

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 17th November 2021 at 1100 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Sarah Kay (Planning Manager), Chris McKinney (Principal Planning Officer), Jenny Owen (Legal Executive) and Alison Bluff (Governance Officer).

PL20-21/22 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PL21-21/22 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

PL22-21/22 DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL23-21/22 MINUTES

Councillor Natalie Hoy noted that she had been in attendance at the meeting but her name had been omitted from Members Present in the Minutes.

Moved by Councillor Derek Adams and seconded by Councillor Chris Kane
RESOLVED that subject to Councillor Natalie Hoy being noted as present at the meeting, the Minutes of a Planning Committee meeting held on 13th October 2021 be approved as a correct record.

PL24-21/22 APPLICATION NO. 21/00306/FUL - DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND PROPOSAL FOR 32 DWELLINGS (MILL LANE OXCROFT LANE JUNCTION), BOLSOVER

Committee considered a report presented by the Planning Manager in relation to the

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above application.

The application had been called in to Planning Committee by Councillor Nick Clarke, and there were 14 public objections to the proposal due to concerns centred on the substandard nature of Mill Lane, and fears that the proposal would increase traffic without mitigating the effects.

The report noted that accounting for the established industrial/depot use, which could restart if permission was not granted for residential, the amount of increased traffic predicted was very low (1 vehicle every 30 minutes at peak times) and did not justify refusal.

Some betterment to the existing highway system would be delivered in the form of a footpath link from Mill Lane to Oxcroft Lane and the opportunity to stop up Mill Lane in the future (should it prove to be appropriate) is being safeguarded for a period of 20 years by S106 agreement. There were no other highway safety reasons to withhold planning permission and the County Highway Authority did not object.

Further information was contained in the Supplementary Report previously circulated to Members.

The Planning Manager advised the meeting that comments from Yorkshire Water (YW) had been received the day prior to the meeting. Their comments confirmed that they had no objections to the proposals, subject to the imposition of suggested conditions to deal with drainage details and their approval. The Planning Manager confirmed that the conditions already suggested in the Supplementary Report addressed the conditional requirements YW were seeking.

District Councillor Nick Clarke, spoke against the application.

Derbyshire County Councillor Mick Yates, spoke against the application.

Jamie Brown, agent for the applicant spoke for the application.

Councillor Tom Munro queried if there were any provision in the plans for alternative forms of heating in the properties as per District Councillor Nick Clarke's comments. Jamie Brown advised that the buildings would be a fabric at first approach and were looking at high levels of insulation. The developer had not yet stipulated how they wanted to heat the houses but this could be looked at.

Councillor Duncan McGregor agreed that the site in question was an eyesore. He noted that as the site was previously a commercial site, it could be sold to any commercial developer at any time. However, as it was in a housing setting, it lent itself to housing. He noted that the depot used to accommodate 200 staff with a number of services delivered from it. The number of vehicles arriving, leaving and returning to the depot when it was in use outweighed the number of vehicles doing the same from the homes which were now there. He added that Derbyshire County Council was required to address the pinch point on Mill Lane not the District Council. He noted that there were 23 points in the report that accorded with policy of the Council and the application was a strong case for development.

Councillor Tom Munro added that the site was identified in the Council's Local Plan and

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clarified as urban land. He agreed with Councillor McGregor's comments that Derbyshire County Council needed to address alternative highways schemes for Mill Lane.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams

RESOLVED that the current application be APPROVED subject to prior entry into a S.106 legal agreement containing the following planning obligations:-

- Mill Lane turning head land shown outlined in red on plan 2747(08) G02 Rev A to be set aside for 20 years.
- Provision of 3 two bed affordable houses for rent.
- £27,840 for Open Space: Improvements to recreation ground at King George's Field, Quarry Road.
- £33,920 Quality Improvements to Playing Pitches: Invested in improving playing pitches and their ancillary facilities at Moor Lane and or Castle Leisure Park.
- £51,217.47 towards the provision of 3 infant places at Bolsover Infant and Nursery School + additional education facilities.
- £85,362.45 towards the provision of 5 junior places at Bolsover C of E Junior School + additional education facilities.
- £154,350.24 towards the provision of 6 Secondary places at The Bolsover School + additional education facilities.
- £15,360 towards increasing capacity at one or more of the following GP practices: Welbeck Road Health Centre; Castle Street Medical Centre; The Friendly Family Surgery).
- S106 Agreement monitoring £70 per trigger.

And subject to conditions as detailed in full below:

Conditions

1. Time Period

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

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

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:-

[List of approved documents]

REASON. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

3. Contamination

i) Before the commencement of the development hereby approved:-

Works identified in the Remediation Strategy submitted with the application Report ref MAN.1788.001.GE.R.003 shall be undertaken in accordance with the scheme in that report. The Remediation works shall ensure that the site development will not qualify

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as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

ii) No dwellings hereby approved shall be occupied until:-

(a) The approved remediation works required by (i) above have been carried out in full in compliance with the approved methodology and best practice.

(b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment submitted with the application and through the process described in (i) above and;

(c) Upon completion of the remediation works required by (i) above a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of health and safety and to prevent the mobilisation of potential pollution to ground waters and to accord with policy SC14 of the local plan for Bolsover District.

4. Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to plan to achieve a net gain in biodiversity. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. The plan shall clearly show positions, specifications and numbers of features, which should include (but are not limited to) the following:

- integrated bat boxes in 25% of dwellings.
- integrated swift boxes in 25% of dwellings.
- bee bricks in 25% of dwellings.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs between gardens.
- summary of ecologically beneficial landscaping (full details to be provided in

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Landscape Plans).

REASON. In the interests of biodiversity and to accord with policies SS1 (i), SC2(d), SC9 and SC10 of the Local Plan for Bolsover District.

5. Local Employment

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.

REASON. To maximise potential skills, training and employment opportunities and in accordance with Local Plan Policy II2 of the Local Plan for Bolsover District.

6. Drainage Conditions

6(a) Notwithstanding the details submitted with and during the planning application, no development shall commence on site until provision has been made for the satisfactory disposal of surface 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. The approved scheme shall be implemented before any dwelling served by that drainage is occupied.

REASON. To ensure provision of satisfactory and sustainable surface water drainage and in compliance with the requirements of Policies SS1(k and n), SC2(c, d, e, f and k), and SC13 of the Local Plan for Bolsover District.

6(b) Prior to any of the dwellings hereby approved being brought into use an Operation and Maintenance Plan in accordance with section 32 of the Sustainable Drainage Systems (SuDS) Manual which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details for the body responsible for maintenance shall have been submitted to and approved in writing by the Local Planning Authority.

REASON. To ensure satisfactory maintenance of surface water drainage and in compliance with the requirements of Policies SS1(k and n), SC2(c, d, e, f and k), and SC13 of the Local Plan for Bolsover District.

6(c) No development shall commence on 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. The approved scheme shall be implemented before any dwelling served by that drainage is occupied.

REASON. To ensure provision of satisfactory and sustainable foul water drainage and in compliance with the requirements of Policy SC13 of the Local Plan for Bolsover District.

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7. Noise

Prior to the occupation of plots 6, 7, 27, 28 and 29 a scheme for updated acoustic ventilation of windows to habitable rooms (bedrooms and living rooms) to facades facing the commercial property adjacent to the west side of the site, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation.

REASON. In order to ensure adequate ventilation without needing to open windows during warm weather, to protect the amenity of occupiers of the dwellings and to protect the existing business from noise complaints and to accord with policy SC1(c) and SC11 of the Local Plan for Bolsover District.

8. Materials

Notwithstanding the detail shown on the submitted drawings before construction progresses above foundation level on any building or wall, a materials plan and schedule for all external wall and roof areas, together with representative samples of the materials, shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and samples.

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

9. Landscaping

9(a) No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation (a landscaping scheme) have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include retention of the trees and hedges as shown on the approved layout plan. The landscaping works shall be carried out as approved no later than the occupation of each related dwelling.

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

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

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

9(c) Prior to the occupation of any dwelling its associated boundary detail shall have been provided in accordance with details which beforehand have been submitted to and approved in writing by the Local Planning Authority. The boundary details shall be generally in accordance with the approved layout plan but shall include elevations to include appearance, materials and finishes to each treatment.

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REASON. To ensure that satisfactory boundary treatments are provided within a reasonable period in the interests of amenity and in compliance with policies SS1(h an i), SC2(g, h and i), SC3(a, b e, f and i). SC9 and SC10 and SC11 of the Local Plan for Bolsover District.

9(d) All approved front boundary treatments, side boundary treatments facing public highways and boundary treatments to the recreation ground, shall be retained (kept in place, maintained and replaced as necessary) as per the boundary detail approved for the above condition. Furthermore, and notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the General Permitted Development (England) Order 2015 (as amended) no fences gates or walls shall be constructed in front or behind the approved boundary features.

REASON. To prevent the erection of ad-hoc boundary enclosures to the public realm where a common approach to the treatment of these areas has been agreed to achieve an attractive and consistent appearance in accordance with policy SS1(h), SC1, SC2(g, h and i), and SC3(a, b and e) of the Local Plan for Bolsover District.

10. Highway Conditions

10(a) No development shall take place including any works of demolition 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 but not necessarily be restricted to the following as appropriate.

Parking of vehicles of site operatives and visitors

Routes for construction traffic which shall exclude the use of Mill Lane to Shuttlewood Road and consideration of routing for abnormal loads/cranes etc.

Hours of operation

Measures to control noise

Measures to control dust

Measures to prevent surface water run-off during construction

Method of prevention of debris being carried onto highway

Pedestrian and cyclist protection

Proposed temporary traffic restrictions

Arrangements for turning vehicles

REASON. In the interests of highway safety and residential amenity and to accord with policies SC3 and SC2 and SC11 of the local plan for Bolsover District.

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

REASON. In the interests of highway safety and residential amenity and to accord with policies SC3 and SC2 and SC11 of the Local plan for Bolsover District.

10(c) Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the junction of Mill Lane with Oxcroft Lane including provision of a pedestrian footpath link to the site from Oxcroft Lane (in general accordance with the approved

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layout plan 2747(08)G01 REV J) has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved highway improvement works have been constructed (please note the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition).

REASON. In the interests of highway safety and residential amenity and to accord with policies SC3 and SC2 and SC11 of the Local Plan for Bolsover District.

10(d) No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

REASON. In the interests of highway safety in case the road is not offered for public adoption and to accord with policies SC3 and SC2 and SC11 of the Local Plan for Bolsover District.

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

REASON. In the interests of highway safety and residential amenity and to accord with policies SC3 and SC2 and SC11 of the Local Plan for Bolsover District.

10(f) Before any other operations are commenced a new vehicular and pedestrian junction shall be formed to Mill Lane in accordance with the revised application drawing 2747(08)G01 Rev J and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres towards the Oxcroft Road junction and maximum achievable over land the subject of the application/highway in the non-critical direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

REASON. In the interests of highway safety and to accord with policies SC3 of the Local Plan for Bolsover District.

10(g) No dwelling shall be occupied until space has been laid out within the site curtilage in accordance with the application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

REASON. In the interests of highway safety and residential amenity and to accord with

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policies SC3 and ITCR11 and SC11 of the Local plan for Bolsover District.

10(h) Notwithstanding the provisions of the Town and County Planning General Permitted Development (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) the car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

REASON. To reduce on-street parking in the interests of highway safety and residential amenity and to accord with policies SC3, ITCR11 and SC11 of the Local plan for Bolsover District.

10(i) The proposed driveways to the access off Mill Lane shall be no steeper than 1:14.

REASON. In the interests of highway safety and to accord with policies SC3 of the Local Plan for Bolsover District.

10(j) No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON. In the interests of highway safety in case the road is not offered for public adoption and to accord with policies SC3 and SC2 and SC11 of the Local Plan for Bolsover District.

10(k) Prior to the occupation of any of the dwellings a revised travel plan which accounts for the advice of Derbyshire County Council (DCC response of 13/08/2021) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved travel plan shall be implemented and reviewed in accordance with the agreed travel plan measures.

REASON. In order to promote sustainable means of travel as an alternative to single occupancy car journeys and to accord with policy ITCR10 of the local plan for Bolsover District.

(Planning Manager)

PL25-21/22 CONSERVATION AREA APPRAISALS

Committee considered a report which sought Members approval for the adoption of the following Conservation Area Appraisals;

- Elmton Village
- *Elmton with Creswell***
- Hardwick & Rowthorne
- Southgate House

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- Stainsby
- Upper Langwith
- Whitwell
- Tibshelf

In relation to the Elmton with Creswell** document, Members were requested to approve the document but not adopt it. This was because a further public consultation was necessary regarding two more farmsteads to be added into the Elmton and Creswell Farmstead** conservation area appraisal. This would then be presented to a future meeting of Planning Committee.

Members' approval was also sought for the proposed amendments to the Conservation Area boundary at Tibshelf. Additionally, a conservation area appraisal document in relation to the Oxcroft Settlement, would be presented for approval at the next meeting of Planning Committee.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams

RESOLVED that (1) the following Conservation Area Appraisals be adopted, and delegated authority be given to the Planning Manager (Development Control) and Heritage Conservation Manager, to make any minor amendments to the documents;

- Elmton Village
- Hardwick & Rowthorne
- Southgate House,
- Stainsby
- Tibshelf
- Upper Langwith
- Whitwell

(2) the Elmton with Creswell Conservation Area Appraisal document be approved, and a further public consultation be carried out in relation to the 2 additional farmsteads to be included in the Elmton with Creswell Farmstead Conservation Area Appraisal,

(3) the proposed amendments to the Conservation Area of Tibshelf be designated as a Conservation Area, as an extension to the Tibshelf Conservation Area to be known as Extension Number 1,

(3) a conservation area appraisal document in relation to the Oxcroft Settlement, be presented for approval at the next meeting of Planning Committee.

(Planning Manager (Development Control)/Heritage Conservation Manager/Governance Manager)

The meeting concluded at 1145 hours.