwash site. She advised that the Clowne Community Association were looking to try and tidy up this area but couldn't find out who owned the sheepwash site.

3.4 Cllr McGregor advised that Boler's Corner was an important area with a number of stone properties that should be protected, in particular Lower Mill Farm. Chris McKinney advised that a number of the buildings at Boler's Corner were already within the Markland and Hollinhill Grips Conservation Area but that the Council were looking at Boler's Corner specifically to make sure that the boundary was appropriate.

3.5 Cllr McGregor also suggested that a further potential extension would be to include fully the former railway line, given that it was an important feature in the area's historical development.

#### **4.0 Identification of possible threats to character and appearance**

**JM**

4.1 Jim Russell and Robin Slaney advised that the ponds by Lower Mill Farm had flooded last year and that they were overgrown again and that this could lead to further flooding, particularly as it appeared that the drainage had worsened following the Markland Campus development. Mr Steinberg advised that he, as owner of the farm, had dredged some of the ponds to try to manage the problem (at least three times a year). Cllr B Glassey advised he had passed a report on the flooding to Derbyshire County Council via Cllr Ken Stevenson. Cllr McGregor advised that flooding was a significant threat to the area and an issue that needed attention. Cllr B Glassey asked what action could be taken. Chris explained that the solution appeared to be a re-examination of the new drainage channels around Boler's Corner with perhaps works to make these perform better. As the waterway and Lower Mill Farm were important features in the conservation area and as flooding is a significant threat to this interest, it would be possible to identify these within the appraisal and to try to prioritise the necessary action within the management plan. This would mean that whilst the work is essentially a highway / drainage responsibility, the Conservation Team could try to assist in pulling the various organisations together to resolve the problem.

4.2 Cllr McGregor advised that the viaduct within the Grips was a threat as it was made from concrete and is decaying and suggested that a new appropriate structure would be better. The group mentioned that the public footpath was not being maintained but that it was being kept open at the moment.

4.3 Cllr McGregor advised that the lack of progress in the approved scheme of infilling of the former railway line between Creswell and the

Grips was a threat as it was preventing the completion of the Frithwood Trail. He added that it would appear that the main problem was that the condition on the planning permission was not being complied with. Chris advised that this information would be passed to the Council's Planning Enforcement Team and that he would find out more about this issue and report back.

4.4 Jim Russell advised that the promontory fort was being damaged by people using motorised bikes. Jonathan noted this and advised that this information would be passed on to the responsible organisations.

4.5 Robin Slaney advised that the recent upgrading of the Grips public footpath to a bridleway had meant that the natural interest of the area was being damaged by horse riders. Margaret Hewitt disputed this and advised that all possible steps were being taken to prevent damage. Jim Russell advised that once the route was accessible to horse riders it became accessible to quad bikes. Chris advised that due to the character of the area a number of conflicts were likely but that the management plan would provide the Council and the various stakeholders with a mechanism to try to balance the sometimes conflicting interests.

4.6 Robin Slaney asked whether detailed ecological assessments of the area were going to be undertaken to inform the appraisal process. Chris advised that due to the existing site assessments for the Site of Special Scientific Interest, the Regionally Important Geological Site, the Site of Importance for Nature Conservation and the Scheduled Ancient Monument, it was considered that further ecological assessments were not required at this stage, particularly given the responsible bodies covering these sites were being involved in the process. However, as actions were being pursued, the need for further and more detailed survey work would be assessed.

## **5.0 Identification of possible opportunities to enhance character and appearance** JM

5.1 Cllr B Glassey suggested improved access to the area would be an enhancement and asked if this could be investigated. Jim Russell confirmed that the Landmark Trust's entrance is only a concessionary footpath and that they close this when the site is closed. Cllr McGregor added that it would be excellent if the Frithwood Trail could be extended along the infilled area mentioned above, through the Grips over the new viaduct structure and link up to Clowne Linear Park.

5.2 Cllr McGregor also asked the group about their views on the potential re-opening of the operational railway for passenger use, adding that Bolsover District Council supports this initiative. Jim Russell stated he supported the re-opening of the line.

- 5.3 Enid Hibbert suggested that greater interpretation at or near the promontory fort would be beneficial as she thought that not many people knew that it existed.
- 5.4 Enid Hibbert also suggested that the new Creswell Craggs visitor centre should be used to hold or at least display Creswell finds instead of them being held in Matlock where no-one really could appreciate them. Cllr B Glassey suggested that the early human remains found in the Craggs would make an excellent display.
- 5.5 Hilary Wignell suggested that having signage to the Grips from Clowne would be beneficial. Cllr McGregor added that signage from both Clowne and Creswell should be pursued.
- 5.6 Cllr B Glassey advised that seating areas should be looked at to allow local people to properly enjoy the Grips.
- 5.7 Chris explained that these suggestions were all being noted and that this information would feed into Jonathan's work on preparing a draft conservation area appraisal and management plan. He added that now that the Conservation Team had worked on a number of conservation areas, a programme of proposed works and enhancement schemes was being developed and that this was getting longer with every meeting. As a result, the Council has to consider how these should be prioritised based on the available staff resources and that normally new schemes went to the end of the programme unless it was considered that they should be prioritised over existing schemes due to the threat they pose or as funding was currently available for them. Therefore, Chris advised the group to specifically look at the dates proposed in the management plan for the actions and to consider whether they think these appropriate and to let the Council know their views during the formal consultation stage.

## **6.0 Next steps**

**JM**

- 6.1 Jonathan thanked everyone for attending the meeting and advised that this information would now feed into the preparation of a draft appraisal and management plan.
- 6.2 Jonathan advised the group that the next stage was to report the draft document to Bolsover District Council's Planning Committee in September with a four week consultation period during September / October. After this, it was intended that the outcome of the exercise and a revised document would be reported to Planning Committee in December with adoption by the Council in January 2009.

# MARKLAND AND HOLLINHILL GRIPS CONSERVATION AREA



## Appraisal and Management Plan



Consultation Draft



GRAHAM CLARKE  
HEAD OF PLANNING

October 2008

This document addresses the following corporate aims:-



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**Markland and Hollinhill Grips**

## **Introduction**

Conservation areas are defined in the Planning (Listed Buildings and Conservation Areas) Act 1990 as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.

The Markland and Hollinhill Grips Conservation Area was designated in July 1991 on the basis of the special archaeological, historic and natural history interest of the area.

As a result of this designation the Council is required to publish proposals for the preservation and enhancement of the conservation area. This Conservation Area Appraisal and Management Plan has been prepared in accordance with this requirement.

## **The Role of Conservation Area Appraisals and Management Plans**

Conservation Area Appraisals and Management Plans do not form part of the Development Plan but do provide part of the evidence base for the emerging Bolsover Local Development Framework documents.

In addition to this, Bolsover District Council will adopt Conservation Area Appraisals and Management Plans that have been prepared with public participation as a material consideration so that they are taken into account when a determination is to be made under the planning Acts.

## **Public Participation in the Preparation of the Conservation Area Appraisal and Management Plan**

The preparation of this document commenced in April 2008 and has been carried out under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with the Council's Statement of Community Involvement.

An initial stakeholder meeting was held at the Creswell Social Centre, Elmtun Road, Creswell on 24<sup>th</sup> June 2008. Local councillors, residents and other stakeholders were invited to the meeting to consider the issues to be included in this draft document.

This draft document has been issued for public consultation and written responses are invited. All responses will be recorded and considered prior to preparation of the final document and adoption by the Council.

## **Content and Document Period**

The document is comprised from two separate but complementary parts:

### **Part 1) Conservation Area Appraisal**

This part defines the character and appearance of the conservation area and identifies those elements which make important contributions to the character and appearance. It also identifies threats that could be detrimental to, and opportunities to enhance, the character and appearance of the conservation area.

As part of the appraisal process unlisted buildings of merit and other features which contribute to the special architectural, historic, or natural environment interest of the area have been identified and are listed in the Features of Interest section - omission from this list does not imply that other features are not of significance.

### **Part 2) Management Plan**

This part includes policies and proposals derived from the contents of the Appraisal that seek to preserve and enhance the character and appearance of the conservation area.

To remain relevant, Conservation Area Appraisal and Management Plans need to be reviewed and kept up to date. Bolsover District Council intends to review these documents every five years. Therefore, the period of coverage is five years from publication, although the Appraisal and Management Plan will remain relevant beyond this period until reviewed.



# PART 1: CONSERVATION AREA APPRAISAL

## Introduction

The Markland and Hollinhill Grips Conservation Area is situated in the north of the district of Bolsover in Derbyshire and covers an area of 63 hectares. It includes sites of archaeological, geological and ecological importance, mature woodland assemblages, agricultural grazing and unimproved pasture, ponds, watercourses and a small amount of built development.

The conservation area lies predominantly in the parish of Elmtun-with-Creswell, except for the northern section of Hollinhill Grips, part of which lies in the neighbouring parish of Whitwell. The settlements of Clowne and Creswell are located approximately 1 kilometre to the west and east respectively while Whitwell lies about 2 kilometres to the north.

The Clowne Conservation Area, which was designated by the Council in May 2005, is located immediately west of the Markland and Hollinhill Grips Conservation Area, separated by Hollinhill Lane on the edge of Clowne.

The A616 (Sheffield Road) runs to the north of the conservation area between Creswell and Clowne, briefly passing through it at Boler's Corner. The unclassified Markland Lane crosses the conservation area about 300 metres to the south of Markland Farm. Two disused railway lines also pass through the conservation area.

## Summary of Character

Markland and Hollinhill Grips comprise an area of extensive linked gorges cut into the magnesian limestone plateau. This landscape has attracted human activity to the area from the Palaeolithic period onwards. The nearby Creswell Crags – 3 kilometres to the east of Markland and Hollinhill Grips - provide evidence of some of the earliest human settlement in Britain dating from between 50,000 to 12,000 years ago. It is not inconceivable to envisage that the 'Grips', which is a local term describing the distinctive landscape formation, were used contemporaneously with the sites at Creswell Crags.

The conservation area comprises three arms that meet at the north east corner of the complex near Upper Mill Farm, giving a total length of almost 5 kilometres:

- Hollinhill Grips is the northern-most gorge which runs east from the edge of Clowne and is over 2 kilometres in length.\*

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\* Geologically the gorge continues west towards Clowne through the area known as Clowne Linear Park and Clowne Crags. These areas are included within the Clowne Conservation Area and are therefore outside the scope of this document.

- Markland Grips:
  - the first section, which is almost 2 kilometres long, runs south west to north east joining Hollinhill Grips at its eastern end.
  - the second section runs approximately south to north, for about 0.75 kilometre, and joins the main arm of Markland Grips just south west of its intersection with Hollinhill Grips.

The Grips are set within the context of a wider agricultural landscape of rolling arable farmland common to the magnesian limestone plateau. By contrast, the steep cliffs, bluffs and promontories of the Grips, in association with the narrow river corridors and wooded slopes, create a strong sense of visual confinement. The valley bottoms mainly comprise a mixture of pasture, woodland and a nature reserve.

There is considerable archaeological interest comprising an Iron Age promontory fort, designated as a Scheduled Ancient Monument (SAM), as well as numerous cave sites and rock shelters which may have been used by early humans.

The relative inaccessibility of the Grips means that human disturbance has been minimised. As a result some of the last vestiges of original habitats in the area are found – their national importance is recognised by designation of part of Markland and Hollinhill Grips as a Site of Special Scientific Interest (SSSI). In addition, two sites are locally designated as Sites of Importance for Nature Conservation (SINCs). The south western arm of Markland Grips is also designated in part as a Regionally Important Geological and Geomorphological Site (RIGS).

There is a limited amount of built development within the conservation area. The former mill sites of Upper Mill Farm and Lower Mill at Boler's Corner display some architectural and historic interest. Grange Farm at Ringer Lane, located at the south western tip of Markland Grips, is a traditional estate farmstead which retains some elements of its original character. A sewage treatment works is located at the western end of Hollinhill Grips and lies partly inside the conservation area. A large proportion of the land in the conservation area is owned by the Chatsworth Settlement Trustees.

Public access is possible from several locations, although it is restricted elsewhere. There is limited public access to the nature reserve and no public access to the southern arms of Markland Grips or Markland Plantation. Two designated routes, the 'Archaeological Way', a 20 kilometre linear walk from Pleasley Park to Whitwell, and the 'Markland Loop', a circular route of 9.6 kilometres, pass through the conservation area, including a section along one of the former railway lines.

The key characteristics of the Markland and Hollinhill Grips Conservation Area are:

- Archaeological interest: Palaeolithic, Neolithic, Iron Age and Roman archaeology
- Architectural/historic interest: former mills and infrastructure, traditional estate farmstead, former railway lines and infrastructure, buildings
- Geological interest: magnesian limestone gorges with caves and rock shelters, RIGS
- Landscape interest: magnesian limestone landscape, incised limestone gorges, woodland, important views, watercourses and mill ponds
- Ecological interest: SSSI and locally designated wildlife sites (SINCs), magnesian limestone woodland

## ASSESSMENT OF SPECIAL CHARACTER

### Historical Development

The wider area of the magnesian limestone upland has a long and well documented history of human development and settlement from the Palaeolithic era to the present day.<sup>1</sup> The Palaeolithic refers to a prehistoric era, stretching back up to 500,000 years, distinguished by the development of the first stone tools, the first introduction of agriculture, and which ended in Northern Europe around 10,000 years ago with the end of the Pleistocene (Ice Age) period.

The nearby Creswell Crags represent perhaps the most complete source of information on Palaeolithic activity in Britain - it is not inconceivable therefore that the caves and gorges found at Markland and Hollinhill Grips were similarly occupied, although archaeological evidence to date has failed to substantiate similar levels of occupation or antiquity.

During the Iron Age - in Britain from around 700 BC to the start of the Roman occupation in 43 AD – farming activity and associated woodland clearance increased and small scattered settlements began to appear. The promontory fort was first established during the Iron Age and was later reoccupied during the Roman period. The fort is located close to an ancient route, variously referred to as Packman's Way and Ryknield or The Street, which became part of the Roman road network.

By Anglo-Saxon times the settlements of Clowne, Elmton and Whitwell existed and are subsequently recorded in the Domesday Book (1086) as *Clune*, *Helmetune*, and *Witeuuelle* respectively. The place name 'markland' is thought to mean 'boundary land', situated as it is along the southern margin of Whitwell parish. It probably also demarcated the southern extent of the estate held by local nobleman Wulfric Spott in the early 11<sup>th</sup> century.

The first mention of Creswell appears in medieval times when Elmton was the principal village. In the 18<sup>th</sup> century the turnpike road was built, now the A616, linking the village to Mansfield and Chesterfield. The populations of all the local settlements expanded rapidly during the Industrial Revolution and consequent development of the Derbyshire coalfield.

Settlement within the Grips has been limited due to the nature of the landscape and consequent limitations on farming. Millwood Brook flows through Hollinhill Grips on its way to join the River Poulter further east and this provided water-power for the two mills - Upper Mill (now Upper Mill Farm), and Lower Mill. The mills and millponds are shown on the 1875-77, 1898, and 1916 Ordnance Survey maps. The earliest map also indicates the location of a windmill to the south of Upper Mill situated above the gorge – this mill was denoted as a ruin by 1898.

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<sup>1</sup> Creswell Crags Limestone Heritage Area Management Action Plan (2004)

The development of the railway network in the area in the latter quarter of the 19<sup>th</sup> century has left its mark on the landscape. Two railway lines pass through the area, although both are now disused. Running along the northern edge of Hollinhill Grips was the Clowne Branch of the Midland Railway; it is shown on the Ordnance Survey map of 1875-77. This route ran between Creswell, where it joined the Mansfield to Worksop line, and Staveley where it linked to the Doe Lea branch. The line passes through the conservation area to the south of Lower Mill, crossing a viaduct over Millwood Brook.

The second line formed the Beighton Branch of the Lancashire, Derbyshire & East Coast Railway (LD&EC) and was opened in 1898. It was closed to regular passenger traffic in 1939 and closed completely following the closure of Westthorpe Colliery, Killamarsh in 1987.

## **Archaeology**

There are a significant number of archaeological sites in and adjoining the conservation area. The archaeological discoveries found to date comprise a selection of Neolithic (4000 BC to 2351 BC) stone tools, principally flints, plus human burial remains in one of the caves (Sepulchral cave). Roman pottery, stone tools, as well as relict field systems have also been discovered. There is significant potential for further archaeological discoveries in the area.

The Iron Age promontory fort is a Scheduled Ancient Monument (National Monument Record: 23311) and covers a large site of 4.25 hectares. Both Iron Age and later Roman occupation has been recorded from archaeological evidence.

The majority of the caves and rock shelters have been surveyed and recorded as part of the Creswell Crags Limestone Heritage Area Management Action Plan (2004). This study identified a total of 12 caves, as well as 41 possible rock shelters and numerous fissures.

The Sites and Monuments Record (SMR) is the principal source of information about unscheduled archaeological sites in Derbyshire. Several sites in or adjacent to the conservation area are listed in the Features of Interest section and these are indicated on the Features of Interest map.

### **Reference:**

Creswell Crags Limestone Heritage Area Management Action Plan (2004)  
Derbyshire Sites and Monuments Record

## KEY ELEMENTS OF THE CONSERVATION AREA

The Appraisal analyses the special character of the conservation area as a whole. However, it is possible to define key elements which contribute to the overall character of the conservation area thereby allowing a more detailed analysis of the specific threats and opportunities faced by each element and to assess how this might impact on the conservation area.

### Key Element – Landscape Setting, Views & Important Open Spaces

The landscape setting of the conservation area is framed by the wider magnesian limestone plateau which runs along the Derbyshire and Nottinghamshire border and north through Yorkshire. The plateau is sandwiched between the lower-lying Derbyshire coalfields in the west and the Nottinghamshire farmlands to the east.

The area is strongly influenced by its underlying geology, forming a pleasant open, rolling landscape often with long distance and broad views. The Derbyshire Landscape Character Assessment defines the characteristics of this landscape as:

- gently rolling agricultural plateau
- large-scale open farmland
- estate woodlands
- small limestone villages
- incised river corridors, steep rocky cliffs, overhanging woodland and grazed meadows.<sup>2</sup>

Arable farming is the dominant land use in the area due to the fertile, free draining qualities of the limestone soil allied with the gentle topography. The limestone plateau was once extensively covered by dense woodland, which was progressively cleared for farming from Neolithic times. Where pockets of woodland remain they often form important remnant habitats for nature conservation.

The settlements of Clowne and Creswell, lying to the west and east respectively, along with Whitwell to the north form a distinct contrast to the surrounding areas of farmland. Occasional distant views of these settlements are visible from higher land on the edges of the conservation area.

The limestone gorges were formed during the last Ice Age when melt-water from the receding glaciers cut through the magnesian limestone. The valley sides contain rock faces which range from continuous tall, 15m high faces, mainly in the central sections of the Grips, to small 1m high outcrops, generally towards the end of the valleys.

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<sup>2</sup> Derbyshire County Council (2007) *The Landscape Character of Derbyshire*, pp.119-126

The valley bottoms are generally underlain by material deposited when the gorges were formed along with material derived from the rock faces. This mixture of rock and soil has effectively impeded drainage, creating the waterlogged soils characteristically found here. Agricultural cultivation proved difficult and so the land was usually left as woodland and unimproved pasture/grassland; the main areas of grazing today are to the east of Upper Mill Farm and the southern sections of Markland Grips.

The valley sides and upper edges of the Grips are generally heavily wooded forming a visible and distinct line of trees cutting across the landscape. To the south of the promontory fort lies Markland Plantation, a sizable area of woodland to which there is no public access.

#### Views into the conservation area

Views into the conservation area are limited due to the nature of the terrain, lack of public access and dense vegetation along the edges of the Grips. However, views across the open landscape from local footpaths, lanes and roads towards the conservation area are considered to be important. These frame the conservation area in the context of the wider surrounding landscape.



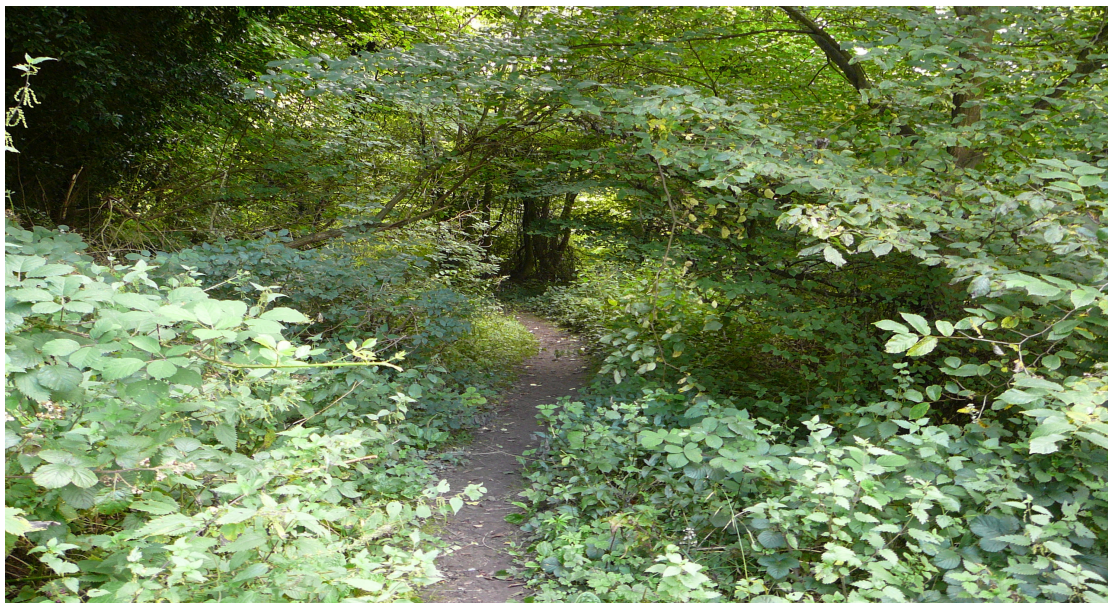
*Looking north towards Markland Grips from Ringer Lane, Elmton*



*Looking north towards Hollinhill Grips from the disused railway line*

Views within and from the conservation area

The gorges create a strong sense of visual containment. As such, views within the Grips themselves can be restricted and are frequently broken up by dense vegetation. The nature of this landscape also reduces views of the various rock faces, cliffs and cave features within the Grips.



*Footpath – Markland Grips*

In the valley bottoms, which are generally more open, picturesque views can be obtained from publicly accessible areas over slightly longer distances. These views are framed by the dense vegetation clothing the valley-sides.



*Markland Grips looking south*

Due to the nature of the topography views from within the conservation area to the surrounding landscape are quite limited and only intermittently available from areas of higher ground such as the promontory fort and the former railway line.

#### Important Open Spaces

Open spaces within or sometimes immediately beyond the conservation area, the way they are enclosed, and the visual contribution they make to the character of the place can be important elements.

The confined and linear nature of the conservation area means that the number of important open spaces is relatively limited. Identified important open spaces are:

- Markland Grips promontory fort
- Fields to the west of the promontory fort
- Markland Grips, west of Upper Mill Farm

## Key Element – Archaeological and Historical Interest

The conservation area contains considerable national and local archaeological interest. At present there is a general absence of information and interpretation material to guide the visitor.

The 'Archaeological Way' and 'Markland Loop' are two key designated routes which pass through the conservation area. Both routes are accompanied by printed leaflets produced by Derbyshire County Council. However, there is no on-site information or interpretation material of the sites encountered along these routes and the existing way-markers are generally in a poor condition.

Given the wider archaeological importance of the magnesian limestone upland it is considered that considerable potential exists for opportunities to promote and develop an understanding of the archaeological and historic resource this area offers for the benefit of the local communities and wider general public.

### Opportunity

Explore opportunities to provide appropriate information and interpretation to highlight the archaeological and historic interest of the conservation area. This would be in collaboration with relevant stakeholders such as English Heritage and landowners/tenants to ensure any proposals are appropriate and not detrimental to the interests of specific sites

### Markland Grips Iron Age promontory fort

At the spur of land where Markland and Hollinhill Grips fork a promontory fort dating from the Iron Age is situated. The site is sizeable covering an area of 4.25 hectares in total. Archaeological evidence suggests that the site was reoccupied during the Roman period.<sup>3</sup>

Promontory forts are a type of hillfort in which conspicuous naturally defended sites are adapted as enclosures by the construction of one or more earth or stone ramparts placed across the neck of a spur in order to divide it from the surrounding land. The ramparts and accompanying ditches formed the main artificial defence, but timber palisades may also have been erected along cliff edges. Access to the interior was controlled and generally provided by an entrance through the ramparts. The interior of the fort was generally used for settlement and ancillary activities. Most forts were constructed and used between the 6<sup>th</sup> century BC and mid-1<sup>st</sup> century AD. They are regarded as settlements of high status, probably occupied on a permanent basis. Promontory forts are nationally rare with less than 100 recorded examples.

The Markland Grips promontory fort is now split into two separate areas by the line of the former LD&EC railway line. The larger of the two areas (c.4 hectares) comprises a tongue-shaped interior, originally bounded on the west

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<sup>3</sup> Pevsner (1986) *The Buildings of England, Derbyshire*, p.208

side by a series of parallel ramparts and ditches. Only the remains of the first rampart are still evident in the form of a low bank. On the remaining three sides the steep cliff edges of the spur form a natural barrier.

Archaeological investigations from the late 19<sup>th</sup> century onwards uncovered remains of both Iron Age and Roman antiquity including fragments of pottery from both periods and evidence of bone- and metal-working. Several Roman silver coins were unearthed in 1883. However, there are no structural or surface features visible within the interior of the fort – these were probably removed through repeated ploughing prior to Scheduling of the site.

The Markland Grips promontory fort is situated to the east of what is thought to be an ancient trade route known as the Packman's Way (roughly equivalent to the modern line of Border Lane and Hollinhill Lane, Clowne). This route became part of the Roman road network, known as Rykniel or The Street. There are also later medieval references to a route called The Great Way.

The location of the fort is therefore likely to have played an important strategic role in controlling movements along this route.



*Main site of promontory fort looking west*

The site is designated as a Scheduled Ancient Monument (National Monument No. 23311; Scheduled 1936). Scheduled sites are nationally important and are accorded legal protection under the Ancient Monuments and Archaeological Areas Act 1979. There is a presumption towards the preservation *in situ* of such sites and, therefore, against any development which would disturb those remains.

Scheduled Monument Consent (SMC) is likely to be required for any proposed works that would affect a Scheduled Ancient Monument.\*

The Bolsover District Local Plan recognises that archaeological sites are a finite resource – once a site has been destroyed, the opportunities to understand the past are lost. Equally, it is recognised that archaeological remains can attract public interest in a particular area. Protection for archaeological sites and ancient monuments is afforded by Policy CON13: Archaeological Sites and Ancient Monuments.

### **Threat**

Development, including certain agricultural activities, which are likely to disturb the ground within the Scheduled Ancient Monument, could reduce the potential for further archaeological finds. Appropriate land management should be implemented to ensure the archaeological interest of this site is not compromised

### **Caves and rock shelters**

The rock faces in Markland and Hollinhill Grips vary from continuous 15m high faces to 1m high outcrops. The geography of the area means that the central sections of the Grips tend to display taller and more complete rock faces while those towards the ends of the valleys are generally lower and less pronounced.

The caves, rock shelters and other features were comprehensively logged, although not all were fully surveyed, as part of the Creswell Crags Limestone Heritage Area Management Action Plan in 2004. The following features were identified:

- 12 caves
- 41 possible rock shelters
- numerous fissures<sup>4</sup>

Five of the caves are located within Markland Grips, although all but one are located on the north side of the site and therefore within the SSSI to which there is no public access. The seven caves within Hollinhill Grips are distributed along the length of the valley, mainly on the north side. Rock

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\* Scheduled Monument Consent is currently issued by the Department for Culture, Media and Sport with guidance from English Heritage. The Heritage Protection Bill currently being debated by Parliament proposes the transfer of responsibility to the local authority under a new system termed Heritage Asset Consent.

<sup>4</sup> Creswell Crags Limestone Heritage Area Management Action Plan; Volume 1, pp.44-54

shelters are found throughout the Grips but predominate towards the eastern ends and range in size from 3m to 30m long.

In terms of archaeology, excavations in 1924 at Sepulchral cave, located below the southern cliff of the promontory fort in Markland Grips, produced the remains of at least five human burials that had been walled into the cave – these remains are understood to be of Neolithic origin. A Palaeolithic blade was also found at the west end of the SSSI in Markland Grips, suggesting that even earlier activity took place in the area, although to date no remains have been recovered from any of the cave or rock shelter sites previously investigated. Other spot finds of Neolithic date and later periods have been discovered within the conservation area or from sites immediately adjacent (see the Features of Interest section). There is considered to be significant potential for further archaeological finds in the area.



*Cave entrance and fissure – Markland Grips*

Public access within the Grips is limited and therefore only possible to a small proportion of the sites – those on the south side of Markland Grips, adjacent the public footpath are most accessible being only a few metres from the path.

The majority of the caves and rock shelters are located either within the SSSI or on private land. The density of vegetation in places also limits the degree of access to the rock faces and reduces their visibility from public areas.

The Creswell Crags Limestone Heritage Area Management Action Plan noted that the sites in general were in good condition with very little obvious

damage. The lack of access probably operates as an effective means of protecting the sites. However, the study also identified that the main threat would seem to be from the penetration of roots (bioturbation) from the vegetation which surrounds them.

#### **Threat**

The vegetation which surrounds many of the caves and rock shelters is overgrown. This presents the potential for damage to any archaeology caused by the roots (bioturbation).

Given the significant archaeological interest of the caves and rock features of Markland and Hollinhill Grips, it is considered that there is potential for opportunities to promote and develop greater understanding of this resource.

#### **Opportunity**

Explore opportunities to provide interpretation facilities highlighting the archaeological interest of the caves and wider environment. This would need to be in collaboration with relevant stakeholders, such as the Creswell Heritage Trust and Derbyshire Wildlife Trust to ensure the work would complement the scope of existing projects, and to ensure it would not be detrimental to specific sites or the nature conservation interests in the area.

In addition, to the archaeological interest of the conservation area outlined above there are other features of interest that have some historical interest:

#### **Mills and mill ponds**

Millwood Brook and other streams flow along the valley bottoms of the Grips and these have been utilised as part of previous water management regimes - some evidence of this infrastructure remains. There was a mill pond at the north end of the south arm of Markland Grips, as well as abandoned and silted up ponds at the south end of Markland Grips and the east ends of Markland and Hollinhill Grips. In addition, two former mills are found in the eastern arm of Hollinhill Grips.

Upper Mill (now called Upper Mill Farm) is located to the east of the promontory fort. According to the Derbyshire SMR the mill and mill pond were present by 1835 and was operated as a flour mill in the late 19<sup>th</sup> century. The mill pond no longer exists and is an area of grazing land within the SSSI. Part of the Upper Mill site has been developed by the Landmarks Centre, providing educational and special needs training facilities.

Lower Mill is located at the eastern end of the conservation area at the intersection of the A616 with Hazelmere Road. According to the Derbyshire SMR the mill and small mill pond were present by 1835 and was operated as a flour mill in the late 19<sup>th</sup> century. The mill is now a residential property and the mill pond used as a private ornamental pond.

## Markland viaduct and disused railway lines

The railway network in the area was developed in the latter quarter of the 19<sup>th</sup> century. The two railway lines that pass through the conservation area are now disused.

The Clowne Branch of the Midland Railway ran along the northern edge of Hollinhill Grips and is shown on the Ordnance Survey map of 1875-77. The line ran between Creswell, where it joined the Mansfield to Worksop line, and Staveley where it joined the Doe Lea branch. The line passes through the conservation area for a short distance just south of Lower Mill.

The route is currently overgrown with vegetation and impenetrable. Although the majority of the route is outside the conservation area there is potential for it be turned into an important amenity resource – it could offer an alternative route between Clowne and Creswell for walkers, cyclists and horse-riders.

It is important to note however that the Bolsover District Local Plan identifies that there are a number of disused railway lines in the district, some of which offer potential for being re-opened for rail passenger traffic. Local Plan Policy TRA2: Protection of Rail Routes specifically identifies that this route could offer a possible link for the Robin Hood Line to Sheffield.



*Former railway line north of Hollinhill – overgrown and impassable*

### **Opportunity**

Explore opportunities for developing the former railway line into an amenity trail linking Clowne and Creswell.

The second line formed the Beighton Branch line of the Lancashire, Derbyshire & East Coast Railway (LD&EC) which was opened in 1898. To the south-east of the promontory fort there used to be a viaduct which crossed the valley, known locally as Little Monsal Dale. The line was closed to regular passenger traffic in 1939 and completely shut-down in 1987 and has since been used as a footpath into the Grips.

Although public access onto the route is possible from both the Clowne and Creswell ends the path suffers from a lack of maintenance, being overgrown in places and with a poor quality, uneven surface. In particular, the area where the viaduct existed is now difficult to negotiate due to the absence of any form of structure bridging the gap and steep, rocky banks on either side.

The pedestrian underpass which passes beneath the remains of the viaduct is also in a poor state of repair.



*Former railway line looking east towards Markland Grips*

This route is identified in the Local Plan as a possible cycle route under Policy TRA13: Provision for Cyclists. It is also identified under Policy CLT10: Countryside Recreation Facilities and Policy CLT11: New Countryside Recreation Facilities as a possible trail suitable for horse riding.

### **Opportunity**

Explore opportunities for improving access to and along the former railway line, including linking the Clowne and Creswell ends of this route to form a designated amenity trail for walkers, cyclists and horse riders.

## **Key Element - Ecological and Geological Interest**

The narrow, steep-sided gorges of the Grips have effectively reduced the degree of impact from human disturbance from woodland clearance, agriculture and built development. This has enabled habitats to survive that elsewhere in Derbyshire have long since disappeared.

### **Hollinhill and Markland Grips SSSI**

The ecological diversity and national rarity of the magnesian limestone habitats are recognised by designation as a Site of Special Scientific Interest. The Hollinhill and Markland Grips SSSI covers just less than a third of the conservation area (20 hectares) and is shown in Appendix A.

The SSSI was designated on 1 August 1986 and is managed as a nature reserve by Derbyshire Wildlife Trust. The current legal framework for SSSIs is provided by the Wildlife and Countryside Act 1981, amended in 1985. Protection for SSSIs was enhanced by the Countryside and Rights of Way Act 2000.

The SSSI consists of magnesian limestone woodland containing a rich mixture of broadleaved trees, particularly on the slopes and edges of the Grips. In addition there are areas of unimproved magnesian limestone grassland which support a variety of rare species, particularly assemblages of woodland flowers such as wood anemone, bluebell and dog's mercury. The waterlogged soils found in the valley bottoms have played a key role in forming these grasslands by minimising the impact of grazing and cultivation.

Magnesian limestone grassland is a nationally scarce habitat and is listed on the EC Habitats and Species Directive (1992) as a habitat type of Community Interest. It is one of very few habitats in Britain which is so rare that almost all known examples warrant statutory protection through SSSI notification.

A public footpath runs through the SSSI in Markland Grips to Upper Mill Farm.\* Public access to the rest of the SSSI is restricted. In some locations adjacent the public footpath it would appear that scrub has taken over and dominates. The density of the vegetation can make access difficult.

### **Threat**

Overgrown and dense vegetation within the SSSI in areas adjacent to the public footpath

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\* The existing footpath through the SSSI may be re-designated as a bridleway.

## **Opportunity**

Introduce a programme of woodland and grassland management to control excessive growth in areas adjoining the public footpath

## **Sites of Importance for Nature Conservation**

These sites, abbreviated to SINC, are locally important for biodiversity and often form corridors, links or stepping stones from one habitat to another. However, they do not have any statutory protection and do not necessarily support protected species.

The sites are listed on the Derbyshire Wildlife Sites Register and the system of designation acts as a 'flagging up' mechanism to ensure that the interest of the sites is not overlooked, for instance when consideration is given to development proposals.

Two SINCs coincide, in part, with the conservation area – these are:

- BO/096 Hollinhill Disused Railway
- BO/098 Mineral Railway Line, Hollinhill

The conservation and management of SINCs usually depends on the co-operation and agreement of landowners and tenants.

## **Hollinhill and Markland Grips RIGS**

The southwest arm of Markland Grips to the south of Markland Lane is designated as a Regionally Important Geological and Geomorphological Site (RIGS). The extent of the site is shown in Appendix A.

RIGS are identified by locally developed criteria and represent the most important sites for geology and geomorphology outside statutorily protected SSSIs.\* RIGS are therefore analogous to SINCs and other non-statutory wildlife designations.

The conservation and management of RIGS usually depends on the co-operation and agreement of landowners and tenants.

The Bolsover District Local Plan recognises the importance of conservation sites within the district. Policy guidance in the Local Plan advises that before determining any application for development likely to have an adverse impact on an SSSI, Local Nature Reserve or SINC, the local planning authority will require the applicant to submit a statement detailing the ecological and/or geological importance of the site, the impact of the proposed development on it, and giving an indication of the mitigating measures proposed. Where

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\* SSSIs can include sites of earth science importance as well as biological interest

necessary, reference will be made to English Nature or the Derbyshire Wildlife Trust for advice in determining the significance of any proposed impact.

Local Plan Policy ENV6: Designated Sites and Registered Nature Conservation Sites is therefore relevant. Protected species, wherever they occur, are covered by Policy ENV7: Development Affecting Protected Species.

Development proposals affecting or likely to affect an SSSI are subject to further special considerations as outlined in Planning Policy Statement 9 (Biodiversity and Geological Conservation).

Elsewhere in the conservation area outside of designated and protected sites Local Plan Policy ENV5: Nature Conservation Interests Throughout the District and Policy ENV8: Development Affecting Trees and Hedgerows may also be relevant.

Trees within a conservation area that are not covered by a Tree Preservation Order (TPO) are protected by a general provision which requires that six weeks notice is given to the Council prior to undertaking works that would affect the trees. This provision extends (with certain exceptions) to any proposal to cut down, top or lop a tree in a conservation area.

## **Key Element - Contribution of the Buildings**

Built development in the conservation area has been limited. Whilst none of the buildings are listed there are a number that have been identified as unlisted buildings of merit which make a positive contribution to the special architectural or historic interest of the area. These buildings are listed in the Features of Interest section and identified on the Features of Interest map.

## **Buildings of Interest**

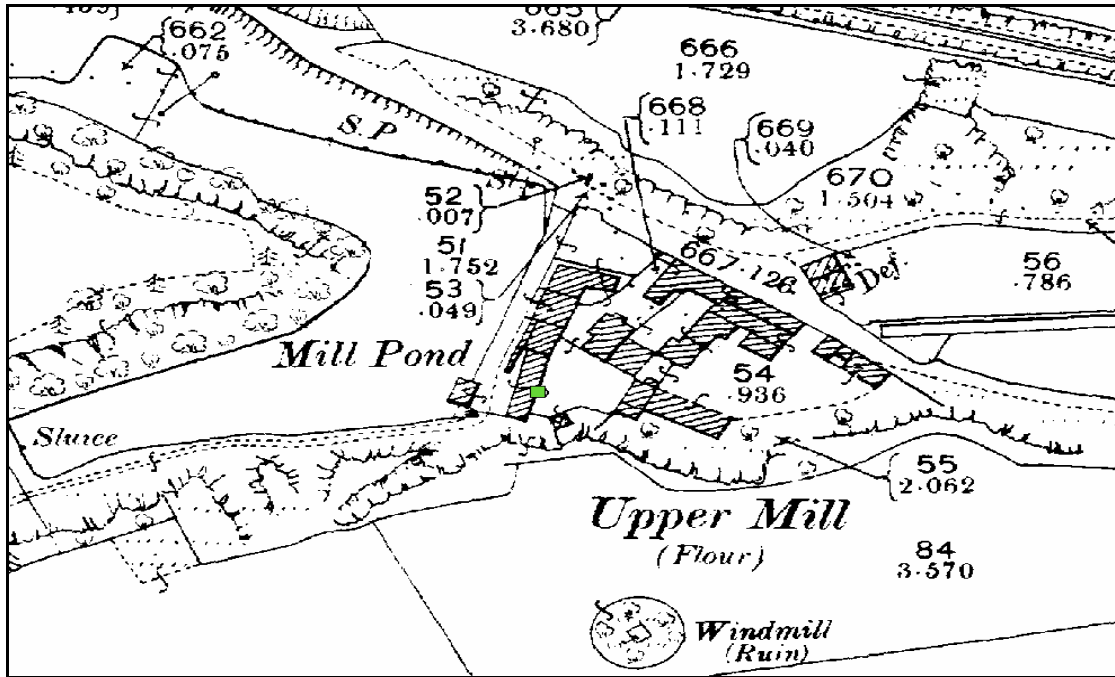
**Upper Mill Farm:** Upper Mill and the dam were built at the meeting point of Hollinhill and Markland Grips using the streams that flow through both gorges. It is possible that steam power was used during dry periods to supplement water power.

The Ordnance Survey map extract below shows the layout of the mill complex and mill pond in 1898. The mill and mill pond no longer exist and several of the other buildings shown have been removed. Some of the water channels still exist, including sections that are underground.<sup>5</sup>

To the south of Upper Mill, located on the plateau above, the site of the former windmill is shown.

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<sup>5</sup> Creswell Crags Limestone Heritage Area Management Action Plan; Volume 1, pp.124-125



*Extract from 1898 Ordnance Survey map showing Upper Mill*

The farmhouse is an attractive two-storey building constructed from magnesian limestone with a traditional pantile roof. It is L-shaped in plan and retains many original features. There are two stone-built chimneys, one of which is surmounted by three Victorian chimney pots of octagonal design. The property is surrounded on its west side by a substantial stone wall with gated access leading from the footpath adjacent to the former mill pond.



*Upper Mill Farm*

There are also several outbuildings and other agricultural buildings in the wider Upper Mill site. Some of these are occupied by the Landmarks Centre, providing educational and special needs training facilities. Overall, the development of this area has been in keeping with the architectural style and character of the conservation area.

**Lower Mill:** Lower Mill is located at the eastern end of the conservation area at the intersection of the A616 with Hazelmere Road, known as Boler's Corner. According to the Derbyshire SMR the mill and small mill pond were present by 1835 and was operated as a flour mill in the late 19<sup>th</sup> century.

The mill has been converted to a residential property. It is a substantial 3-4 storey building with a courtyard and outbuildings to the front and enclosed gardens to the side and rear. The buildings are constructed from magnesian limestone. The main house is roofed in slate whilst the outbuildings are roofed in red clay pantiles. The former mill pond which lies to the south of the house is now used as a private ornamental pond.



*Lower Mill, Boler's Corner*

Millwood Brook flows to the immediate north of Lower Mill. According to the owner of the property this section of Millwood Brook is prone to flooding due to a combination of the narrowness of the channel and prolific growth of water-borne vegetation. In 2007 Lower Mill flooded after the stream topped its banks and the owner has subsequently dredged the waterway several times to try and alleviate the problems.

This, in combination with periodic flooding at Boler's Corner occasioned by inadequate drainage along the A616, is placing Lower Mill at considerable further risk and represents a threat to the identified important features within the conservation area.



*Millwood Brook near Lower Mill*

#### **Threat**

Periodic flooding at Millwood Brook and the A616/Boler's Corner represents a serious threat to Lower Mill and other features of interest in this part of the conservation area.

**Top Mill House and Sunny Bank:** these two properties are situated in a prominent location immediately north of the A616 Sheffield Road at Boler's Corner. They are of magnesian limestone construction with pantile roofs. Both properties have been extended and modernised: the extensions are largely in character with the architectural style and use of traditional building materials to match the original fabric.



*Top Mill House and Sunny Bank, Sheffield Road*

Notwithstanding this, the installation of uPVC windows and addition of some modern fixtures and fittings has detracted somewhat from the overall architectural and historic interest of the individual buildings and their traditional character.

**No.3 Hazelmere Road, Creswell:** this property is an attractive two-storey, double-fronted cottage of magnesian limestone construction with red pantile roof. There is a stone chimney-stack at each gable. The windows at ground level are finished with squared stone lintels whilst those at first floor level are positioned directly below the roof line.



*No.3 Hazelmere Road, Creswell*

**Grange Farm, Ringer Lane:** the farmstead was built as an outlier to Grange Farm, Elmton in the period between 1834–1875. It is not clear whether the farmstead was built by the Rhodes family or the Dukes of Portland who purchased the estates in Elmton and Creswell in 1854.

The farmhouse is stone and slate with a hipped roof, and is of plainer design than other Duke of Portland farms. The building has been slightly altered and modernised. The outbuildings, which are constructed predominantly of stone remain but are currently undergoing a comprehensive scheme of redevelopment.



*Former outbuildings at Grange Farm undergoing conversion*

## **Traditional Building Materials and Details**

The contribution that the buildings make to the character of the conservation area in large part relates to the consistency of the building materials and details, and their scale which reflect the local vernacular style of architecture.

It is very easy however to undertake inappropriate alterations and/or use materials that are not sympathetic to the existing building when carrying out repairs or alterations. This can detract from the character and appearance of the conservation area and can remove the historical narrative on display.

The addition of modern fittings, satellite dishes and aerials, CCTV camera systems, alarm boxes, external lighting and renewable energy devices can also detract from the intrinsic quality and value of historic buildings. In most cases these fixtures can be located in less conspicuous locations on the building.

Any repairs or alterations to historic buildings should generally be carried out using materials selected to match the original materials as closely as possible. Before undertaking repairs or alterations to existing buildings in the conservation area the following should be considered.

### **Building materials**

The majority of the buildings and boundary walls in the conservation area are constructed primarily of magnesian limestone which can vary in colour from pink to a creamy, buff colour, although the stone tends to weather to a pale grey colour.

In most cases the stone is coursed rubble of varying sizes. As a general guide buildings constructed of narrow courses of magnesian limestone pre-

date those where larger, more regular sized blocks are used. Due to the quality of the stone it was often used as a dressing material for architectural and sculptural detailing, such as lintels and quoins.

The distinctive texture and colour of the magnesian limestone should be carefully considered when planning repairs or alterations to existing stone buildings and materials should be selected to match the originals as closely as possible.

Traditional buildings will require re-pointing at some time. It is important to match the original mortar if at all possible. A lime-based mortar mix enables the wall to breathe and lengthens the life of the stone or brick. If no lime is used in the pointing mix, if excessive mortar is smeared over the surface of the stone, or strap pointing occurs, this can be detrimental to the structural integrity and appearance of the stone or brickwork and detracts from the character and appearance of the conservation area.

### Roofing

The replacement of traditional roof coverings (slate or clay pantiles) with concrete tiles or other modern alternatives has an adverse effect on the character of the conservation area. Flattening roof slopes and adding incongruous features can also detract from the character and appearance of the conservation area.

### Rainwater goods

The efficient disposal of water is essential to the well-being of all buildings. Cast iron has traditionally been one of the most popular materials for the manufacture of rainwater goods (hoppers, gutters, downpipes etc). If they work correctly water should be prevented from penetrating the built fabric.

Faulty rainwater goods should be repaired if possible to prevent problems escalating. If the original rainwater goods need to be replaced then this should be carried out on a like for like basis. Plastic rainwater goods should not be used to replace cast iron.

### Windows and doors

Windows and doors are key features which influence the overall appearance of a building. Where original windows and doors remain, or replacements are traditional in design and constructed of timber, they make a significant contribution to the character and appearance of the area.

The introduction of different window designs, staining colour and glazing patterns affect the appearance of the building and of the area as a whole. Generally, modern windows do not replicate the thickness and moulding of traditional glazing bars, the size and arrangement of panes and the size of window frames. Therefore, decisions about window type and glazing need to be carefully considered.

The introduction of uPVC frames should be avoided in the conservation area as they are rarely effective in replicating that of the original style.

Where original doors and door furniture remain they should be retained and repaired if possible. Replacement doors should replicate the original in terms of materials, detailed design and paint finish. The introduction of uPVC doors should be avoided in the conservation area.

**Threat**

The further loss of traditional features through the replacement of roof coverings, rainwater goods, windows and doors with non-traditional materials and styles would be detrimental to the character and appearance of the conservation area.

## **Suggested Boundary Changes to the Conservation Area**

The existing conservation area was designated in 1991 and the boundary has remained unchanged since. The boundary was established to recognise the special archaeological, historic and natural history interest of the area.

As part of the initial stakeholder consultation process it has been proposed by stakeholders that the conservation area should be extended to incorporate additional areas of land which are identified on the Suggested Boundary Changes plan.

The extensions suggested are:

### 1. Land adjacent Hollinhill Lane – former ‘sheepwash’ site

This small site is located to the west of the existing conservation area adjacent Hollinhill Lane on the outskirts of Clowne. According to Ordnance Survey map evidence, the pond was constructed sometime between 1875-77 and 1898.

The site was referred to by stakeholders as the ‘sheepwash’ although it is possible, due to its location, that it was actually used as an outfall for the earlier sewage works which used to be located west of Hollinhill Lane, and would appear to have been established during the same period. More recently it is likely to have been used as a fishing pond, although the site is now overgrown and lost to view beneath dense vegetation.

### 2. East of Boler’s Corner

A number of buildings at the intersection of Hazelmere Road with the A616, known locally as Boler’s Corner, are already included in the present conservation area which recognises their architectural or historic importance.

It was suggested by stakeholders that the conservation area be extended to the east to incorporate the continuation of Millwood Brook towards Creswell and other properties situated along Sheffield Road, specifically Lower Mill Farm, and Nos.33 & 56 Sheffield Road. These properties are situated between 100m and 500m to the east of Boler’s Corner.

### 3. Former railway line, Markland Grips

It was also suggested that the full route of the former railway line through Markland Grips (former Beighton Branch of the LD&EC Railway) be included between Clowne and Creswell.

The central section of this route already passes through the conservation area.

In addition, officers are also proposing the following boundary change:

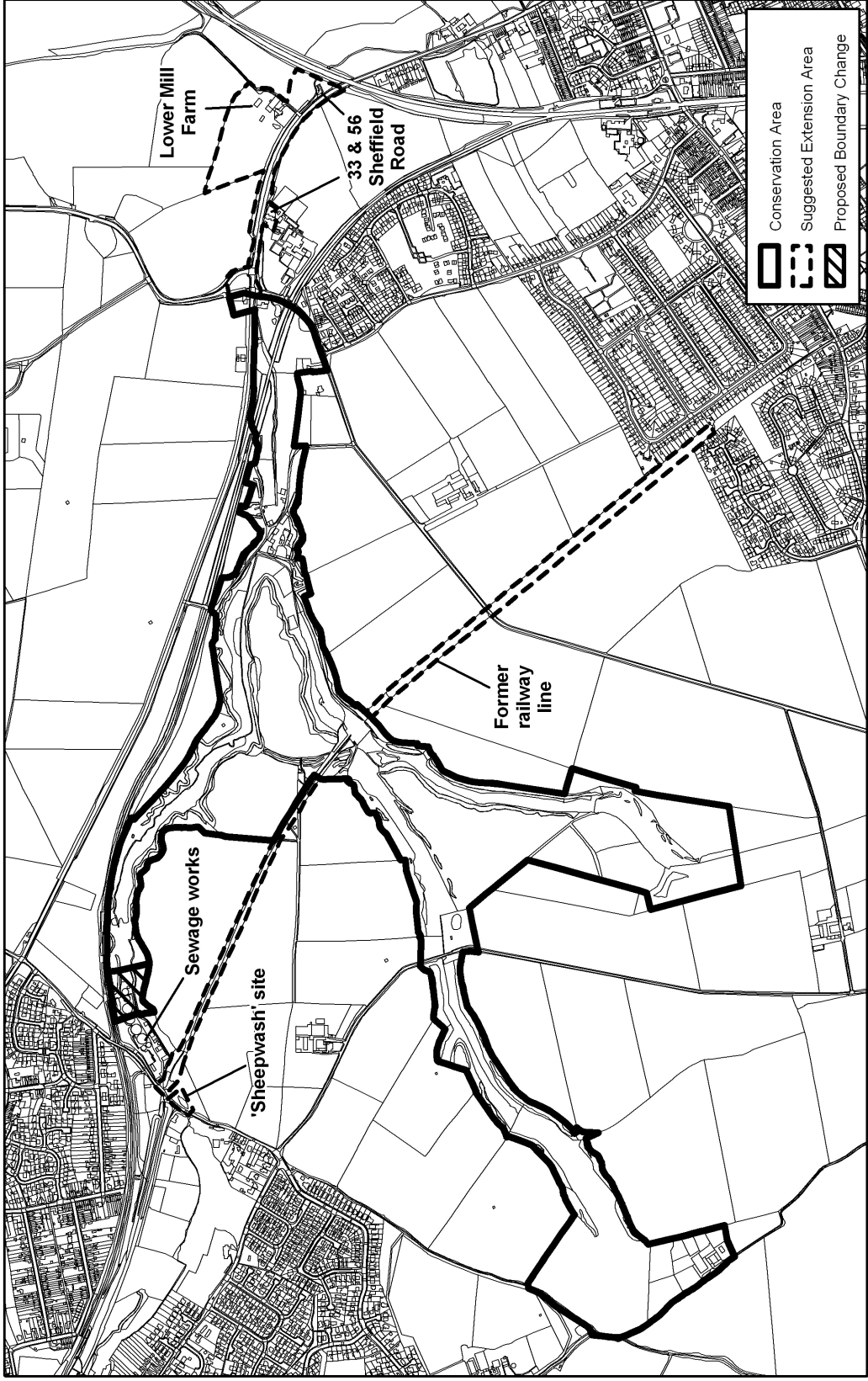
#### 4. Clowne sewage treatment works

The sewage treatment works site on the outskirts of Clowne was partially included within the conservation area when it was designated. The precise reasoning behind this decision is not clear, particularly as the boundary appears to only include the extension and not the original part of the site.

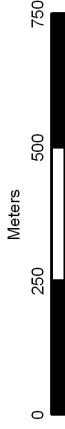
The sewage treatment works is not a particularly attractive or complementary use to the aims and objectives of conservation area designation in general. It is debatable whether the site's connection with the route of Millwood Brook, which flows through the Grips and then on out through the Creswell Craggs, is sufficient to outweigh the incongruous nature of the land use.

It is therefore proposed that the boundary of the conservation area is realigned to exclude the sewage treatment works, as shown on the Suggested Boundary Changes plan.

The suggested boundary changes will be considered as part of the public consultation process and the views of the public and other stakeholders taken into account.



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**Suggested Boundary Changes**



# FEATURES OF INTEREST

## Defined Elsewhere

### Scheduled Ancient Monument

- Iron Age promontory fort (NMR No. 23311)

### Entries on the Sites and Monuments Record (SMR)

The following SMR entries fall within the conservation area:

- SMR 15122 - Cave/rock shelter, Hollinhill Grips
- SMR 15231 - Lower Mill and site of millpond
- SMR 5214 - Markland and Hollinhill Grips gorge complex
- SMR 5215 - Markland Grips Iron Age promontory fort
- SMR 5217 - Findspot: two flint flakes
- SMR 5224 - Rock shelter, Markland Grips
- SMR 5242 - Findspot: three flints
- SMR 5251 - Remains of Neolithic burials, Sepulchral Cave
- SMR 5266 - Flint material and pottery finds
- SMR 5682 - Upper Mill and millpond

The following SMR entries fall partly within the conservation area:

- SMR 99025 - possible route of Roman road
- SMR 99014 - route of former LD & EC Railway, Beighton Branch
- SMR 99015 - route of former Midland Railway, Clowne Branch

Several SMR entries also lie immediately outside the current boundary of the conservation area:

- SMR 5219 - Findspot: flint implements
- SMR 5220 - Bronze Age flint material and bronze spearhead
- SMR 5221 - Findspot: flint material
- SMR 5240 - Cropmarks: possible ring ditches
- SMR 5244 - Findspot: flint flakes
- SMR 5255 - site of Creswell windmill

### Site of Special Scientific Interest (SSSI)

- Hollinhill and Markland Grips (SK 510 750)

### Regionally Important Geological & Geomorphological Site (RIGS)

- Hollinhill and Markland Grips (SK 510 750)

### Local Wildlife Sites (SINCs)

- BO/096 - Hollinhill Disused Railway
- BO/098 - Mineral Railway Line, Hollinhill

## **Defined in the Appraisal**

### Unlisted Buildings of Merit

The following buildings have been identified as buildings of special local interest:

- Upper Mill Farm and outbuildings
- Lower Mill
- Top Mill House, Sheffield Road
- Sunny Bank, Sheffield Road
- No.3 Hazelmere Road, Creswell
- Grange Farm, Ringer Lane

### Important Open Spaces

The following areas of land have been identified as important open spaces:

- Markland Grips promontory fort
- Fields to the west of the promontory fort
- Markland Grips, west of Upper Mill Farm

### Important Views

The following views have been identified as important to the character and appearance of the conservation area:

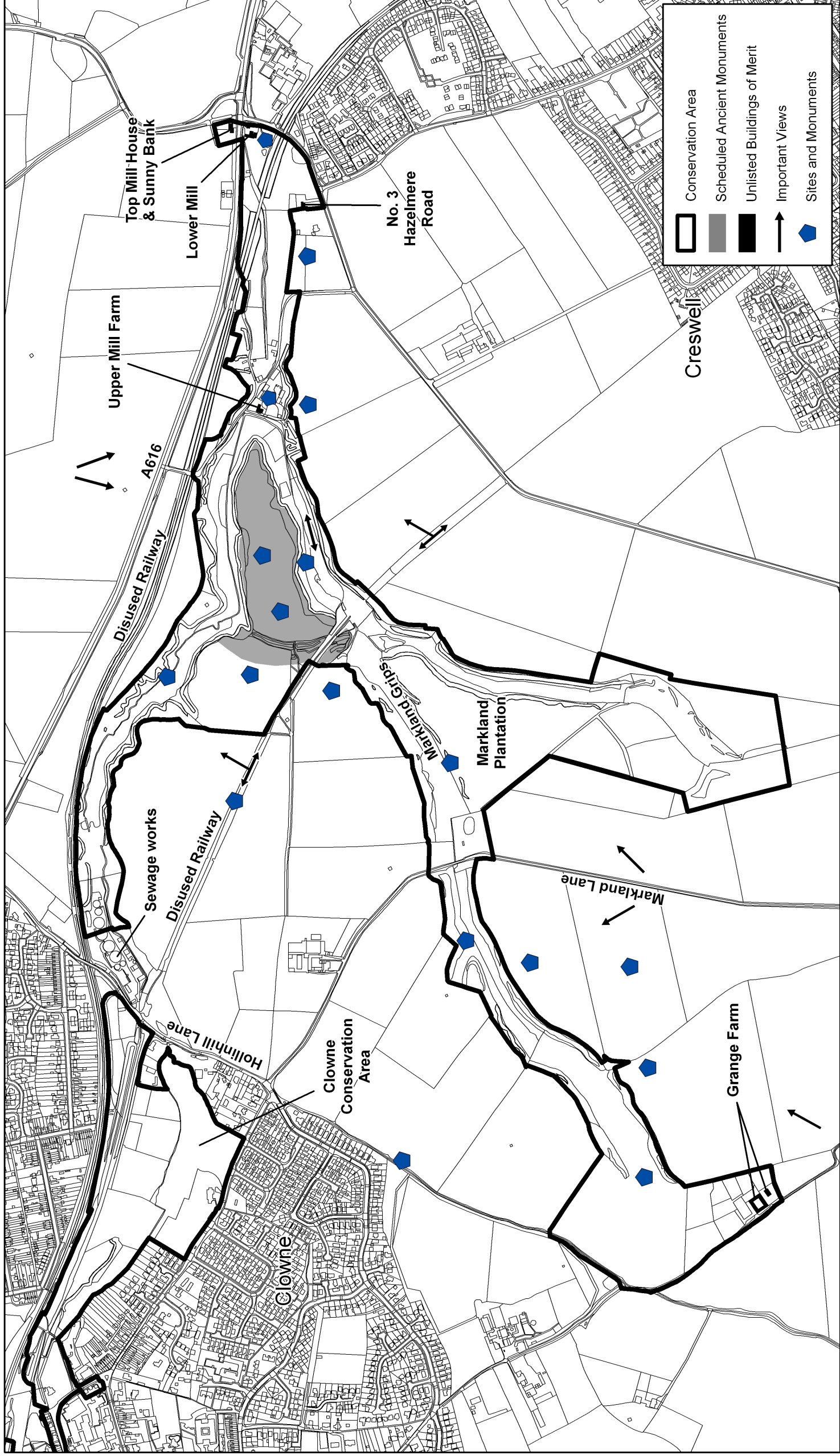
- Views across open landscape from local footpaths, lanes and roads towards the conservation area
- Views within Markland and Hollinhill Grips along the valley bottoms and towards cave and rock features

### Important Natural Features

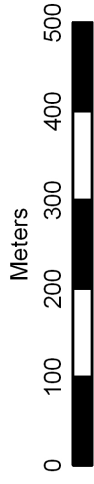
- the open course of Millwood Brook
- caves, rock shelters and other geological features
- trees and woodland

## **Note on features identified in the Appraisal**

The Unlisted Buildings of Merit and Important Open Spaces will be added to the Local List part of the Historic Environment Record when this measure is introduced through the enactment of the draft Heritage Protection Bill.



**Markland & Hollin Hill Grips Conservation Area  
Features of Interest**



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## **PART 2: CONSERVATION AREA MANAGEMENT PLAN**

### **Introduction**

This part of the Conservation Area Appraisal and Management Plan seeks to develop the management proposals for the preservation and enhancement of the Markland and Hollinhill Grips Conservation Area that will fulfil Bolsover District Council's statutory duty under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Management Plan is based on the contents of the Conservation Area Appraisal and sets out a strategy for addressing the threats to the key elements of the character and appearance of the conservation area, and taking advantage of the opportunities to reinforce the special interest of the area.

The Management Plan aims to ensure that:

- appropriate policy guidance exists to inform the assessment process during the determination of development proposals;
- all forms of development that could have a detrimental effect on the character and appearance of the conservation area are carefully considered;
- the planning legislation is effectively enforced and that change is monitored;
- buildings needing both urgent and non-urgent repairs are targeted and the required works take place;
- enhancement schemes are prepared for buildings, sites or areas of land as required

The proposals and the key dates identified in the Management Plan will be added to the management plan programme in the Historic Environment Scheme. However, as further Management Plans for other conservation areas are prepared and completed the key dates for the proposals identified in this Management Plan may be amended if other proposals are given greater priority.

The implementation of the Management Plan will be monitored through the Annual Monitoring Report and any delay will be identified in this way.

# Protecting the Existing Historic Fabric

## Introduction

The special interest of a conservation area can be eroded through the loss of key features that make up its character and appearance. Given the archaeological, architectural or historic and ecological interest of the Markland and Hollinhill Grips Conservation Area as identified within the Appraisal and the desirability of preserving this interest, the first key function of the Management Plan is to protect the existing elements. Therefore, this section sets out the tools that Bolsover District Council has at its disposal that it will use to achieve this.

## Legislation and Policy

Development is controlled by the Town and Country Planning Acts and when a decision is to be made under the planning Acts, the decision must be made in accordance with the development plan unless material considerations indicate otherwise.

Given this legislative background, the policies within the Development Plan provide a key tool to protect the existing historic fabric.

### The Development Plan

The Development Plan comprises –

- (a) the East Midlands Regional Spatial Strategy, and
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area, namely:
  - the saved Derby and Derbyshire Joint Structure Plan Policies
  - the saved Bolsover District Local Plan Policies
  - the emerging Bolsover Local Development Framework documents

Until the Bolsover Local Development Framework has fully replaced the Bolsover District Local Plan, the saved policies contained in Chapter 8 - Conservation of the Historic and Built Environment relating to conservation areas provide the most relevant policy framework for development within the Markland and Hollinhill Grips Conservation Area.

### The Need for Planning Permission

The legislation requires that in considering proposals for new development within conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of those areas.

Planning Policy Guidance Note 15 (Planning and the Historic Environment) emphasises that local planning authorities will often need to ask for detailed plans and drawings of new development before considering a planning application. This is so that proposals can be assessed adequately for the layout (to identify whether they preserve the historic settlement pattern, trees, important open spaces and views) and appropriate design (i.e. to identify whether they preserve or enhance the traditional building language, scale and materials).

### Protecting Features of Interest

The Appraisal highlights various features within the conservation area which are of interest. These include the archaeological, palaeontological, geological, and ecological resources which are highly sensitive to a variety of impacts including visitor pressure, vandalism, erosion and neglect. Where possible these should be given additional recognition and protection.

### Development Affecting Archaeology

The Appraisal identifies that the conservation area contains elements that have an important archaeological context. The Creswell Crags Limestone Heritage Area Management Action Plan (2004) recognises that there is potential for further archaeologically important finds to be discovered within the conservation area.

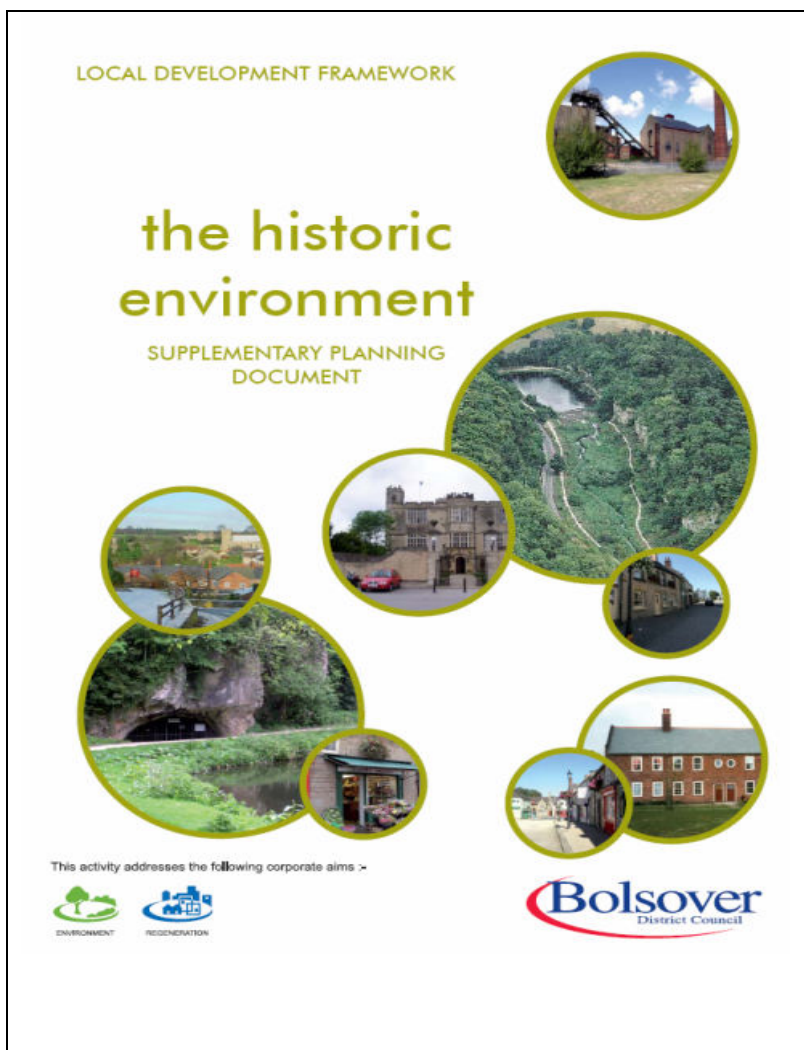
New development within the conservation area is therefore a potential threat to the archaeological interest of the area and will be required to be preceded by a scheme of archaeological investigation and recording prior to the start of development. The scheme of investigation and recording shall be carried out in consultation with and under the supervision of the County Council's Development Control Archaeologist and in accordance with the guidance given in Planning Policy Guidance Note 16 (Archaeology and Planning).

## Further Guidance on Development in Conservation Areas

The saved policies of the Bolsover District Local Plan are supplemented by The Historic Environment Supplementary Planning Document, published by the Council, which provides general guidance on development within conservation areas, work to historic agricultural buildings, listed buildings and archaeology.

As the whole of the Markland and Hollinhill Grips Conservation Area is within the Open Countryside as defined by the Bolsover District Local Plan, the threat to the rural character of the area from normal urban development is considered to be low and limited to developments essential to the countryside.

In these exceptional cases, it is considered that sufficient guidance on development in conservation areas and on development affecting historic agricultural buildings and archaeology is provided by the Historic Environment Supplementary Planning Guidance (Chapters 2, 3 & 5 respectively) when taken together with the contents of the Appraisal.



## **Enforcement and Monitoring**

Effective enforcement is vital to make sure there is public confidence in the planning system and to ensure that unauthorised development does not unacceptably affect public amenity or the existing use of land or buildings.

The Council has an approved Enforcement Policy that sets out how the Planning Department's Enforcement team operates and their procedures for working. To supplement this enforcement service, it is recommended that the physical environment of the conservation area and key sites adjacent to the conservation area are monitored by carrying out detailed surveys, including a dated photographic record. This will be undertaken on a three-yearly basis in order to identify any unauthorised work before enforcement action can no longer be taken. Any previously unreported unauthorised development or work identified by the detailed survey would then be addressed in accordance with the Council's approved Enforcement Policy.

If the condition of land is adversely affecting the amenity of the area a notice under Section 215 of the Town and Country Planning Act 1990 can be served. Such a notice can be used to secure improvements to the appearance of buildings, as well as the tidying up of unkempt land.

### **ACTION**

Carry out detailed survey, including a dated photographic record, of the physical environment within (and adjacent to in particular locations) the conservation area, noting any unauthorised changes and dealing with them in accordance with the Enforcement Policy or any buildings in need of urgent or non-urgent repairs.

### **KEY DATES**

February 2009: Baseline survey

February 2012: Follow-up survey

## **Buildings and Structures Needing Urgent and Non-Urgent Repairs**

No buildings or structures have been identified in the Appraisal as needing urgent or non-urgent repairs. All buildings appear to be in use and are generally well-maintained.

### **Historic Building Grant Scheme**

However, the Appraisal has identified the contribution that traditional window and door designs, plus other traditional fixtures and fittings can make to the character and appearance of historic buildings and the conservation area as a whole.

It is therefore considered appropriate to make grants available to the owners of the identified unlisted buildings of merit within the conservation area through the Historic Building Grant Scheme. This scheme is operated by the Council at the standard rate - guidance and advice is available from the Council's Conservation Section.

#### **ACTION**

Promote the availability of the Council's Historic Building Grant Scheme for the repair and restoration of historic buildings

#### **KEY DATE**

February 2009:

Monitor the take-up of Historic Building Grants for repair and restoration works

### **Archaeology**

The Appraisal identifies that the important archaeological resource is at threat on a number of fronts. Therefore, it is proposed that steps are taken to monitor the current state of archaeologically important sites within the conservation area and to instigate a plan of action to ensure their protection where this is considered necessary.

#### **ACTION**

Work in partnership with the Creswell Heritage Trust, Derbyshire County Council's Archaeologist, the Derbyshire Wildlife Trust and landowners to establish a monitoring programme and action plan for archaeologically important sites in the conservation area

#### **KEY DATES**

October 2009: begin discussions with the relevant stakeholders regarding establishing a monitoring programme of key archaeological sites and an appropriate action plan

### **Lower Mill, Boler's Corner**

The Appraisal highlights that Lower Mill and other structures in the immediate vicinity are at risk from flooding. There would appear to be two reasons:

- i) the narrowness of the Millwood Brook channel combined with the prolific growth of water-borne vegetation in the channel.
- ii) inadequate drainage along the A616 close to Lower Mill and Boler's Corner.

The combination of these two factors is placing Lower Mill and other nearby structures at considerable risk and represents a threat to the identified important features within the conservation area. It is therefore considered appropriate to investigate how these issues might be resolved.

#### **ACTION**

Work in partnership with landowners and other relevant parties, including Derbyshire County Council Highways to try and alleviate the factors contributing to increased potential for flooding in the vicinity of Lower Mill.

#### **KEY DATES**

February 2009:

- i) identify relevant parties and begin discussions over appropriate action for preventing further flooding from Millwood Brook.
- ii) request Derbyshire County Council Highways to check and clean out storm drains along the A616 in the vicinity of Boler's Corner

## Enhancement Schemes

The Conservation Area Appraisal identifies the need and opportunity for a number of enhancement schemes within the conservation area.

### Proposal – Interpretation of archaeology in the conservation area

The archaeological interest of sites within the Markland and Hollinhill Grips area has been identified as a key element which contributes to the overall character of the conservation area. These elements are potentially threatened by a poor understanding of the resource.

Opportunities for further interpretation could be explored to highlight the archaeological interest of the area which could both complement existing archaeological interpretation schemes in the district and the proposals outlined in the Creswell Crags Limestone Heritage Area Management Action Plan.

#### **ACTION**

Explore opportunities to provide appropriate interpretation to highlight the archaeological and historic interest of the conservation area in collaboration with relevant stakeholders

#### **KEY DATES**

February 2013: discussions with key stakeholders to establish the feasibility of the scheme and a programme of implementation

### Proposal – Improve public access to the conservation area

The Appraisal identifies that, although there is public access to the conservation area, this is relatively limited. However, it is not proposed to widen public access to encompass additional areas that are either privately-owned or within the nature reserve. The lack of disturbance of vegetation in the SSSI is a key factor in protecting the important ecological communities.

However, the routes currently available are generally in a poor condition and access for certain users is difficult due to uneven and poor surfaces. The paths are also overgrown in places making access difficult; this includes the public footpath which runs through the SSSI in Markland Grips to Upper Mill Farm.

#### **ACTION**

Introduce, in collaboration with relevant stakeholders, a programme of woodland and grassland management to control excessive growth in areas adjoining public footpaths through the conservation area

**KEY DATES**

February 2013: discussions with key stakeholders including the Derbyshire Wildlife Trust, Derbyshire County Council and the Chatsworth Settlement Trustees to agree a programme of action

**Proposal – Development of amenity trails**

An ideal opportunity exists to establish a dedicated amenity trail for walkers, cyclists and horse-riders by improving access to and along the former railway line through Markland Grips. This route could be developed to link the communities of Clowne and Creswell and provide access into the Grips.

However, there will be a need to address a range of issues, not least the provision of an appropriate replacement for the viaduct across Markland Grips and outstanding land reclamation along the Creswell stretch of the former railway line.

The development of the second disused railway line to the north of Hollinhill Grips could also be investigated, although this is less likely to be a feasible option because the route is identified in the Local Plan as potentially being re-opened for rail passenger traffic, linking the Robin Hood Line to Sheffield.

**ACTION**

Explore opportunities for developing new dedicated amenity trails along the disused former railway lines and options for improved access provision at the former viaduct site in Markland Grips.

**KEY DATES**

February 2013: discussions with key stakeholders including the Creswell Heritage Trust, Derbyshire County Council, Derbyshire Wildlife Trust and the Chatsworth Settlement Trustees to establish the feasibility of the scheme.

## Monitoring Indicators

It is considered necessary to develop a range of appropriate monitoring indicators that can be used to provide empirical analysis of the condition of the area. This data will be used to assess the impact of the protection of the special character and appearance of the Markland and Hollinhill Grips Conservation Area brought by designation and the preparation of the Conservation Area Appraisal and Management Plan.

The monitoring indicators set out below seek to follow those contained in the English Heritage published State of the Historic Environment reports. These reports have been produced each year since 2002 and represent annual surveys of the state of England's and each region's historic environment.

Each indicator will be monitored through the Annual Monitoring Report and the monitoring of each will begin on the 1<sup>st</sup> April 2009. The first set of results and thus the evidence of change will be reported in the Annual Monitoring Report 2010.

Indicator	Ref.	Measurement	Value	Change
Designated Heritage Assets	A1	Number of Unlisted Buildings of Merit	6	First year
	A2	Number of entries on the Sites and Monument Record (not covered by other designations)	18	First year
	A3	Number of Tree Preservation Orders made covering trees within the conservation area	0	First year

*Based on value in proposed document*

Indicator	Ref.	Measurement	Value	Change
Heritage at Risk	B1	Number of listed buildings or unlisted buildings of merit identified as needing urgent and non-urgent works	0	First year
	B2	Number of monitoring surveys not carried out by stated key date	0	First year

*Based on value in proposed document*

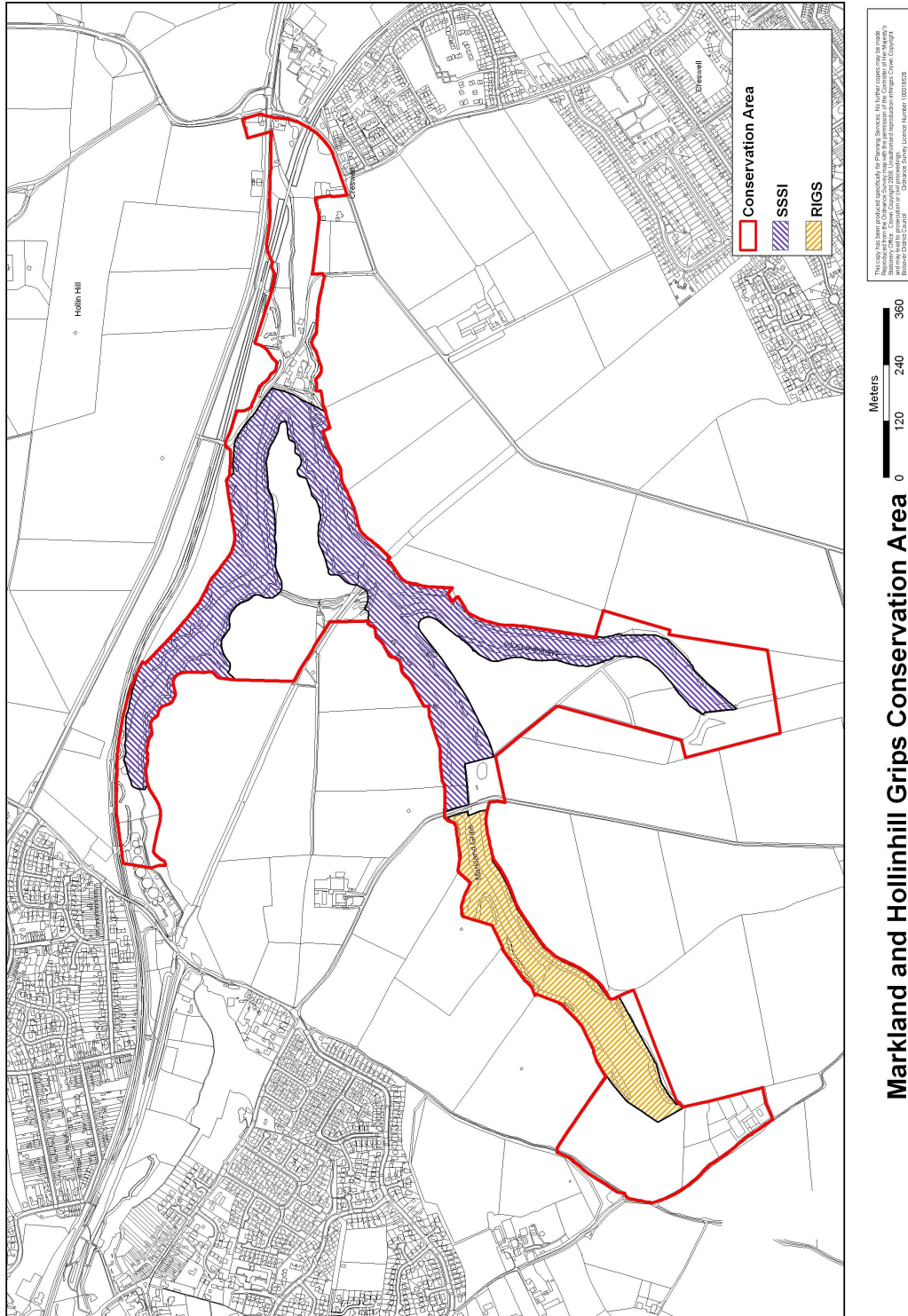
Indicator	Ref.	Measurement	Value	Change
Managing Positively	C1	Number of applications for planning permission determined where conservation area a statutory consideration	2	First year
	C2	Number of applications for conservation area consent determined	0	First year

*Based on figures for financial year 07/08*

Indicator	Ref.	Measurement	Value	Change
Enhancing the Historic Environment	D1	Number of buildings receiving grant assistance for repair or reinstatement of historic fabric	0	First year
	D2	Number of enhancement schemes with actions achieved by stated key dates	0	First year

*Based on value in proposed document*

# APPENDIX 1: Hollinhill and Markland Grips SSSI & RIGS



## References

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## PLANNING COMMITTEE

### AGENDA

Wednesday 8<sup>th</sup> October 2008 at 1000 hours

<b>Item No.</b>		<b>Page No.(s)</b>
<b>PART 1 – OPEN ITEMS</b>		
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	To receive declarations of interest in respect of business on the agenda and any urgent additional items to be considered at the meeting.	1
4.	To approve the minutes of a meeting held on 17 <sup>th</sup> September 2008	To follow
5.	To approve the minutes of a site visit held on 15 <sup>th</sup> September 2008.	2
6.	Applications to be determined under the Town and Country Planning Acts.	3 - 37
(i)	08/00532/FUL - Conversion of garage to room and erection of garage to rear (on boundary to Heywood View) with new vehicular access off Heywood View - 3 Cottam Drive Barlborough Chesterfield Derbyshire	11 - 16
(ii)	08/00504/FUL - Demolition of bungalow and erection of 2 detached three storey dwellings (Revised Scheme) - Hill Crest Carcroft Lane Scarcliffe Chesterfield	17 - 24
(iii)	08/00274/FUL – Change of use to hot and cold take away (Class A5 of Use Classes Order) – 10 Alfreton Road South Normanton Alfreton.	25 - 31
(iv)	08/00276/FUL – Alterations to front elevation of 122 and 124 and internal alterations and change of use of 122 to a use class A1 and A5 (shop and hot food takeaway) – 122 The Common South Normanton Alfreton.	32 - 37

7. Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan – Start of Public Participation.

38 - 47

**The Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan is a separately bound document to the agenda.**

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday, 17<sup>th</sup> September 2008 at 1000 hours.

### PRESENT:-

Members:-

Councillor B.R. Murray-Carr – Chairman

Councillors P.M. Bowmer, R. Brooks, T. Connerton, J.A. Clifton, T. Cook, B.W. Hendry, R. Holmes, J. Morley, D. McGregor (from Min No. 353(i)), A.M. Syrett, R. Turner (until Min No. 358) and H. Ward (until Min No. 355)

Officers:-

C. M. Doy (Development Control Manager) T. Ball (Principal Planner (Development Control)) (until Min No. 354) S. Phillipson (Principal Planner (Development Control)) (until Min No. 354) J. Fieldsend (Senior Principal Solicitor) (until Min No. 354), I. Collis (Planning Policy Manager), S. Wraith (Principal Enforcement Officer), G.J. Clarke (Head of Planning) (from Minute No.353 (ii)), J. Moore (Temporary Assistant Conservation Officer) (from Minute No. 354), D. Yates (Temporary Assistant Conservation Officer) (from Minute No. 354) and K. Rodda (Democratic Services Officer).

In attendance in the Public Gallery was J. Wilmot (Planning Enforcement Officer) (until Min No. 354)

### 348. APOLOGIES

Apologies for absence were received on behalf of Councillors M.G. Crane, S.A. Gray, D. Kelly, T. Rodda and S. Wallis.

### 349. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### 350. DECLARATIONS OF INTEREST

Minute No.	Councillor	Level of Interest
353 (ii)	R. Turner	1

## PLANNING COMMITTEE

### 351. MINUTES – 13<sup>TH</sup> AUGUST 2008

Moved by Councillor J.A. Clifton, seconded by Councillor R. Turner

**RESOLVED** that the minutes of a meeting held on 13<sup>th</sup> August 2008 be approved as a correct record.

### 352. SITE VISITS MINUTES – 11<sup>TH</sup> AUGUST 2008

Moved by Councillor J.A. Clifton, seconded by Councillor T. Cook

**RESOLVED** that the minutes of a site visit held on 11<sup>th</sup> August 2008 be approved as a correct record.

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

(i) 08/00147/OUTMAJ – Residential development for 24 units with all matters reserved – Land south of Station Road and west of Villas Road, Carr Vale

The Principal Planner presented the report in respect of the above application.

A letter from Lindsay Cowle Conservation Consultant to the applicant was circulated to all Members at the meeting; this had been summarised in the report.

Mr. J. Hall spoke for the application.

Members discussed the application and asked questions.

Moved by Councillor A.M. Syrett, seconded by Councillor H. Ward

**RESOLVED** that

A. the application be refused for the following reasons:

1. The site lies within the setting of Bolsover Castle, which is a Grade 1 listed building and Ancient Monument. The development of the application site would be harmful to the setting of Bolsover Castle by reducing the green and open setting of the castle, which forms an important remnant of the Castle's open setting. A dense development of new housing would be prominent in the landscape and detract from views to and from Bolsover Castle. The site is also immediately opposite The Villas, a row of 12 grade 2 listed buildings along Villas Road forming part of New Bolsover Model Village (also listed grade 2). The development would significantly alter the setting of these listed buildings, particularly the more northerly of The Villas, by changing their context through removing the open area opposite them, by

## PLANNING COMMITTEE

altering views to and from the listed buildings, and when seen from Bolsover Castle in overview. However designed, a dense development of new housing would be detrimental to the current open character. To approve the proposal would therefore be contrary to policy CON10 of the Bolsover District Local Plan which seeks to preserve or enhance the setting of listed buildings.

2. The site immediately adjoins the boundary of the Bolsover Conservation Area on two sides; it is part of a field which is part within and part outside the conservation area. The part of the field within the conservation area is part of a designated important open area in the conservation area defined in the Bolsover District Local Plan where development will not be allowed. In considering this proposal for development of the southern part of the field it is apparent that the whole field should be kept free from development to preserve the open setting and character of the conservation area, and also the overall character and appearance of the New Bolsover Model Village including The Villas, all of which are within the conservation area. To approve the proposal would therefore be contrary to policy CON4 of the Bolsover District Local Plan which in considering development proposals adjoining conservation areas seeks to preserve or enhance the special character and setting of that conservation area.
  3. The site directly adjoins the Castle Industrial Estate, an area of predominantly motor trade related businesses with the potential for noise and fumes disturbance to prospective residents. As a result the proposed development would suffer from materially harmful environmental impacts from the adjoining uses; to approve the proposal would therefore be contrary to policy GEN3 of the Bolsover District Local Plan. In addition development of the site as proposed could prejudice the implementation of policy EMP6 (5) of the Bolsover District Local Plan.
  4. No ecology survey has been undertaken and the impact on wildlife cannot therefore be assessed. Given the proximity of local wildlife sites and the adjoining water course to approve the proposal without such information would be contrary to policies GEN2, ENV5 and ENV6 of the Bolsover District Local Plan.
  5. The Heath and Safety Executive advise against granting planning permission on safety grounds, because of the risk of harm to people at the development site from the Coalite Major Hazard Site. To refuse planning permission for residential development on the application site would therefore be consistent with policy EMP17 of the Bolsover District Local Plan and approval would be contrary to policy GEN1 of the Bolsover District Local Plan.
- B. A limited review of the boundary of the Bolsover Conservation Area be carried out in the vicinity of the western side of the New Bolsover Model Village (including Villas Road) to ensure that all the land which is immediately

## PLANNING COMMITTEE

significant to the setting of the Model Village and Bolsover Castle is included in the conservation area.

(Head of Planning)

- (ii) 08/00108/REM – Application for approval of reserved matters for the erection of a terrace of 3 two storey dwellings and 1 two storey detached dwelling – Croft Service Station, Sheffield Road, Creswell

The Principal Planner presented the report in respect of the application.

Mr. C. Rice spoke against the application.

Mr. C. Rice spoke on behalf of Mr. G.B. Rice, against the application.

Mr. C. Moxon spoke for the application.

At this point in the meeting Councillor McGregor informed the Chair that as his name had been mentioned on two occasions in the speech by the speaker objecting to the application, he felt that it would be appropriate to withdraw from the decision on this application, as it may be construed that he had an interest.

Members discussed the problems of flooding in the area.

Moved by Councillor A.M. Syrett, seconded by Councillor T. Cook

**RESOLVED** that the application be approved subject to the following conditions which are given in précis form and will be formulated in full by the Head of Planning:

1. Ground floor levels to accord with the approved plan (PL02 2.5.08.) GEN2, 5.
2. Materials to accord with the submitted detail including magnesian limestone, redbrick and slate with stone lintels and cills (GEN2, CON4).
3. Frontage boundary wall to be magnesian limestone with half round coping (GEN2,CON4).
4. Sample panel of stone to be approved (GEN2,CON4).
5. Boundary detail to accord with the approved plan (GEN2,CON4).
6. Chimneys to be provided on all dwellings in accordance with the approved plans (GEN2,CON4).
7. Provision and maintenance of the approved parking and manoeuvring areas (GEN1,2).
8. Removal of p.d. rights for extensions, outbuildings and means of enclosure (GEN2, GEN5).

### Notes to Applicant (in précis form)

1. The need to comply with outline conditions.

## PLANNING COMMITTEE

2. Amended plans relevant.
3. Riparian rights re water course.
4. Inspection of culvert for structural stability recommended, take into account loading over the culvert during and after construction, note that future maintenance responsibilities for the culvert rests with the owners of the new dwellings.
5. The applicant is strongly encouraged to adopt the additional flood resilience measures recommended by the Environment Agency in their letter of 18<sup>th</sup> June 2008.
6. A discharge consent may be required from the Environment Agency in respect of any proposed surface water disposal to the culverted watercourse.
7. A strip of land over the culvert should be left for access for maintenance. Tree planting in this area may cause damage to the culvert.
8. Given the proximity of a vehicle repair garage on the opposite side of Sheffield Road the developer is advised to install good quality double glazing and ventilation to minimise the potential for future noise problems.

Councillors Clifton and Holmes objected to the approval of the application, and requested that their votes be recorded as having voted against the approval of the application.

(Head of Planning)

### **354. E08/064 – ERECTION OF STABLES AND USE OF LAND FOR EQUINE USE – LAND TO REAR OF 81-95 ALFRETON ROAD, PINXTON**

The Principal Enforcement Officer presented the report and informed members of an unauthorised erection of stables and change of use of land to equine use on land at the rear of 81 – 95 Alfreton Road.

Further information was contained in the supplementary report.

Photographs of the land were circulated to Members.

Members asked questions.

Moved by Councillor T. Cook, seconded by Councillor A.M. Syrett

**RESOLVED** that in the absence of the submission of a planning application, no action be taken in respect of the unauthorised erection of stables and change of use of land to equine use at land to the rear of 81 to 95 Alfreton Road, Pinxton.

(Head of Planning)

## PLANNING COMMITTEE

### 355. E08/020 – CHANGE OF USE OF PART OF INDUSTRIAL UNIT TO RESIDENTIAL USE, 1 BROOKHILL LANE, BROOKHILL INDUSTRIAL ESTATE, PINXTON

The Principal Enforcement Officer presented the report which informed Members of a change of use of land and buildings from use of general industry to mixed use of general industry and residential accommodation.

Further information and an addition to the recommendation were included in the supplementary report.

Moved by Councillor T. Cook, seconded by Councillor D. McGregor

**RESOLVED** that on expiry of 3 years from the date the use first commenced, or earlier on receipt, investigation and verification by the planning department of a complaint of demonstrable harm to amenity caused by the development, an Enforcement Notice be served on all interested parties requiring the permanent cessation of the use of the premises for residential accommodation and removal of all installations brought in to facilitate this use at 1 Brookhill Lane, Brookhill Industrial Estate, Pinxton, Nottingham.

Reasons why it is expedient to serve the Notice

It appears to the Council that the above breach of planning control has occurred within the last ten years.

Economy Policy 1 of the Derby and Derbyshire Structure Plan states that development which reduces the supply of industrial land will only be permitted where it does not unduly inhibit existing or future industrial uses and the current industrial use is incompatible with existing adjacent uses. The permitted use of the premises is compatible with the adjacent industrial uses and the current unauthorised mixed use of the premises may inhibit future development because the amenity of the residential occupants of the site would have to be considered in any future proposals for industrial development of the site or surrounding sites.

Policy GEN 3 of the Bolsover District Local Plan, part of the development plan, relates to the impact of existing adverse environmental impacts on new development states that planning permission will not be granted for development if it is likely to suffer adverse effects from existing uses. The above site is located within an existing industrial estate and is adjacent to other industrial uses. The potential for adverse impact on the amenity of residents caused by the sites location within an industrial estate is contrary to the above development plan policy and conflicts with its objectives.

Policy EMP 5 of the Bolsover District Local Plan states that planning permission will only be granted for the change of use of employment land and buildings where certain criteria are met. In this instance there

## PLANNING COMMITTEE

is no indication that the site and buildings are no longer capable of accommodating an employment use or that such a use would have a harmful impact on the amenity of the local area. The current unauthorised use does not bring more benefit to the area than would be likely to arise from the permitted employment use and does not provide a service to adjoining employment uses which reduces the need to travel.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

Steps to be taken

1. Cease the use of any part of the premises for residential accommodation.

Time for compliance

1. 4 months from the date the notice takes effect.

(Head of Planning)

Councillor Ward left the meeting at this point.

### **356. REQUEST FOR REVOCATION OF LIMITATION OF OCCUPATION OF AGRICULTURAL WORKERS DWELLING AT BANKS FARM, NEWTON**

The Head of Planning presented the report which informed Members how in August 1993 planning permission had been granted for the erection of an additional farm workers dwelling at Banks Farm, subject to a Section 106 Obligation which was subject to two clauses. The dwelling was subsequently built and called Bankside. The report detailed how the property was no longer required as a residential dwelling and the applicant was now seeking to be released from Clause 1 of the Section 106 Agreement that prevented the dwelling being offered to any agricultural worker other than one that works on the farm. The property would still be subject to the agricultural occupancy condition and it was intended to market the dwelling to the local agricultural community for occupancy.

A plan showing the location of the property affected was attached to the supplementary report.

Moved by Councillor T. Cook, seconded by Councillor D. McGregor

**RESOLVED** that Clause 1 of the Second Schedule of the Section 106 Agreement attached to planning application BOL/190/032 be rescinded.

(Head of Planning)

## PLANNING COMMITTEE

### 357. SECRETARY OF STATE'S PROPOSED CHANGES TO THE EAST MIDLANDS REGIONAL PLAN (SPATIAL PLAN STRATEGY)

The Planning Policy Manager informed Members of a new draft East Midlands Regional Plan (Regional Spatial Strategy) which had been issued for consultation in September 2006. A report on this document had been considered previously at Planning Committee on the 13<sup>th</sup> February 2008 (Minute No. 826/08 refers). The Secretary of State had now published a schedule for proposed changes to the draft Regional Spatial Strategy for Consultation, the deadline for comments being the 17<sup>th</sup> October 2008.

Key changes proposed by the Secretary of State were summarised in the report.

Moved by Councillor T. Cook, seconded by Councillor D. McGregor

**RECOMMENDED** that that the following comments be submitted to the Government Office for the East Midlands on the Secretary of State's proposed changes to the draft East Midlands Regional Spatial Strategy:

- a) That the Council welcomes and supports the following changes:

The additional objective at h of Policy 1 (Regional Core Objectives), which acknowledges the likely impact of climate change on the region's biodiversity, and the need to plan for the management and extension of habitats, and also to facilitate species migration.

The phased approach to annual housing provision set out in Policy 13, Regional Housing Provision, rather than a flat rate throughout the plan period, as this is more likely to reflect the time new developments will take to come on stream. However, it should be noted that there will need to be a significant improvement in the housing market during the plan period to deliver the proposed increase in housing in the district.

The replacement of Appendix 2 Table 2 (as part of re-numbered Appendix 1) with an updated regional trajectory based on the RSS Annual Monitoring Report published in February 2008

The inclusion of a new policy (Policy 15) on Affordable Rural Housing

The provision of numbers for the provision of Gypsies and Travellers set out in Policy 16, and Appendix 2

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The expansion of the supporting text to policy 41 (previously policy 24) to refer specifically to “the Dukeries” and “historic houses and parklands such as Chatsworth, Hardwick, Belvoir, Kedleston, and Calke”

- b) That the Council objects to the following proposed changes:

The deletion of Policy 5 for the reasons previously advanced in relation to the Panel’s report. It strongly urges the Secretary of State to consider the arguments made in the Taylor Review and to amend the text of Policy 3 to give support to development in rural settlements where this would make a significant contribution to improving their social, economic and environmental sustainability.

The wording of Policy 37 in relation to Regional Priorities for Waste Management in the paragraph on Northern Sub-area, which includes the words ‘including all colliery land’. It is considered that this should be deleted from the final RSS, as it is too specific, and not all former colliery sites would be suitable for this use.

The deletion of the development of Rail Freight Links to Markham Employment Zone from the Regional Transport Strategy. Whilst the Council accepts the reasons for the proposed changes to the Regional Transport Strategy, it is considered that the future development of this major employment site would benefit from the certainty of this link. If it is not possible to include the link in the RSS, the Council would urge that this proposal is considered as a matter of urgency in the comprehensive reappraisal of the regional transport strategy. Similarly, the Council would like the reappraisal of the RTS to consider the development of a new freight line to serve the former Steetley quarry site.

(Council)

Councillor Turner left the meeting at this point.

## PLANNING COMMITTEE

### 358. **APSLEY GRANGE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN – OUTCOME OF PUBLIC PARTICIPATION AND PROPOSED ADOPTION**

The Head of Planning presented the report which informed Members of the outcome of the Public Participation Exercise on the draft Apsley Grange Conservation Area Appraisal and Management Plan and suggested extension to the boundary of the Apsley Grange Conservation Area.

Members offered their thanks to the officer concerned for compiling the report.

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

**RECOMMENDED** that (1) the Apsley Grange Conservation Area Appraisal and Management Plan Adoption Draft be approved

(2) the Apsley Grange Conservation Area Appraisal and Management Plan be adopted as a material consideration that will be taken into account when a determination is to be made under the planning Acts;

(3) the Head of Planning be delegated to make any minor amendments necessary to the document prior to publication.

(4) the Head of Planning makes the necessary changes to the Historic Environment Scheme Work Programme to reflect the management plan actions contained within the Adoption Draft Apsley Grange Conservation Area Appraisal and Management Plan.

(Council)

### 359. **THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Moved by Councillor D. McGregor, seconded by Councillor T. Cook

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

## PLANNING COMMITTEE

### 360. HISTORIC BUILDINGS GRANT – HBG 05/08 EXEMPT – PARAGRAPH 3

The Head of Planning presented the report in respect of an application for a Historic Building Grant for a property in Whitwell.

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

**RESOLVED** that a Historic Building Grant of £1,437.50 be made to the applicant of HBG 05/08 towards the cost of the roofing repairs as detailed in the estimate provided by Whitwell Roofing Services received by the District Council on the 3<sup>rd</sup> July 2008 subject to the standard conditions and the following technical conditions:

- a. The existing clay pantiles shall be carefully removed and any salvageable clay pantiles shall be stored for reuse. An assessment shall then be made by the contractor to determine whether sufficient existing pantiles exist to recover one slope. This assessment shall be approved prior to the commencement of the re-roofing works.
- b. A representative sample of the proposed clay pantile and ridge tile shall be approved prior to the commencement of the re-roofing works.
- c. Copper nails shall be used for fixing of the clay pantiles. Stainless steel nails shall be used for fixing of the battens.
- d. The method of ventilation for the roof space shall be submitted for approval prior to the commencement of the re-roofing works.
- e. The verges shall be flush with a neat mortar finish in a gauged mortar of 1:2:9 (cement: lime: sand) mix.
- f. All flashings should be in lead, to the weights and details recommended by the Lead Sheet Association in the latest edition of the "Lead Sheet Manual" with the latest addendum.

(Head of Planning)

### 361. HISTORIC BUILDINGS GRANT – HBG 01/08 EXEMPT – PARAGRAPH 3

The Head of Planning presented the report in respect of an application for Historic Building Grant for a property in Whitwell.

Moved by Councillor D. McGregor, seconded by Councillor T. Cook

**RESOLVED** that a Historic Building Grant of £1,500 be made to the applicant of HBG 01/08 towards the cost of the repair of 4 stained glass panels and the re-instatement of 2 sliding sash windows as detailed in the

## PLANNING COMMITTEE

quotations provided by Carey and Fox Limited dated 13<sup>th</sup> May 2008 and 5<sup>th</sup> October 2007 and MDS Stained Glass dated 26<sup>th</sup> August 2007 subject to the standard conditions and the following technical conditions:

- a. The original glass shall be retained and re-used where possible.
- b. Detailed drawings of the stained glass leadwork design layout, identifying any sections of replacement glass, shall be approved prior to installation of the panels.
- c. A drawing for the sliding sash units (scale 1:20) shall be approved prior to installation of the units.
- d. Representative samples for the new sash unit horns shall be approved prior to the installation of the units.
- e. Replacement timber sash window units shall be hung on cords with weights.
- f. Joinery shall be painted as detailed in the quotation provided by Carey and Fox and shall not be stained.
- g. Access must be provided by the applicant at reasonable notice to allow an inspection of the sash window units to be carried out approximately one year after the completion of the works.

(Head of Planning)

The meeting concluded 1214 hours.

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE HEAD OF PLANNING

Summary of representations received after the preparation of the main Committee Report and any recommendation based thereon. This sheet is to be read in conjunction with the main report.

Agenda Item No. 6: Planning Applications to be determined:-

Notes of the Planning Site Visits held on 6<sup>th</sup> October 2008, starting at 1000 hours.

**PRESENT:-**

Members: Councillors P.M. Bowmer, R. Brooks, J.A. Clifton, M.G. Crane (site 1 only), R. Holmes, D. Kelly (Chair), J. Morley, A.M. Syrett and S Wallis

Officers: C M Doy (DCM)

**APOLOGIES**

Apologies were received from Councillor R Turner.

**SITES VISITED**

1. 08/00504/FUL - Erection of two dwellings, Hill Crest, Carcroft Lane, Scarcliffe
2. 08/00276/FUL - Change of use to shop or hot food takeaway and external alterations, 122/124 The Common South Normanton
3. 08/00274/FUL - Change of use to hot and cold food takeaway, 10 Alfreton Road South Normanton
4. 08/00532/FUL - Conversion of garage to room, erection of garage to rear (on boundary to Heywood View) with new vehicular access from Heywood View, 3 Cottam Drive, Barlborough.

The meeting concluded at 1210 hours.

Item 6(i) Barlborough 08/00532/FUL

Barlborough Parish Council has no objections to the proposal.

In respect of the extension of the hardstanding on the front garden of this house, it is permitted development if it is constructed of a permeable material or is designed to drain into the garden and not the highway. In order to ensure that this happens it is recommended that an additional condition be added to require a drainage scheme if permeable materials are not used.

**RECOMMENDATION: Add condition 3 requiring a drainage scheme to be approved if non-permeable materials are used for hardstandings.**

Item 6(iii) South Normanton (08/00274/FUL)

Two further representations received, one emphasising points the representee had made in a previous representation and making some new points.

The representations object on the basis of

- a) Smells 24/7 as the applicant is now open on Sundays.
- b) Householders security lights on all night as a result of vermin on the application site.
- c) Water from the property seeping into next door.
- d) Pavements sinking due to lorries parking on them.
- e) Effect on value of the neighbouring property.
- f) Highways problems including the fact that vehicles are ignoring the yellow lines in place at this location.

One representation also points out that there have been recently two vehicle collisions due to vehicle congestion.

Whilst there would be no form of control over the opening hours for a shop (A1) use, which includes Cold Food takeaway, the application has very specific hours opening which do not include Sundays. If the application was approved this a condition can be imposed over the hours of opening which the business could operate, as recommended in the report, which could be enforced if unacceptable impacts can be demonstrated.

Whilst the other points are noted it is considered that the concerns have been addressed either in the report or are primarily concerns to be dealt with by other agencies, principally environmental health and highways.

## **NO CHANGE TO RECOMMENDATION**

### Item 6(iv) South Normanton (08/00276/FUL)

Three further representations received.

The first from Environmental Health states that have no objections in principle to the proposal in relation to food/health and safety.

The second is from South Normanton Parish Council stating that whilst they have no objection to the existing use they consider that any extension or diversification of services would increase parking problems at this location.

The third is a further representation from a solicitor acting on behalf of a neighbour. This raises additional concerns of the neighbour.

The concerns are:

- a) The effect on the sewage system which the representation states is already not coping with the sewerage from 122,124, the grocery/newsagent and the fish and chip shop. (It is considered that this issue is one primarily to be dealt with by the sewerage authority).
- b) The effect of the number of vehicles caused by the business including delivery vehicles and customers.
- c) The proposal will exacerbate the smells already originating from the existing takeaways near his property. (However the proposal does not include any additional flues with the internal layout showing any cooking being done in the existing kitchen of 124 The Common).

Whilst the points are noted it is considered that the concerns have been addressed either in the report or are primarily concerns to be dealt with by other agencies, principally environmental health or the sewerage authorities.

## **NO CHANGE TO RECOMMENDATION**

## Item 7 Markland and Hollinhill Grips Conservation Area Appraisal and Management Plan – Suggested Further Extension Areas

Since the Committee report was written a letter has been received suggesting that five additional sites should be considered as further extensions to the Markland and Hollinhill Grips Conservation Area, on the basis of their ecological and wildlife assemblages. The sites suggested are:

- 1) Roadside verges along the A616, both the north and south sides of the road (SK508755 – SK516752). These areas sustain a wide range of plants as well as glow worms, common lizards and grass snakes and are maintained accordingly.
- 2) A long triangular field bordered by the A616 to the north and the former railway to the south (SK514753). This field is a good example of a wild flower meadow and is managed accordingly.
- 3) Disused railway, from Clowne sewage works to Markland Grips (SK502754 – SK509751). This area displays a wide variety of plants and associated insects, such as butterflies, hoverflies and crickets. This site is already listed on the Derbyshire Wildlife Sites Register.
- 4) Disused railway, Hollinhill Bridge to Hazelmere Road bridge (SK503755 – SK519752). The cutting through magnesian limestone displays a wide range of plants, including shade loving ferns. The tops of the embankments provide ideal conditions for both limestone loving plants as well as a variety of woodland birds in the hawthorn bushes and brambles. This site is already listed on the Derbyshire Wildlife Sites Register.
- 5) Smithfield Nook, Hazelmere Road (SK512742). This site is an excellent example of limestone grassland and supports many plants, some of which are local to the area. It is maintained under a DEFRA scheme to preserve its character.

It is noted that the Markland and Hollinhill Conservation Area possesses both historic and natural environment interest and, as a result, the draft Conservation Area Appraisal and Management Plan has been written to reflect this.

However, the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear on what should and should not be considered when local authorities are looking to assess, designate or undertake the review of a conservation area. Conservation areas are defined as ‘an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. Therefore, whilst other factors may be taken into account in the assessment and designation process, it is clear on what basis the main emphasis should focus.

Based on the information provided, together with an assessment of the historic interest of the 5 proposed sites, the interest of sites 1, 2, 4 and 5 is principally for their nature conservation interest, with site 4 already being recognised as a Site of Importance for Nature Conservation, as identified by the Derbyshire Wildlife Trust.

Site 3 was suggested at the stakeholder meeting and is considered to have some historic interest and for this reason is recommended to form part of the proposed consultation exercise regarding the suggested boundary changes to the conservation area.

Therefore, it is considered that sites 1, 2, 4 and 5 should not form part of the proposed consultation exercise regarding the suggested boundary changes to the conservation area. However, given their stated wildlife interest, the list of sites has been passed to the Planning Policy team for consideration for protection through the Local Development Framework.

**NO CHANGE TO THE RECOMMENDATION**