

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, 27 November 2019 at 11:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Chris Fridlington (Planning Manager), Julie-Ann Middleditch (Heritage Conservation Manager), Steve Phillipson (Principal Planning Officer), Jim Fieldsend (Solicitor - Team Manager (Non Contentious)) and Donna Cairns (Senior Governance Officer).

470 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Natalie Hoy.

471 URGENT ITEMS OF BUSINESS

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

472 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 – Application No. 18/00471/OUT 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.

In relation to Agenda Item 7 – Application No. 19/00432/OUT, Councillor Janet Tait declared a significant other interest arising from the application site being close to her home. She did not take part in consideration of the application, however she would speak during public speaking and then leave the room.

In relation to Agenda Item 7 – Application No. 19/00432/OUT, Councillor Jen Wilson declared an interest arising from her personal right of way across the application site. Councillor J. Wilson withdrew from the meeting for consideration of this item and did not participate in the discussion or vote.

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473 MINUTES

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams.

RESOLVED that the minutes of a meeting of the Planning Committee held on 23rd October 2019 be approved as a true and correct record.

474 NOTES OF SITE VISITS

It was noted that site visits scheduled for 22nd November 2019 were cancelled because of the nature of the development proposals on the agenda.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

RESOLVED that the cancellation of the site visits be noted.

475 18/00471/OUT - REAR PART OF A MIXED USE RETAIL, LEISURE AND EMPLOYMENT DEVELOPMENT COMPRISING THE ERECTION OF CLASS B8 EMPLOYMENT UNITS WITH PROVISION FOR TRADE COUNTER AND/OR CLASS D2 GYMNASIUM USES WITH ALL MATTERS EXCEPT FOR MEANS OF ACCESS RESERVED FOR SUBSEQUENT APPROVAL (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.

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

This application was one of two submitted together for a total of 15.37ha of land on the eastern side of South Normanton.

A separate but related application for full planning permission for retail and hotel uses (application no. 18/00470/FUL) on the southern part of the site utilising the same access off the enlarged Berristow Lane/Carter Lane East/A38 roundabout, had been considered by the Planning Committee on 23rd October 2019 which resolved to approve the application subject to referral to the Secretary of State.

This application related to the northern part of the site which sought outline planning permission for the erection of Class B8 employment units with provision for trade counter and/or Class D2 Gymnasium Uses, with all matters reserved for future approval other than the means of access. Class B8 was use for storage or as a distribution centre.

As a result of discussions with the applicant, the proposals for trade counter and leisure uses were deleted from the application and Members considered the appropriateness of

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the use of the site for B8 employment uses only, which would accord with the new Local Plan allocation set out in policy WC1.

In the absence of any other overriding planning considerations, the Planning Committee resolved to approve the application subject to an appropriate condition that would restrict the use of any buildings on the site to B8 uses and the full range of conditions suggested in the officer report.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that application 18/00471/OUT be approved subject to the following conditions:

Reserved Matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
3. The development hereby permitted shall commence within 3 years from the date of this permission or not later than 2 years from the date of approval of the last of the reserved matters, whichever is the later. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)

Approved Plans and Specifications

4. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Corstorphine + Wright Plans and drawings:

0201 P-00	Existing Site Plan
0202 P-00	Existing Topographical Section
0204 P-02	Site B Location Plan – Outline Application
0301 P-08	Proposed Masterplan
0313 P-01	Masterplan Biodiversity Areas

Figure 8 Ecological Mitigation Compensation and Enhancement Plan as contained within the Ecological Appraisal (July 2019) by BSG ecology.

(Reason: For clarity and to ensure the development is developed in accordance with submitted plans and drawings to accord with the policies of the Bolsover District Local Plan in particular policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District)

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5. Notwithstanding the submitted plans drawings and supporting information and other than the associated access and ecological mitigation works, the land and any buildings hereby permitted shall be used solely for B8 storage or distribution uses as defined by the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose at any time during the lifetime of the development hereby permitted.

(Reason: To accord with the policies of the emerging Local Plan for Bolsover District in particular policy WC1: Employment Land Allocations, D2 gymnasium and trade counters are contrary to this policy and the saved policies of the adopted Bolsover District Local Plan being main town centres uses as defined by the National Planning Policy Framework.)

Archaeology:

6. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site Investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

(In the interests of affording protection for any archaeological interest on the site and in compliance with policies GEN2 (Impact of Development on the Environment) and CON13 (Archaeological Sites and Ancient Monuments) of the Bolsover District Local Plan).

Coal mining legacy and reserves

7. Prior to the commencement of development an appropriate scheme of intrusive site investigations for shallow coal mine workings and any economically viable workable coal reserves shall be undertaken and a report of the findings together with a scheme for any necessary remedial works shall be submitted to and

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approved in writing by the local planning authority. The remedial works shall be implemented as so approved.

(To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan)

Drainage

8. 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. the submitted Flood Risk Assessment Including Surface Water Strategy, Cartwright Lane, South Normanton, Bolsover, for Limes Development Ltd (June 2017 Rev D, Report Ref: 2327-FRA01) and any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
 - b. 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. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of any building commencing.

(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 provided to the Local Planning Authority, in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

9. 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 of the national planning practice guidance.

(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, in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

10. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved by the Local Planning Authority. 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 Local Planning Authority, before the commencement of any works, which would

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lead to increased surface water run-off from site during the construction phase.

(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 compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

(To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan).

Employment Scheme

12. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

(To maximise potential local skills, training and employment opportunities).

13. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

(To maximise potential local skills, training and employment opportunities).

Travel Plan

14. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local

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Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

(In the interests of highway safety and to encourage the use of sustainable modes of travel and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Highways

15.No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

16.The gradient of the access into the site shall not exceed 1 in 30 for the first 10m into the site from the highway boundary.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

17.Prior to any other works commencing on site, any temporary access for construction purposes shall be constructed to Cartwright Lane, such access shall have a minimum width of 7.3m, visibility splays of 2.4m x 43m in each direction and a 10m radius on the western side with appropriate surfacing to inhibit the deposit of mud and debris on the public highway.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

18.Prior to the first occupation of any premises hereby permitted, the enlarged Berristow Lane roundabout and access road, together with servicing, car parking and manoeuvring space shall be laid out in accordance with the application drawings, constructed to base level, drained and lit and maintained throughout the life of the development free of any impediment to its designated use.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

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Contaminated Land

19. a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed prior to the commencement of development in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical 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 Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c Implementation of Approved Remediation Scheme

The approved remediation scheme 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.

Following completion of measures identified in the approved remediation scheme, a verification 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.

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d. Reporting of Unexpected Contamination

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 in accordance with the requirements of paragraph a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph b, 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 in accordance with paragraph c.

e Importation of soil

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 LPA for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

(The site has the potential to be contaminated because of past uses on or near the site and to ensure all contaminated land is dealt with without risk to human health and wildlife in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Noise

20. Notwithstanding the information already provided, the development hereby approved shall not be brought into use unless and until:

- a Further information has been submitted regarding the acoustic assessment dated September 2019 (Peter Brett Associates Project Ref: 41960/3001 rev 4) along with an updated scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the boundary of any neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound. The scheme shall also include details of a delivery management scheme.
- b Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
- c The approved scheme shall be implemented in full and retained thereafter.

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(To protect the noise environment and amenity of nearby residential properties, to avoid an increase in overall noise levels in the area and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Environmental Impacts

21. Prior to the start of any phase of development, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details such as (but not limited to) working hours, noise and dust mitigation measures including demolition and construction methods and locations of any stockpiles/site compounds, use of temporary acoustic barriers, wheel washes etc. where required. This CEMP shall then be implemented throughout the course of the development.

(To protect the environment and amenity of nearby residential properties and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Air Quality

22. Prior to the first occupation of any unit developed on the site, a scheme of air quality improvement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include any mitigation measures such as (but not limited to) requirements for green infrastructure, electrical vehicle charging points and requirements for low emission vehicle fleets as appropriate. The approved scheme shall be implemented for the life of the development.

(To minimise and mitigate any potential impacts on air quality in the area as there is an on-going issue with respect to air quality along the A38 in the vicinity of the development, and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Biodiversity

23. Prior to the commencement of development (which includes removal of trees and the demolition of buildings) a detailed bat mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and a copy of the EPS license once obtained shall be submitted to the Local Planning Authority.
24. The mitigation and habitat enhancement measures for great crested newt outlined in the submitted ecological appraisal (sections 5.50 and 5.51) shall be implemented in full, a copy of the EPS licence, once obtained, shall be submitted to the Local Planning Authority.
25. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by

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a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Construction Environmental Management Plan (Biodiversity)

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- i. Risk assessment of potentially damaging construction activities.
 - ii. Identification of “biodiversity protection zones”.
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. for reptiles).
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features.
 - v. The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi. Responsible persons and lines of communication.
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

27. Ecological Mitigation and Management Plan (EMMP)

The Ecological Mitigation and Management Plan (EMMP) described in the submitted Ecological Appraisal shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The EMMP should include the following:

- i. Details of the Ecological Mitigation Areas and the habitats to be created and managed.
- ii. Aims and objectives of management.
- iii. Timescales for habitat creation and management
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

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- vii. Details of the body or organization responsible for implementation of the plan.
- viii. Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the EMMP are not being met.
- ix. Locations of bat boxes, bird boxes, hedgehog holes and habitat piles and/or other (include specifications/installation guidance/numbers)
- x. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved EMMP shall be implemented in accordance with the approved details.

(Reason conditions 23 – 27 To mitigate for the loss of established biodiversity as a result of the development and to provide a net gain in compliance with policies ENV5 (Nature Conservation Interests throughout the District) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan and the policies of the National Planning Policy Framework).

Councillor Jen Wilson left the meeting at this point.

476 19/00432/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS DETAIL SUBMITTED FOR APPROVAL FOR UP TO 20 DWELLINGS (100% AFFORDABLE) AND ALL OTHER MATTERS TO BE RESERVED - LAND BEHIND NICHOLSON'S ROW, 43 TO 69 MAIN STREET, CHURCH DRIVE AND LONG LANE SHIREBROOK.

The Principal Planning Officer presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Councillor Janet Tait spoke against the application and the left the room for the remainder of this item.

County Councillor Christine Dale attended the meeting and spoke against 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 had regard to the principle of development on the site for residential purposes; any benefits that would arise from the proposal, the effects of the development on the character of and appearance of the area; impacts on the amenities of neighbouring residents; impact on heritage asses; impact on biodiversity interests and impact on highway safety.

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Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor
RESOLVED that application 19/00432/OUT be approved subject to:

A. The prior completion of a S106 obligation requiring the dwellings to be 100% affordable rent; and

B. The following conditions:

Reserved Matters

1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. This permission shall relate to the application an access location as amended by the revised Indicative layout Plan 18/2143/SK003 Rev D.

Archaeology

4. (a) No development resulting in ground disturbance shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. (b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
4. (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

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Investigation for Potential Ground Contamination

5. Development other than that required to be carried out to discharge conditions 4 to 8 of this planning permission must not commence until parts A to D of condition 5 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority (LPA). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical 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 Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, 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.

Following completion of measures identified in the approved remediation scheme, a verification 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.

D. Reporting of Unexpected Contamination

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 in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, 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 in accordance with part C.

E. Importation of soil

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 LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Drainage

6. No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
7. No below ground development shall commence on site or on a part of the site until provision has been made for the satisfactory disposal of foul water from the site or that part of the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

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Ecology

8. The development shall be carried out in general accordance with the recommendations and mitigation/enhancement measures contained within the submitted Ecology/Protected Species Report (by Graham Colborne Dec 2018).

Finished Floor Levels

9. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels on and adjacent to the site and the proposed ground floor level(s) of the buildings.

Highway Safety, Access and Parking

10. Before any other above ground operations are commenced, a new vehicular and pedestrian access shall be created to Long Lane in accordance with application drawing number 18/2143/SK003 Rev D, laid out, constructed in a hard bound material and provided with 2.4m x 33m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents', visitors' and service and delivery vehicles as demonstrated by swept path analysis, located, designed, laid out constructed and lit all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Each dwelling shall be provided with 2 off-street parking spaces.
12. The new access street shall not be provided until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street 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.
13. No dwelling shall be occupied until definitive footpath 19 (as realigned) has been laid out and surfaced to an adoptable standard and lit.
14. Measures first submitted to and approved in writing by the local planning authority shall be taken to prevent the discharge of water from the development onto the highway prior to the first occupation of any of the dwellings hereby permitted.
15. Prior to the occupation of any new dwelling, details and a scheme for the siting and design of a lockable gate to allow continued vehicular access to No's 1 and 2 Hollycroft Farm from Main Street but prevent general vehicular access from/to Main Street, shall have been submitted to and approved in writing by the local planning authority. Before any new dwelling is occupied and thereafter the approved scheme shall be implemented.

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Thereafter all means of vehicular access to the site for the new dwellings hereby approved shall be from Long Lane. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no other access shall be formed or permitted unless planning permission is first obtained from the Local Planning Authority.

Hedgerow

16. Prior to the occupation of any new dwelling the Beech hedgerow to the east side of Hollycroft shall have been either translocated or planted (in a double staggered row at 35cm centres) in accordance with drawing 18/2143/SK003 Rev D and planting details which have been submitted to the Local Planning Authority and approved under condition 1 above (Landscaping Details reserved by condition 1). Thereafter the hedgerow shall be retained, and maintained and replanted as necessary.

(Planning Manager (Development Control))

477 ADOPTION OF 5 LOCAL DEVELOPMENT ORDERS TO SUPPORT THE REDEVELOPMENT OF UNDERUTILISED SITES IN THE COUNCIL'S OWNERSHIP FOR CUSTOM AND SELF BUILD.

Committee considered the report of the Head of Planning which sought approval for a Local Development Order to grant planning permission for residential development on five Council-owned sites. The report also recommended the adoption of Local Development Orders for custom and self-build on these five sites subject to conditions.

Dorothy Platts attended the meeting and spoke against the Local Development Order Application – 19/00398/OTHER – Garage Block, Hawthorne Avenue, Tibshelf.

The location of the proposed sites were:

- Hawthorne Avenue, Tibshelf (Appendix 1);
- Hazel Grove B, South Normanton (Appendix 2);
- Baker Street, Creswell (Appendix 3);
- Blind Lane, Bolsover (Appendix 4);
- 263A Creswell Road, Clowne (Appendix 5).

The sites were chosen because they were within the settlement framework where housing was acceptable in principle, had safe and suitable accesses and residential development on these sites was unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following standard conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development;

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- The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide;
- Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans;
- Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; and
- site specific conditions set out in the detailed planning analysis of each site.

Appendices 1-5 to the report provided a further detailed planning analysis of each of these sites and these reports included any site-specific conditions and the reasons for those conditions.

The following condition was also proposed to be applied imposed to ensure that the Local Development Orders were prioritised for custom and self-build in accordance with the principal reasons for their adoption:

Any new build dwelling granted prior approval under this order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley
RESOLVED that

- (1) Local Development Orders be adopted to grant planning permission for residential development on the following sites:
 - Hawthorne Avenue, Tibshelf
 - Hazel Grove B, South Normanton
 - Baker Street, Creswell
 - Blind Lane, Bolsover
 - 263A Creswell Road, Clowne

subject to the following standard conditions:

1. Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
2. The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide
3. Any new build dwelling granted prior approval under this order must be built in

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accordance with the approved plans.

4. Any new build dwelling granted prior approval under this order must meet the statutory definition of custom and/or self-build housing as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)
 5. Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; **and**
 6. the site specific conditions set out in the detailed planning analysis of each site set out in appendices A-E to this report.
- (2) The reasons for the adoption of the Local Development Orders are:
- i. to allow the council to obtain best value for underutilised pieces of land whilst improving the environmental quality of the District
 - ii. to attract private investment in this land through a simplified and less costly planning process which provides a guarantee the land can be developed
 - iii. to address the council's duties under the Self-build and Custom Housebuilding Act 2015; and
 - iv. to ensure a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and add variation to the existing housing stock.

(Planning Manager (Development Control))

478 CONSERVATION AREA APPRAISALS

Committee considered the report of the Head of Planning which sought approval for the adoption of the following 6 Conservation Area Appraisals:

- Pleasley Village
- Barlborough
- Bolsover
- Palterton
- Tibshelf
- Clowne

The report also sought approval for amendments to the Conservation Area boundaries of the designated Tibshelf and Barlborough Conservation Areas and approval to carry out an appraisal of the suitability of the Oxcroft settlement for Conservation Area status.

A Conservation Area Appraisal was a statement of significance that provided the

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supporting justification for a Conservation Area designation. It was a statement of what defined the character and appearance of a Conservation Area, identifying those elements in particular which were significant.

An appraisal gave a conservation area designation greater weight in appeals. It informed the Local Plan, providing the necessary detail to support Conservation policies. In providing an understanding of the particular significance of an area, an appraisal supported the Council in its obligation to 'preserve or enhance' when making decisions on development proposals.

The report outlined the 27 Conservation Areas in the Bolsover District and the number with adopted appraisals, those proposed in this report and those proposed to be developed next. It was also proposed that an appraisal of Oxcroft be carried out to assess the suitability for the designation as a Conservation Area.

Boundary changes were proposed to Tibshelf and Barlborough Conservation Areas.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that

- (1) the Conservation Area Appraisal documents for Barlborough, Bolsover, Clowne, Pleasley Village, Tibshelf and Palterton, be adopted by the Council and the authority to make any minor amendments to these documents is delegated to the Heritage Conservation Manager.
- (2) the proposed amendments to the Conservation Area of Tibshelf as shown in Appendix 1 to the report, be designated as a conservation area, as an extension to the Tibshelf Conservation Area to be known as Extension No. 1.
- (3) the proposed amendment to the Conservation Area of Barlborough as shown in Appendix 2 to the report, be designated as a conservation area, as an extension to the Barlborough Conservation Area to be known as Extension No. 3.
- (4) That approval be given for the formal appraisal of Oxcroft settlement to assess whether it has the special architectural or historic interest to justify designation following the completion of the appraisals for the existing designated conservation areas.

(Heritage Conservation Manager)

The meeting concluded at 11:45 hours.