

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 23 October 2019 at 10:00.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Chris Fridlington (Planning Manager), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

Also in attendance at the meeting to Minute No XXX were Councillors .

373 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Anne Clarke and Dan Salt.

374 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

375 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

In relation to Agenda Item 6 (ii) – Application No. 18/00470/FUL, Councillor Graham Parkin declared that he had participated in the discussion at South Normanton Parish Council and the Parish Council had submitted an objection. Councillor Parkin therefore did not take part in the discussion or vote on this application.

376 MINUTES

Moved by Councillor Derek Adams and seconded by Councillor Duncan McGregor **RESOLVED** that, subject to the above amendments, the minutes of a meeting of the Planning Committee held on 25th September 2019 be approved as a true and correct record.

PLANNING COMMITTEE

377 NOTES OF SITE VISITS

Moved by Councillor Deborah Watson and seconded by Councillor Liz Smyth

RESOLVED that the notes of the site visit held on 21st October 2019 be approved as a true and correct record.

378 APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS

378a 19/00256/VAR - VARIATION OF CONDITION 8 (FLOOD ATTENUATION POND), 9 (SURFACE WATER DRAINAGE DETAILS), 20 (NEW ACCESS JUNCTION REPLACING ROUNDABOUT) OF PLANNING PERMISSION 17/00298/VAR - REAR OF 16 TO 124 AND SOUTH WEST OF 124 AND BETWEEN BRICKYARD FARM AND BARLBOROUGH LINKS CHESTERFIELD ROAD, BARLBOROUGH

This application was deferred from the meeting of the Planning Committee on 25th September 2019 in order to obtain further advice from an independent Highways Consultant.

Further details relating to the application were included in the Supplementary Report, including an amended recommendation reflecting an additional financial contribution offered by the applicant towards highways improvements in the local area.

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

The agent on behalf of the applicant attended the meeting and spoke in support of the application.

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

The only matters for consideration in this application were whether the revised drainage system with underground tank was acceptable and technically feasible, taking into account sustainable drainage principles, and whether the revised access was safe and suitable for the proposed development.

On the basis of the independent advice from the highways consultant, it was considered that the T-Junction proposed in the application would provide a safe and suitable access to both the housing site and the commercial site subject to the detailed design considerations that would be considered at the s.278 stage of the development.

It was also noted that the applicant offered to safeguard land for the provision of a suitable roundabout to provide for a left-turn solution out of Tally End and a sum of £150,000 was offered to be put towards a suitable roundabout at this location.

PLANNING COMMITTEE

Alternatively this money could be used towards other highways improvements within the local area.

Moved by Councillor Steve Fritchley and seconded by Councillor Janet Tait

RESOLVED that application 19/00256/VAR be approved subject to:

- A. prior entry into a legal agreement to secure land for the provision of a roundabout and a combined financial contribution of no less than £150,000 towards highway improvements within the local area;
- B. the following varied conditions:
 - i. The underground tank for the proposed sustainable drainage system for the housing development shall be located in accordance with the details shown on drawing No. E17/7044/004V (Revision V) produced by Haigh Huddleston and Associates.
 - ii. Prior to the occupation of any dwelling hereby permitted, a fully operational surface water drainage system shall have been completed on site in accordance with detailed plans and specifications first submitted to and agreed in writing by the local planning authority.
 - iii. Before any dwelling or other commercial building is first occupied, the new access junctions shall be formed onto the A619, Chesterfield Road generally in accordance with application drawing number LTP/3383/S1/01.01 Rev 0 produced by Local Transport Projects.

AND

- C. the following conditions repeated from the original permission (application no. 17/00298/VAR)

Safeguarded Trees and Hedgerows

- 1. The existing hedgerows and trees identified as to be safeguarded on the Design Concept and Illustrative masterplan drawings as contained within the Design and Access Statement and its addendum by FPCR LLP submitted with the application documents, shall be retained, and protected during construction works.

Ground Conditions

- 2. The proposed development shall be carried out in complete accordance with the implementation and mitigation measures contained within the gas risk assessment approved under discharge of conditions application no. 15/00406/DISCON.
- 3. A detailed remediation scheme to bring the whole site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property, and the natural environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

PLANNING COMMITTEE

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The remediation scheme approved in accordance with condition 3 above, must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
5. Following completion of measures identified in the remediation scheme approved in accordance with condition 3 above, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
7. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.
8. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.

Highways

9. The development hereby approved shall take place in accordance with the agreed Framework Travel Plan for the site dated December 2008 and with reference D118649.
10. No development within either phase of the development shall be occupied or otherwise brought into use unless and until footways have been provided between the bus stop shelters on Chesterfield Road (north east of the vehicular access into the development) and the residential and commercial areas of the development.

Conditions relevant to the Housing Development

11. Prior to the occupation of a dwelling (or in accordance with a scheme of implementation submitted to and approved in writing by the local planning

PLANNING COMMITTEE

authority) a controlled pedestrian crossing of the A616 dual carriageway to the northern side of the residential site shall be provided to link the footpath from the north east of the residential site with the footway to the northern side of the A616/A619 roundabout in accordance with details previously submitted to and approved in writing by the local planning authority.

12. Prior to the occupation of a dwelling (or in accordance with a scheme of implementation submitted to and approved in writing by the local planning authority) the footpath from the north east of the residential site shall connect with the footway to the western side of the A616/A619 roundabout in accordance with details previously submitted to and approved in writing by the local planning authority.
13. Prior to the occupation of a dwelling the new streets within the development shall have been laid out and constructed to at least base course, lit and drained to provide a link from the dwelling to the existing public highway.
14. Construction work shall not begin on the residential element of the proposal until a scheme for protecting the proposed residential development from road traffic background noise (principally from the M1 motorway) has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the residential development is occupied.
15. No dwellings shall be erected within 20 metres of the application site boundary with the M1 motorway.
16. There shall be no occupation of dwellings adjacent to 124 Chesterfield Road whilst ever those premises are used for a scaffold business.

Conditions relevant to the Commercial Development

17. Prior to discharges to the public sewer from the commercial phase of the development all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor with an overall capacity compatible with the site being drained.
18. Before any related premises are occupied on the commercial phase of the development the whole of the vehicle parking and manoeuvring area and all service areas (including secure/covered cycle parking) shall be formed, laid out, constructed and surfaced in concrete, tarmacadam or block pavers. All parking spaces shall be clearly and permanently delineated and shall be retained for their intended use at all times.
19. The access road serving the commercial phase of the development shall include a turning area suitable for large HGV's.

Legal Agreement

20. Prior to the first occupation of any dwelling or commercial unit hereby permitted, a completed deed of variation that links this permission to the varied obligations attached to 09/00370/OUTMAJ, or a completed s.106 legal agreement containing

PLANNING COMMITTEE

the same obligations, shall be submitted to the Local Planning Authority.

378b 18/00470/FUL - FRONTAGE PART OF A MIXED USE RETAIL, LEISURE AND EMPLOYMENT DEVELOPMENT COMPRISING THE DEMOLITION OF EXISTING DWELLINGS AND FARM BUILDINGS AND THE ERECTION OF CLASS A1 RETAIL CLASS A3/A4 FOOD AND DRINK UNITS, AND CLASS C1 HOTEL WITH ASSOCIATED CAR PARKING, LANDSCAPING AND SERVICE AREAS (ON LAND ALSO KNOWN AS WINCOBANK FARM, NORTH OF CARTWRIGHT LANE) - LAND TO THE NORTH AND WEST OF BERRISTOW FARM, MANSFIELD ROAD, SOUTH NORMANTON

Further details relating to the application were included in the Supplementary Report.

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

Councillors Dexter Bullock, Mary Dooley and Andrew Joesbury attended the meeting and spoke in support of the application.

Matthew Williams of Williams Gallagher, representing the owners of Idlewells shopping centre and many other smaller business in the nearby towns, attended the meeting and spoke against the application.

The agent on behalf of the applicant attended the meeting and spoke in support of the application.

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

Members considered the identified conflict with the adopted Local Plan was diminished by the site allocation in the new Local Plan, which meant that the Council had already accepted the principle of development on this land through the plan making process.

An objection based on the site being outside of the settlement framework as defined by the adopted Local Plan would be unsustainable if any weight were to be attached to the new Local Plan.

Taking into account the status of the new Local Plan having been through examination in public and modifications, Members gave the new Local Plan significant weight and considered that the proposal would conflict with the allocation of this site for B1 and B2 uses in the new Local Plan.

However, Members were aware of additional but unallocated employment land coming forward in the local area and considered this would offset the loss of employment land in this particular location. This would also ensure the loss of this employment land would not compromise land availability for employment uses over the plan period across the District.

Members were also aware of proposals to locate employment buildings on the rear part

PLANNING COMMITTEE

of the site allocation which also provided some mitigation for the loss of part of this land for B2 and B8 uses.

In considering the relevant merits of local employment opportunities provided by the proposals (primarily retail and service industry) and by the site allocation (primarily industry and logistics), Members considered that they were of equal value and were mindful the Council's Economic Development Team had advised the Council currently has no evidence to prioritise one sector over the other.

Members were also especially mindful of the fact that the Council's independent and impartial consultants had advised that both the sequential tests and retail impact tests had been passed and the advice offered on the retail impact assessment was confirmed to be correct with reference to the changed situation in Sutton in Ashfield as reported by objectors to the proposals.

With this in mind, Members acknowledged that the proposals would have adverse impacts on Mansfield and Sutton town centres and that these impacts were of grave concern to many objecting to the proposals but were satisfied the impacts of the proposals would not amount to a significant adverse impact on any town centre likely to be affected by these proposals.

Finally, Members weighed the benefits of granting planning permission against the adverse impacts of the scheme with regard to the diminished weight they placed on the relevant reasons for refusal listed in the officer report. Significant weight was placed on the benefits to the local area and local economy, including the local economies of the neighbouring authorities, of approving a development that would create more jobs than B2 and B8 uses on this site.

In reaching this conclusion, Members also took into account the jobs created by the development proposals would come forward more quickly than could be achieved by relying on the site allocation. While there was more certainty on delivery of the development proposals, there was no immediate likelihood B2 and B8 uses would come forward if this application were to have been refused in accordance with the officer recommendation.

Taking all the above factors into account, and on the individual planning merits of this case, Members concluded that the benefits of granting planning permission demonstrably and significantly offset and outweighed the adverse impacts of doing so subject to the conditions suggested by the applicant to place suitable controls on the retail proposals.

Accordingly, it was moved and seconded that the application be approved subject to conditions and that delegated authority be granted to the Planning Manager to refer these proposals to the Secretary of State and to impose appropriate planning conditions based on the applicant's suggested conditions, conditions recommended by statutory consultees and standard conditions relating to time limits, approved plans etc. on the permission to be granted for this development if the application is not called in.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor
RESOLVED that application 18/00470/FUL be approved, contrary to officer recommendation for the grounds set out above, and that authority be delegated to the Planning Manager (Development Control) to refer the proposal to the Secretary of State and to impose appropriate planning conditions based on the applicant's suggested

PLANNING COMMITTEE

conditions, conditions recommended by statutory consultees and standard conditions relating to time limits, approved plans etc. on the permission to be granted for this development if the application is not called in.

378c 19/00549/OTHER - VARIATION OF THE WORDING OF S106 PLANNING OBLIGATIONS AGREED FOR OUTLINE PLANNING PERMISSION 14/00518/OUT RELATING TO THE COMMUNITY FACILITIES CONTRIBUTION AND PLAY AREA CONTRIBUTION - LAND TO THE NORTH WEST OF BROAD LANE, HODTHORPE

Further details relating to the application were included in the Supplementary Report.

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

This application was to vary the planning obligations in a completed S.106 legal agreement that was attached to an outline planning permission for residential development in Hodthorpe (14/00518/OUT).

Primarily for viability reasons, the applicant sought to delete the obligation to provide a new community building and proposed to provide a sum of £50,000 to Hodthorpe and Belfh Parish Council to fund improvements of facilities to Hodthorpe Community Social Club and for ongoing maintenance and administration costs associated with the running of this Social Club. The report set out the other committed sums in the S.106 legal agreement.

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

It was moved and seconded that the application be approved.

Councillor Jim Clifton moved an amendment that the application be deferred in order to allow officers to explore whether the agreed contribution to public art could be redirected to the NHS Derby and Derbyshire Clinical Commissioning Group ('the CCG') to provide funding to the Whitwell GP surgery being the closest to the development.

On being put to the vote, the vote on the amendment was tied. The Chair exercised his casting vote to vote against the amendment. The amendment was therefore lost.

A further amendment was proposed that the current application be approved but that officers also be asked to explore the possibility to redirect the funds for public arts to the CCG and bring back a further report on this proposal if successful. The mover and seconded of the original motion agreed to incorporate this amendment to the motion.

Moved by Councillor Duncan McGregor and seconded by Councillor Natalie Hoy
RESOLVED that

- (1) the proposed changes to the wording of the S.106 obligations for outline planning permission 14/00518/OUT be approved and that the draft deed of variation be signed and completed by the Council with the effect of:

PLANNING COMMITTEE

- A. deleting the original obligation to provide a community building;
 - B. adding an additional obligation to provide a commuted sum for use on the existing Hodthorpe Community Social Club; and
 - C. to vary the obligation to provide an on-site play area.
- (2) that officers consult with the NHS Derby and Derbyshire Clinical Commissioning Group and negotiate with the applicant regarding the possibility to redirect the agreed contribution to public arts to the CCG to support the Whitwell GP surgery.

378d 19/00113/REM - RESIDENTIAL DEVELOPMENT OF 101 DWELLINGS AND ASSOCIATED WORK (APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PLANNING PERMISSION 14/00518/OUT) - LAND TO THE NORTH WEST OF BROAD LANE, HODTHORPE

Further details relating to the application were included in the Supplementary Report which included an amended recommendation which included a full set of proposed conditions.

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

Roy Butterfield attended the meeting and spoke against the application.

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

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

Members discussed concerns relating to the potential overlooking of plots 30 and 31 and the potential impact on the amenity of neighbouring properties to this part of the development. Plots 31 and 32 were proposed to be 2.5 storeys.

It was proposed that any approval of the application be contingent upon these plots being replaced with 2 storey equivalent dwellings.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that application 19/00113/REM be approved subject to:

- A. the prior approval and completion of the Deed of Variation subject of the**

PLANNING COMMITTEE

parallel application 19/00549/OTHER;

- B. Plots 30 and 31 being replaced with an appropriate two-storey equivalents; and**
- C. the following conditions:**

1. Except where specifically stated or otherwise approved through the discharge of the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-

Site Layout Plan 00979-D02-R
Boundary Treatment 00979 D03 REV B
Materials Schedule 00979 D04 REV C
Street Scenes 00979 D22 REV C
Street Scenes 00979 D23 REV B
Landscape Masterplan C-1656-01 REV E
Landscape Proposals 1 C-1656-02 REV E
Landscape Proposals 2 C-1656-03 REV E
Landscape Proposals 3 C-1656-04 REV D
Landscape Proposals 4 C-1656-05 REV E
Drainage and Levels Strategy 0163 1 REV E
Pond Sections 0163 – 9A
Environmental Noise Survey 28 Aug 2019
Supplementary Transport Assessment 22 Aug 2019
Design and Access Statement Rev B
House Types:-
House type Caddington 00979 D12 REV B
House type Lumley 00979 D21 REV 0
Halstead 00979 D10 REV C
Warwick 00979 D13 REV B
Windsor 00979 D14 REV B
Bamburgh 00979 D15 REV C
Rothway 00979 D16 REV B
Hardwick 00979 D17 REV A
Eaton 00979 D18 REV B
Staveley 00979 D19 REV A
Wentworth 00979 D20 REV A

R. To define the form of the development approved and for the avoidance of any doubt.

2. Further to condition 3 of the outline planning permission requiring the provision of a pedestrian/cycle link from the western end of the site to the existing settlement, the 3m wide footpath/cycle link shown on the approved site layout plan (00979 D02 Rev R) to St Martin's Walk shall be surfaced to an adoptable standard up to and linked with the carriageway on St Martins Walk beyond the southern boundary of the site and provided with dropped kerbs, all prior to the commencement of any other development on site. Details of the future maintenance responsibilities (and contact details) for the footpath/cycle link shall have been submitted to the Local Planning Authority for consideration and approval and the approved details shall be implemented before any of the dwellings are occupied.

PLANNING COMMITTEE

R. The sustainability of the site and the connectivity with the existing settlement of Hodthorpe would be unacceptably poor without a pedestrian/cycle link to the west side of the site such that planning permission ought not to be granted for the development without the link. The condition is imposed in accordance with policies GEN 1(2), TRA1 (2 and 3) and TRA15 of the Bolsover District Local Plan.

3. Existing hedgerows and trees on site shall be retained in accordance with the approved drawings (site layout plan 00979 D02 Rev R, and detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E and shall be protected from damage by the provision of protective fencing which shall be in place before any heavy machinery is brought onto site to implement this permission. The fencing shall be retained until the development is completed. Nothing can be stored or placed within the fenced area and the ground levels within the fenced area must not be altered nor any excavation take place, without the written consent of the Local Planning Authority.

In the event that a tree or section of hedgerow which should have been retained is removed without the permission of the local planning authority, it shall be replaced with specimens of similar maturity within the next planting season in accordance with planting details which have been submitted to and approved in writing by the local planning authority.

R. To ensure that all retained trees and hedges are adequately protected during the course of development; in compliance with Saved Policy ENV8 of the Bolsover District Local Plan.

4. Other than development to comply with condition 2 above, before any other development is commenced a construction management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include, amongst other things, details of how noise, dust and vibration will be managed and mitigated throughout the course of the development including: hours of the day such noise making activity can be undertaken; provision of temporary board fencing to suppress noise during the excavation of at least the southern SuDS basin closest to adjacent dwellings; provision of wheel wash facilities where necessary; site compound location and soil storage areas (which should be within the proposed open space area to the northern side of the site) and any screening and pedestrian and cyclist protection. The approved construction management plan shall be implemented throughout the course of the development unless a variation to it has been approved in writing by the local planning authority.

R. To protect the amenity and safety of the area, noting that excavation through bedrock may be required and to accord with policy GEN1 and GEN2 of the Bolsover District Local Plan.

5. Prior to the erection of the approved hit and miss fencing adjacent to the southern and western site boundaries, the reinforcement planting to gap up the existing hedgerow shall have been undertaken in accordance with the approved site layout plan 00979 D02 Rev R, and detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E. Thereafter

PLANNING COMMITTEE

the hedgerow shall be retained.

R. To preserve and enhance the biodiversity value of the site in accordance with policies GEN1 and GEN2 and ENV5 of the Bolsover District Local Plan.

6. Notwithstanding the submitted materials schedule the construction of the dwellings above ground level shall not commence until such time that representative samples of the materials to be used in all external walls and roof areas have first been submitted to and approved in writing by the Local Planning Authority.

R. To ensure a satisfactory appearance of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

7. Prior to the erection of the feature dry stone walls fronting properties at the entrance to the site, a representative sample section/panel of stone wall using natural magnesian limestone shall have been erected on site (or another site) for inspection and approval by the local planning authority. The stone walls shall then be provided on site in accordance with Drawing No 00979, D03 Rev B and in the manner approved for the sample panel.

R. To ensure a satisfactory appearance and to enhance the character and local distinctiveness of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

8. All boundary treatments shall be provided in accordance with Proposed Boundary Treatments Drawing No 00979, D03 Rev B and be fully implemented prior to occupation of the dwellings related to that part of the site. The boundary treatments shall then be retained and maintained as agreed for the life of the development.

R. To ensure a satisfactory appearance of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

9. Prior to the occupation of any dwelling its landscape planting shall be undertaken in accordance with the approved detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E. The public open space, semi-natural open space, play space and SuDS areas all to the northern side of the site shall have been landscaped in accordance with the approved drawings in a planting season no later than 12 months following completion of the dwellings.

R. To ensure that the site is appropriately landscaped in accordance with the approved plans, in the interests of amenity and biodiversity and to accord with policies GEN1, GEN2 and ENV5 of the Bolsover District Local Plan.

10. The public open space, semi-natural open space, play space and SuDS areas all to the northern side of the site shall be retained for their intended uses only.

PLANNING COMMITTEE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 2 of Schedule 2, Article 3, no fences gates or walls (other than those approved with this planning permission) shall be erected on this area unless permission has been obtained from the Local Planning Authority.

R. To preserve the amenity and integrity of public open space identified on the approved plans in compliance with policies GEN1, GEN2, GEN5 and HOU5 of the Bolsover District Local Plan.

11. Prior to the occupation of any of the dwellings a scheme of works to provide bat and bird boxes and also to provide hedgehog gaps within fencing shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.

R. To preserve and enhance the biodiversity value of the site in accordance with policies GEN1 and GEN2 and ENV5 of the Bolsover District Local Plan.

12. The carriageways and footways of the proposed estate roads shall be constructed between each dwelling and the existing highway in accordance with the approved layout plan 00979 D02 Rev R, up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. 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 shall be completed with final surface course no later than 12 months following completion of the dwellings, unless a later time period has been agreed in writing by the Local Planning Authority.

R. In the interests of highway safety and in compliance with policies GEN1, GEN2 and TRA1 of the Bolsover District Local Plan.

13. No dwelling shall be occupied until a vehicular access has been provided to that plot in accordance with the approved layout plan 00979 D02 Rev R with 2.4m x 25m visibility splays at a height of 1m relative to the nearside road level. Thereafter the access and visibility splays shall be maintained.

R. In the interests of highway safety and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

14. Any gates adjacent to the new estate street or the public highway shall open inwards only.

R. In the interests of highway safety and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

15. The first 5m from the highway of the proposed access driveways shall not be

PLANNING COMMITTEE

surfaced with a loose material (i.e. unbound chippings or gravel etc).

To prevent loose chippings reaching the footways and carriageway in the interests of pedestrian and vehicle safety and amenity and to accord with policies GEN1 and GEN 2 of the Bolsover District Local Plan.

16. Before the 10th dwelling on site has been occupied a scheme detailing the play space equipment to be provided on site shall have been submitted to the local planning authority for consideration and approval. The approved scheme shall be implemented before the 70th market dwelling on site has been occupied.

R. To ensure that adequate provision is made for children's play on site in accordance with policy HOU5 of the Bolsover District Local Plan.

Informative Notes including:

1. The Applicant is reminded of the need to comply with the conditions of the outline planning permission (14/00518/OUT) in addition to the conditions of this approval of reserved matters. The current status of the outline conditions is set out below:-

Condition 1 (Approval of reserved matters): Discharged

Condition 2 (Time period for commencement): Not discharged. Development must commence within two years of this reserved matters approval.

Condition 3 (Provision of footpath and cycle link to St Martin's Walk): Not discharged. A Grampian condition which must be discharged prior to commencement of any development. Details of the layout of the link within the application site have been provided with this application for approval of reserved matters (this aspect is approved) but not details of how the link will integrate with St Martin's Walk beyond the application site boundary. Neither has construction detail or maintenance detail been provided for approval. Once approved the detail must be implemented prior to commencement of development. Condition 2 of this reserved matters approval also imposes some additional requirements.

Condition 4 (Compliance with indicative layout plan): Discharged.

Condition 5 (Revised Design and Access Statement): Discharged.

Condition 6 (Ground investigation and remediation): Not discharged.

Condition 7 (foul and surface water drainage details): The drainage details submitted with application for approval of reserved matters are approved and condition 7 is discharged in part only. Details are outstanding for the maintenance responsibilities and contact details for maintenance for the Sustainable Drainage System including the attenuation basins. The development must not be occupied until the outstanding detail has been provided and the approved detail implemented.

Condition 8 (assessment of adequacy of railway crossing): Not discharged.

PLANNING COMMITTEE

Condition 9 (railway noise report): The noise report submitted (by noise.co.uk 12/02/19) is approved for the purposes of complying with condition 9 of the outline planning permission. The mitigation measures recommended in the report in terms of enhanced glazing and ventilation for affected properties must now be undertaken as the development progresses to comply with and discharge condition 9.

Condition 10 (Ecological Mitigation and Enhancement Scheme): Is discharged in part, superseded by the approved landscape drawings the implementation of which is a conditional requirement of this reserved matters permission.

Condition 11 (Landscape Management Plan): Condition 11 is not approved. A landscape management plan which covers the longer term maintenance of the Public Open Space and SuDS areas is required.

Condition 12 (Play area details): Not yet approved or discharged.

Condition 13 (ground level detail): Discharged.

Condition 14 (temporary access): Not yet discharged.

Condition 15 (provision of access junction): Not yet discharged.

Condition 16 (access gradient): Compliance condition.

Condition 17 (parking space): Compliance condition.

Condition 18 (travel plan): Compliance condition.

(Planning Manager (Development Control))

379 PROPOSALS TO INCLUDE THE FORMER BOLSOVER HOSPITAL SITE ON PART 2 OF THE BROWNFIELD REGISTER

Committee considered the report of the Planning Manager (Development Control) which explained the process of granting permission in principle for residential development on previously developed land through the Brownfield Land Register and sought approval for granting permission in principle for residential development on the former Bolsover Hospital site located off Welbeck Road in Bolsover.

The report explained the reasons that the former Bolsover Hospital site should be entered on to Part 1 of the Brownfield Land Register. It was considered that as 'a matter of principle'; the site was available and suitable for housing and residential development of at least 5 dwellings could have been achieved on this site.

Committee were advised of the Council's power to grant permission in principle for residential development on sites listed in Part 1 of the Register, which the Council wished to allocate for housing. Part 2 of a Brownfield Land Register would comprise of sites listed in Part 1 of the Register that have subsequently been granted 'permission in principle' for residential development.

PLANNING COMMITTEE

Once a site had been entered on to Part 2 of a Brownfield Land Register it would have also been granted 'permission in principle' by the Council. A developer would then need to apply for a technical details consent before starting any development on site. This was similar to the two stage process for an outline permission followed by a reserved matters application.

It was considered that listing the former Bolsover Hospital site on Part 2 of a Brownfield Land Register would promote and accelerate housing delivery within the District by reducing the risk and cost to the developer of first submitting an application for outline planning permission and then submitting a reserved matters application. It was proposed that the site be given permission for a minimum of 50 new houses and a maximum of 70 houses.

A completed s.106 legal agreement would also be needed to support an application for technical details consent which should include contributions towards local infrastructure, including on-site provision of 10% affordable housing and contributions to off-site open space and recreation provision education and health. Details of what was proposed in respect of the former Bolsover Hospital site contributions was set out in the report.

Before the site could be listed in Part 2 of the Brownfield Lane Register, consultation needed to be carried out with publicity by way of a site notice and information published on the Council's website. The Council also needed to consult with Old Bolsover Town Council and Derbyshire County Council.

It was therefore recommended that before any resolution to approve the proposal to enter the former Bolsover Hospital site on to Part 2 of the Council's Brownfield Land Register is taken into effect; public consultation is carried out and the permission only be granted if there are no overriding objections nor any significant amount of adverse representations arising from consultation on these proposals.

Moved by Councillor Steve Fritchley and seconded by Councillor Jen Wilson

RESOLVED that-

- (1) Subject to the outcome of public consultation, the former Bolsover Hospital site be entered on to Parts 1 and 2 of the Brownfield Land Register and permission in principle be granted for a minimum of 50 new houses and a maximum of 70 houses on this site.
- (2) Prior to entering the site on to Parts 1 and 2 of the Brownfield Land Register, the Council will consult with Derbyshire County Council and Old Bolsover Town Council and publicise the proposals by way of a site notice and information published on the Council's website, allowing 42 days for responses.
- (3) A resolution to grant permission in principle for residential development on the former Bolsover Hospital site shall take effect following this public consultation subject to no substantial objections being received on substantive planning grounds as a result of this consultation.
- (4) These proposals be returned to the Planning Committee for further consideration in the event that the Town Council or County Council object to these proposals

PLANNING COMMITTEE

with reference to relevant planning considerations and/or in the event the proposals give rise to twenty or more individual representations containing objections made on valid planning grounds.

(Planning Manager (Development Control))

The meeting concluded at 11:45.