

To: Chair & Members of the Planning
Committee

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Tuesday, 12th October 2021

Dear Councillor

PLANNING COMMITTEE – 13TH OCTOBER 2021

Further to your recently circulated agenda, I now enclose the following items of business;

1. Minutes of a Planning Committee held on 15th September 2021
2. Supplementary Planning Report of the Planning Manager

Yours faithfully



Solicitor to the Council & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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**PLANNING COMMITTEE
AGENDA**

Wednesday, 13th October, 2021 at 10:00 hours taking place in the Council Chamber

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4.	Minutes To consider the minutes of the last meeting held on 15 th September 2021	4 - 18
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Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 15th September 2021 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Jim Clifton, Paul Cooper, Chris Kane and Duncan McGregor.

Officers:- Chris Fridlington (Assistant Director – Development), (Chris McKinney (Principal Planning Officer), Jim Fieldsend (Solicitor) and Alison Bluff (Governance Officer).

Also in attendance at the meeting to Minute No PL14-21/22, was Councillor Steve Fritchley, Katie Walters (Property and Estates Manager), Dave Pearson and Stuart Downs (Woodhead Group) and Chris Dawkins (William Saunders (Architects)

PL8-21/22 APOLOGY

An apology for absence was received on behalf of Councillor Natalie Hoy.

PL9-21/22 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL10-21/22 DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL11-21/22 MINUTES – 30TH JUNE 2021

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane **RESOLVED** that the Minutes of a Planning Committee held on 30th June 2021 be approved as a correct record.

PL12-21/22 NOTES OF A SITE VISIT – 10TH SEPTEMBER 2021

Site visits had not taken place on 10th September 2021, however, the Chair had independently visited the site in relation to application 21/00301/FUL.

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PL13-21/22 APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- i) 21/00350/FUL - Conversion of the existing playing field with an artificial grass surface with associated fencing, floodlighting, access paths, and a landscaped earth bund. Land South East Of The Arc, High Street, Clowne

Committee considered a report presented by the Assistant Director - Development and Planning in relation to the above application submitted by Bolsover District Council.

The application had been referred to Planning Committee as it was a 'major' development proposal and a small number of representations had been received from adjacent residents.

The report provided details of the application and highlighted the key issues.

Further information was included in the Supplementary Report regarding a suggested amendment to the officer recommendation to allow the applicant to deal with any potential land slide issues, an outstanding consultation response from the Lead Local Flood Authority and their subsequent comment on the 8th September 2021 and two further representations received from adjacent residents were the Supplementary Report concluded that the proposed mitigation measures would address their concerns.

In response to a query from Councillor Allan Bailey, the Assistant Director – Development and Planning noted that there were no archaeology issues of concern in relation to the site.

In response to a query from Councillor Derek Adams, the Assistant Director – Development and Planning noted that the 3G artificial turf was recommended by the Football Association and any future cleaning issues of the turf would have previously been taken into consideration.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams **RESOLVED** that the final decision on the application be delegated to the Planning Manager, in consultation with the Chair and Vice Chair of Planning Committee, subject to the receipt of the required topographical plan and confirmation that this is acceptable to the Council's land stability advisors, Eastwoods. The permission being subject to the conditions as detailed below, including any additional conditions that may be required through the Eastwoods consultation, and with the inclusion of the additional advisory notes suggested by the Lead Local Flood Authority (Derbyshire County Council).

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents and shall be retained as such for the life of the development:
 - Proposed drainage - 07 Rev 00; received on the 26th August 2021

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- Revised proposed site layout - 03 Rev 01; received on the 23rd August 2021
 - Revised proposed AGP layout - 04 Rev 02; received on the 23rd August 2021
 - Revised proposed AGP Elevations - 06 Rev 02; received on the 23rd August 2021
 - Landscaping planting plan - 780 Rev P03; received on the 23rd August 2021
 - Construction Phase Health and Safety Plan - Compiled for: Football Foundation (28/7/21); received on the 28th July 2021
 - Revised site location plan - 01 Rev 02; received on the 24th June 2021
 - Appendix D - Proposed materials and appearance - Surfacing Standards Ltd; received on the 11th June 2021
 - Floodlighting system - Philips OptiVision LED gen 3.5; received on the 11th June 2021
 - Existing site plan - 02; received on the 11th June 2021.
 - Attenuation calculations; received 11th June 2021
 - Lighting Assessment - CLS010 21-05-2021, designed by Nick McLaren; received on the 11th June 2021.
 - Noise Impact Assessment - Ref: 8976/DO May 21; received on the 11th June 2021
 - Preliminary Ecological Appraisal - BJ Collins (June 2021); received on the 11th June 2021
 - Soakaway Test Report - Project no. EAL.178.20; received on the 11th June 2021.
3. The materials and finishes to be used on the approved fencing and storage container shall be as stated on the submitted application form and plans.
 4. Prior to the development hereby permitted being brought into use, a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented in accordance with the agreed document and maintained as such throughout the life of the development.
 5. The hereby approved landscape bund and acoustic fence shall be constructed in accordance with the approved details, prior to the development being brought into use and shall be retained and maintained for the life of the development.
 6. The hours of use for the playing pitches hereby permitted shall be between the hours of 9am to 9pm Monday to Friday, and 9am to 6pm on Saturdays, Sundays and Bank Holidays.
 7. Prior to the development hereby permitted being brought into use, the applicant shall provide verification that the lighting installation complies with the limits provided in the guidance "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. Specifically, the validation should demonstrate compliance with the requirement of table 3: Maximum values of vertical illuminance on premises and table 4: Limits for the luminous intensity of bright luminaires for environmental zone E3.
 8. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Section 6 of the Preliminary Ecological Appraisal.
 9. The development hereby permitted shall be carried out in accordance with the

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proposed landscaping plan, submitted on the 23rd August 2021. The bund shall be planted using a species rich wildflower mix, and shall contain a mix of the fine leaved grasses and herbs as identified in advisory note 1. The landscaping shall be provided within the first planting season following completion of the development and shall be retained as such in accordance with the approved details.

If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development takes the form as envisaged by the Local Planning Authority.
3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
4. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.
5. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.
6. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.
7. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.
8. To ensure that adequate mitigation is provided to ensure that protected species are afforded adequate protection, and to off-set against the loss of amenity grassland, in the interests of biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
9. To ensure that the site is landscaped in accordance with the approved details, and is retained as such, In the interests of visual amenity and biodiversity, and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

Notes

1. In accordance with condition 9 above, Derbyshire Wildlife Trust has recommended the following species for inclusion in the bund planting:

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Fine-leaved grasses - Common bent, Red fescue, Crested dog's-tail, Quaking grass, Sweet vernal grass; Herbs - Common bird's-foot-trefoil, Common stork's-bill, Germander speedwell, Thyme-leaved speedwell, Red clover, White clover, Common cat's-ear, Oxeye daisy, Selfheal, Black medick, Wild strawberry, Yarrow, Lady's bedstraw, Lesser stitchwort, Pignut, Burnet-saxifrage.

Statement of Decision Process

The case officer has worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

(Planning Manager)

- ii) 21/00301/FUL - Construction of 19 dwellings, Land Rear Of 39 To 59 The Woodlands, Whaley Thorns

Committee considered a report in relation to the above application presented by the Assistant Director – Development and Planning submitted by Bolsover District Council.

The application had been referred to Planning Committee given the financial viability issues raised in the submission, meaning normal S106 contributions towards recreation and leisure provisions were not being made.

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The report provided details of the application and highlighted the key issues.

Further information was included in the Supplementary Report regarding minor amendments to the Officer's recommendation and details of the Wildlife Trust's comments on the application were the Trust had no overriding objections to the scheme.

This was a previously developed site that was considered to represent sustainable development and accord with most policy requirements. Whilst the normally required leisure contributions were not being provided, it was considered that the public benefit provided through the delivery of this fully affordable housing scheme outweighed the requirement in this case, evidenced by suitable financial viability assessment.

Dave Pearson and Stuart Downs, representatives from the Woodhead Group, Chris Dawkins from William Saunders Architects, and the Council's Property and Estates Manager, Katie Walters, were in attendance at the meeting to answer Members' questions.

Councillor Duncan McGregor welcomed the report and noted that it was a good report that explicitly set out the need of the types of houses that the Council wanted to develop. He also noted the comment of the Strategic Housing Officer in the report in relation to the North Derbyshire and Bassetlaw Strategic Housing Market Assessment (2017), which had objectively assessed that an estimated 126 affordable homes should be brought forward each year to 2035, in order to meet all affordable housing need in the District. This application was for affordable homes and would help to meet the need in the District in line with the Council's Local Plan. He also drew Members' attention to the Planning balance conclusion in the report which he stated was important.

In response to a query from Councillor Jim Clifton, the Council's Property and Estates Manager clarified that it would be the Council who would own and manage the properties and not a registered provider.

In response to a query from the Chair, Stuart Downes from the Woodhead Group confirmed that the intention was to build the properties with a timber frame and the outside skin in brick. This was because more sustainable construction was being looked at for this site and the application was actually going beyond meeting the Code for Sustainable Homes Level 3, and would meet the proposed building regulations for 2025. The properties would produce 80% less carbon than properties being developed under current building regulations.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED that the application be APPROVED subject to the following conditions;

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission:

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- 12213-WMS-21-ZZ-DR-A-12100-S3-P02 - Proposed Site Plan
 - 12213-WMS-21-ZZ-DR-A-12120-S3-P01 - Proposed 1B2P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12121-S3-P01 - Proposed 2B3P Narrow Bungalow Plans
 - 12213-WMS-21-ZZ-DR-A-12122-S3-P01 - Proposed 2B4P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12123-S3-P01 - Proposed 3B5P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12124-S3-P02 - Proposed 4B7P House Type Plans
 - 12213-WMS-21-ZZ-DR-A-12130-S3-P01 - Proposed 1B2P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12131-S3-P01 - Proposed 2B3P Narrow Bungalow Elevations
 - 12213-WMS-21-ZZ-DR-A-12132-S3-P01 - Proposed 2B4P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12133-S3-P02 - Proposed 3B5P House Type Elevations
 - 12213-WMS-21-ZZ-DR-A-12134-S3-P02 - Proposed 4B7P House Type Elevations
- Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.*

3. The scheme shall only be developed as a 100% affordable rented housing scheme to be owned and managed by Bolsover District Council, as detailed in the submitted Design and Access Statement.

Reason: To ensure that this development is not constructed for open market housing or other form of affordable housing mix, without the proper re-consideration of infrastructure requirements that may otherwise be required in line with policy contained in the adopted Local Plan for Bolsover District.

4. Prior to their installation, details of the location and appearance of any externally fitted air source heat pumps shall have been submitted to and approved in writing by the Local Planning Authority. Only those approved under this conditions shall be installed as part of the development.

Reason: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and SC3(k) of the Local Plan for Bolsover District.

5. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied.

Reason: To promote high standards of low carbon and energy efficient design, to improve air quality and to ensure a satisfactory standard of external appearance, in compliance with the requirements of Policy SS1(d & h), SC1, SC2(d & i) and SC3(a, b, e & k) of the Local Plan for Bolsover District.

6. Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref 12213-WMS-ZZ-XX-RP-C-32101-S8-P1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended

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use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

7. No dwelling hereby approved shall be occupied until:
 - a) The approved remediation works required by 1 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref 12213-WMS-ZZ-XX-RP-C-32101-S8-P1 submitted with the application and through the process described in 1 above.
 - c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the Local Plan for Bolsover District.

8. No development shall take place until a scheme of dust mitigation measures and the control of noise emanating from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.

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REASON: To protect the amenity of occupiers of nearby residential properties and in compliance with Policies SS1(n), SC1(e), SC2(d), Policy SC3: High Quality Development(n), and SC11 of the Local Plan for Bolsover District.

9. Before construction commences on the erection of any building or wall full details of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme must only be developed using the materials approved by this condition.

REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District

10. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved.

REASON: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity interests and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b, e, f and i), SC9 and SC10 of the Local Plan for Bolsover District.

11. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

REASON: To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(d, h and i), SC3(a, b, e, and i), SC9 and SC10 of the Local Plan for Bolsover District.

12. Before the development hereby approved is commenced, a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme shall be based on the Biodiversity Assessment undertaken by CGC Ecology [(August, 2021)] and shall provide for the creation and enhancement of habitats of a value no less than [0.04 units / 1.43 %] and shall include:
 - (i) Summary of the offset requirements of the development and confirmation of receptor site;
 - (ii) Detailed designs and management prescriptions to achieve proposed habitats and conditions;
 - (iii) The provision of arrangements to secure the delivery of offsetting measures, including a timetable for delivery;
 - (iv) A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of no less than 30 years from the commencement of the development.

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- (v) Identification of the persons responsible for implementing the works;
- (vi) A timetable of ecological monitoring to assess the success of all habitat creation/enhancement and ensure that all habitats achieve their proposed management condition, as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.
- (vii) The offsetting scheme shall thereafter be completed in accordance with the approved details.

REASON: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

13. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

REASON: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

14. Prior to the clearance of vegetation, rubble piles or topsoil, a Method Statement for Site Clearance shall be submitted to the LPA for approval. This shall contain reasonable avoidance measures to safeguard amphibians, reptiles and hedgehogs and shall include what to do in the event that animals are found during site clearance. There shall also be specific instructions for the unlikely occurrence of great crested newts being discovered. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

REASON: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

15. Prior to the installation of services, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to minimise lightspill onto the adjacent Poulter Country Park and to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

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REASON: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.

16. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Drainage Strategy, The Woodlands, Langwith, Mansfield Revision by William Saunders building consultancy 12213-WMS-ZZ-XX-RP-C-32101-S2-P4 dated July 2021 Revision P4 and also including any subsequent amendments or updates to those documents as approved by the Local Planning Authority,
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

REASON: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are agreed prior to their installation on site and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

17. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

REASON: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*
- IV. to a combined sewer.*

And in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

18. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water runoff from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water runoff from site during the construction phase.

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REASON: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District..

19. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

REASON: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the Local Plan for Bolsover District.

20. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

21. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

22. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority (for the avoidance of doubt, the carriageway shall be a minimum 5.5m and the footways a minimum 2.0m).

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

23. The carriageway of the proposed estate road shall be constructed in accordance with Condition 22 above up to and including at least road base level, prior to any development commencing above damp proof course of any dwelling intended to

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take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

24. Before any other operations are commenced, a new estate street junction shall be formed to The Woodlands in accordance with the revised application drawings, laid out, constructed to base level and provided with visibility splays of 2.4m x 43m in both directions, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

25. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the revised application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/development-control/highways-development-control.aspx> constructed to base level, drained and lit in accordance with the County Council's specification for new [housing/ industrial] development roads (see above link).

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

26. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

27. The proposed access to The Woodlands shall be no steeper than 1:30 for the first 10m from the nearside highway boundary. Private driveways shall not exceed a maximum longitudinal gradient of 1:14.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

28. No development shall be commenced until details of the proposed arrangements for

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future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.

(Planning Manager)

Dave Pearson and Stuart Downs (Woodhead Group), and Chris Dawkins (William Saunders (Architects), Councillor Steve Fritchley and the Council's Property and Estates Manager left the meeting.

PL14-21/22 REPORTS OF THE ASSISTANT DIRECTOR - DEVELOPMENT AND PLANNING

Appeal Decisions – January 2021 to June 2021

Committee considered a report presented by the Assistant Director – Development and Planning in relation to appeal decisions for the period January 2021 to June 2021. In November 2016, the Department for Communities and Local Government produced guidance entitled “Improving Planning Performance”. This included guidance on the speed of planning decisions and also the quality of planning decisions. This report related to the quality of decision making targets.

Following the first report of appeal decisions to Planning Committee in January 2019, Members agreed that appeal decisions continued to be reported to Committee every 6 months.

During the 6 months since the last monitoring period, the Council had had no appeals on Major planning applications determined. The Council had only had two appeals on non-major applications, one of which included an application for costs. Each of these appeals were allowed. However, this only equated to 0.9% of the number of non-major applications determined within that period. The Council was therefore still exceeding its appeal decision targets. One appeal against an enforcement notice was also determined during this period, which was allowed and the enforcement notice quashed.

Although the last three appeal decisions had been allowed, overall, the low number of appeals against decisions indicated current decision making was still sound.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor
RESOLVED that the report be noted.

Update on Section 106 Agreement Monitoring

Committee considered a report presented by the Principal Planning Officer in relation to Section 106 agreement monitoring.

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The report was the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 27th July 2021.

Members would recall that three sums had been identified in the June 2021 report as being at risk of clawback and which required spending within 12 months. These were:

- a. The Brambles, Doe Lea - Art £4,361.11 (spend by date expired)
- b. Sterry House Farm - Informal POS £12,107 by 06.02.22
- c. Sterry House Farm - Art £3,045 by 18.04.22

Updates on these three sums recorded at the Section 106 Monitoring Group were detailed in the report and at the time of writing remained unspent. However, work was ongoing to deliver the specified works in the required time and it was expected that the risk of clawback was guarded against.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor
RESOLVED that the report be noted.

The meeting concluded at 1030 hours.

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town & Country Planning Acts

Updates:

Agenda Item 6: - Mill Pond House, Whaley Road, Langwith, Mansfield (20/00499/DETA2R).

Change of use of Agricultural Buildings to granny flat and two holiday lets

Consultations

At the time of the committee agenda publication there was an outstanding consultation response from the Environment Agency, following an email sent to them on the 21st September querying whether the EA would support the Council's decision should the application be refused and subsequently appealed. They subsequently provided comment on the 11th October 2021, stating that:

"In relation to the proposed change of use development at Mill Pond House, Whaley Road, Langwith, Mansfield, under planning application ref. 20/00499/DETA2R, our objection still remains as stated in our letter dated 3rd February 2021 (our ref. LT/2020/125747/03-L01). Following my recent discussion with the Area Flood Risk Officer, they have informed me that discussions have taken place with the Applicant's Agent to explain our request for information in the form of hydraulic modelling.

I can confirm that the Environment Agency would support, provide guidance and comments to Bolsover District Council should the application be taken to appeal."

RECOMMENDATION:

That Members give due consideration to the fact that the Environment Agency maintain their objection on the basis that the applicant has failed to provide sufficient information to enable the EA to confirm that the site would be safe in a flood event.

The EA has confirmed that they would support, give guidance and comment in the event of a planning appeal being submitted by the applicant.