

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the  
Planning Committee

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Monday 26<sup>th</sup> June 2023

Dear Councillor

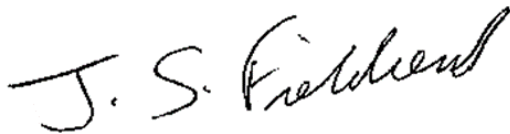
**PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 5th July, 2023 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3.

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

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- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
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**PLANNING COMMITTEE  
AGENDA**

*Wednesday, 5th July, 2023 at 10:00 hours taking place in the Council Chamber,  
The Arc, Clowne*

Item No.		Page No.(s)
1.	<b>Apologies For Absence</b>	
2.	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	<b>Minutes</b>	4 - 14
	To consider the minutes of the last meeting held on 7 <sup>th</sup> June 2023.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
5.	<b>23/00210/FUL - Retention of static caravan for residential purposes and installation of timber cladding - Horse and Hound Farm Mansfield Road, Scarcliffe, S44 6SU</b>	15 - 25

## 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 7<sup>th</sup> June 2023 at 1000 hours.

### PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Robert Hiney-Saunders, Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait and Carol Wood.

Officers:- Steve Phillipson (Principal Planner), Jim Fieldsend (Monitoring Officer), Chris McKinney (Interim Head of Planning Policy), Kim Wyatt (Heritage Conservation Manager), Julie-Ann Middleditch (Principal Officer – Planning Policy), Daniel Oakley (Community Arts Development Officer (for Minute No. PL7-23/24)), Matthew Connley (Leisure Special Projects Officer (for Minute No.PL7-23/24)) and Hannah Douthwaite (Governance and Civic Officer).

### PL1 – 23/24. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Lisa Powell.

### PL2 – 23/24. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### PL3 – 23/24. DECLARATIONS OF INTEREST

Councillor Carol Wood declared a non-disclosable interest in item 6 – Oxcroft Settlement Conservation Area as she had Members of her family living within the area.

### PL4 – 23/24. MINUTES – 1<sup>st</sup> MARCH 2023

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the Minutes of a Planning Committee held on 1<sup>st</sup> March 2023 be approved as a correct record.

### PL5 – 23/24. 22/00380/FUL - DEMOLITION OF EXISTING BUNGALOWS AND ASSISTED LIVING BUILDING. REPLACEMENT WITH 23 NO. NEW DWELLINGS (COMPRISING 8 NO. HOUSES AND 15 NO. BUNGALOWS), AND A 20 NO. FLAT INDEPENDENT LIVING BUILDING - DEVELOPMENT SITE AT WOBURN CLOSE, BLACKWELL

Committee considered a detailed report in relation to the above application. The application had been referred to Planning Committee due to the Council being the applicant.

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The application had been amended following deferral from Planning Committee on 25th January 2023, and sought approval for the demolition of existing bungalows and assisted living building, and the redevelopment of the site.

Currently the site comprised of 20 semi-detached bungalows, assisted living building and a community centre. It was proposed that these be replaced with 23 new dwellings (comprising of 8 houses, 15 new bungalows and an independent living flat).

However, Blackwell Parish Council had since decided to withdraw from the scheme, so the application proposals had been re-designed to include retention of the existing community centre.

Further information was included in the update report which advised of comments received from NHS Derby and Derbyshire Integrated Care Board / Joined Up Care Derbyshire, confirming that the development fell under their threshold for requesting a S106 contribution.

Regarding condition 2 of the recommendations, the update report requested Committee to agree to delegate a minor update to the Interim Head of Development Management to address a matter in relation to the elevation plans, and an amendment to the wording of condition 13 regarding hard and soft landscaping.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith  
**RESOLVED** that the application be granted subject to the following conditions:

01. 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.*

02. 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:

Site Plans:

12213-WMS-30-ZZ-DR-A-13001-S8-P01- Site Location Plan

12213-WMS-30-ZZ-DR-A-13002-S2-P03 - Proposed Block Plan

12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan

Dwellings:

12213-WMS-30-00-DR-A-13020-S8-P02 - Proposed 1B2P Detached Floor Plans

12213-WMS-30-00-DR-A-13040-S8-P02 - Proposed 1B2P Detached Elevations

12213-WMS-30-00-DR-A-13021-S8-P02 - Proposed 1B2P Semi-Detached Floor Plans

12213-WMS-30-00-DR-A-13041-S8-P02 - Proposed 1B2P Semi-Detached Elevations

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12213-WMS-30-00-DR-A-13022-S8-P02 - Proposed 2B3P Semi-Detached Bungalow Floor Plans

12213-WMS-30-00-DR-A-13042-S8-P02 - Proposed 2B3P Semi-Detached Elevations

12213-WMS-30-00-DR-A-13023-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Floor Plans

12213-WMS-30-00-DR-A-13043-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Elevations

12213-WMS-30-00-DR-A-13024-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow - Floor Plans

12213-WMS-30-00-DR-A-13044-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow - Elevations

12213-WMS-30-00-DR-A-13026-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow - Floor Plans

12213-WMS-30-00-DR-A-13046-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow - Elevations

12213-WMS-30-00-DR-A-13027-S8-P02 - Proposed 3B5P Semi-Detached House - Floor Plans

12213-WMS-30-00-DR-A-13047-S8-P02 - Proposed 3B5P Semi-Detached House - Elevations

12213-WMS-30-00-DR-A-13028-S8-P02 - Proposed 3B5P Detached House - Floor Plans

12213-WMS-30-00-DR-A-13048-S8-P02 - Proposed 3B5P Detached House - Elevations

12213-WMS-30-00-DR-A-13029-S8-P01 - Proposed 4B7P Detached House - Floor Plans

12213-WMS-30-00-DR-A-13049-S8-P01 - Proposed 4B7P Detached House – Elevations

### Independent Living Scheme:

12213-WMS-30-00-DR-A-13032-S8-P01 - Proposed ILS - Ground Floor Plan

12213-WMS-30-01-DR-A-13033-S8-P01 - Proposed ILS - First Floor Plan

12213-WMS-30-XX-DR-A-13034-S8-P01 - Proposed ILS - 1B2P Flat Types

12213-WMS-30-XX-DR-A-13035-S8-P01 - Proposed ILS - 2B3P Flat Types

12213-WMS-30-XX-DR-A-13051-S8-P05 - Proposed ILS – Elevations

12213-WMS-30-XX-DR-A-13079-S8-P02 - Proposed ILS - 3D Views

### Engineering:

12213-WMS-30-XX-DR-C-39201-S3-P2 - DRAINAGE\_TO\_BE\_ABANDONED

12213-WMS-30-XX-DR-C-39202-S3-P3 - DRAINAGE\_LAYOUT

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12213-WMS-30-XX-DR-C-39203-S3-P2 - EXISTING\_IMPERMEABLE\_AREAS-22.12.20

12213-WMS-30-XX-DR-C-39204-S3-P2 - PROPOSED\_IMPERMEABLE\_AREAS

12213-WMS-30-XX-DR-C-39205-S3-P2 - FLOOD\_FLOW\_ROUTES

12213-WMS-30-XX-DR-C-39001-S3-P2 - LEVELS\_LAYOUT

12213-WMS-30-XX-DR-C-39501-S3-P3 - STOPPING\_UP

12213-WMS-30-XX-DR-C-39502-S3-P4 - VISIBILITY\_SPLAYS

12213-WMS-30-XX-T-C-32101-S8-P3 - DRAINAGE\_STATEMENT

*Reason: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.*

03. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

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

### Land Contamination / Condition

04. Prior to the occupation of the development hereby approved the additional site investigation works as identified in report Ref NE4057A submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the submitted site investigations identify unacceptable levels of contamination, 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 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water.*

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05. No dwellings or buildings hereby approved shall be occupied until:
- a) The approved remediation works required by condition 4 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 to the satisfaction of the LPA and through the process described in condition 4 above.
  - c) Upon completion of the remediation works required by condition 4 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, eco systems and controlled waters, including deep and shallow ground water.*

06. No development shall commence (excluding the demolition of existing structures and site clearance) until;
- a) a scheme of further intrusive investigations has been carried out on site to fully establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

07. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.



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*Reason: To protect future occupiers of the development, buildings, structures/services, eco systems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

### Biodiversity

08. The Method Statement detailed in Section 5.2.2 of the Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) shall be implemented in full during demolition of Bungalows 13 and 14. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge this condition.

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

09. No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

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

10. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. Light spill to trees, hedgerows, bat boxes and adjacent offsite habitats shall be avoided. The Strategy shall provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

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

11. Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to the LPA for approval. This shall expand upon the recommendations in Section 5.5.2 of Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) and provide sufficient information to ensure these enhancements are implemented during construction. The approved Plan shall be implemented in full, and features maintained in perpetuity.

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

### Drainage

10. 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:

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- a. Revised Drainage Statement, Ref No: 12213-WMS-30-XX-T-C-32101-S8-P3, Date of Document: March 2023 “including 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.

*Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

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

*Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

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

*Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

### Hard and Soft Landscaping

13. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved. The details of means of enclosure must include brick walls to garden boundaries facing Primrose Hill and the rear boundaries of plots 12-15.

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

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season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and in compliance with policy SC9 and SC3 of the Bolsover District Local Plan.

### Highways

14. No development shall commence until a Construction Management Statement/Plan has been submitted to and approved in writing by the Local Planning Authority. The statement/plan shall include details specifically relating to, but not limited to, arrangements for the following in respect of each phase of the work:
- a. Details of temporary construction access, including geometry, construction within highway limits and visibility sightlines and also arrangements for the removal of any temporary access arrangements on completion of construction activities,
  - b. parking for vehicles of site personnel, operatives, and visitors,
  - c. site accommodation,
  - d. storage of plant and materials clear of the highway,
  - e. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control,
  - f. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway,
  - g. provision of roadside boundary hoarding behind any visibility zones and
  - h. any proposed temporary traffic management,
  - i. a programme of measures to minimise the spread of airborne dust from the site during construction periods,
  - j. A limit to construction works on the site and deliveries to the site of between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday, with no work undertaken on site or deliveries to the site on Sundays or public holidays.
- Only the approved details shall be implemented, which shall be maintained throughout the construction period.

*Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.*

15. Prior to occupation of any dwelling or building deriving access to or from Woburn Close, the permanent access arrangements shall be laid out (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), fully constructed within highway limits (which may require relevant Stopping up Orders and S38 agreements to be in place), drained, lit, provided with white lining and tactile paving (where appropriate), and provided with visibility splays of 2.4m x 43m in each direction, both measured to the nearside edge of the carriageway. The area in advance of the sightlines being laid out as an extension of the existing footway and constructed in a solid bound material and not forming part of any adjoining plot, or other sub-division of the site.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

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16. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling, in accordance with the approved plans (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), and such space shall be maintained thereafter free of any impediment to its designated use.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

17. Before works to create a new estate street take place, construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details. For the avoidance of doubt the applicant is advised to agree the construction details with the Highway Authority prior to discharging this condition.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

18. Prior to the first occupation of each dwelling hereby permitted, the new street between each respective plot and the existing public highway shall be laid out in accordance with the plans approved under the above condition, constructed to at least base level, drained and lit. 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 carriageway and footways in front of each respective plot shall be completed with the final surface course within 12 months (or 3 months in the case of a shared surface road) from the first occupation of that plot.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

19. No gates, including any part of their opening arc, shall be permitted to open outwards over the adjoining footway areas / highway. Any gates shall be set-back into the site an appropriate distance or shall open inwards only.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

20. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

21. An electric vehicle charging point shall be provided on the exterior of each dwelling hereby approved before the dwelling is first occupied.

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

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

Councillor Carol Wood left the meeting for the following item of business.

### **PL6 – 23/24.                    OXCROFT SETTLEMENT CONSERVATION AREA**

The Heritage Conservation Manager provided an update on the outcome of a public participation exercise on the proposed designation of the Oxcroft Settlement Conservation Area.

The public consultation exercise had run for a period of six weeks, between 27<sup>th</sup> January 2023 and 10<sup>th</sup> March 2023. A list of the properties consulted, and a detailed summary of the issues raised with an officer response was detailed in the report

The Oxcroft Conservation Area Appraisal was attached to the report and detailed the historic significance of the area and how the Conservation Area Legislation had been met.

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Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that (1) the Oxcroft Conservation Area appraisal be adopted,

(2) the designation of the Conservation Area be approved,

(3) that delegated authority be granted to the Interim Head of Development Management and Heritage Conservation Manager to make any minor amendments to the documents.

Councillor Carol Wood returned to the meeting.

### **PL7 – 23/24. QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

Committee considered a quarterly progress report in respect of the monitoring of Section 106 Agreements.

In line with the approved procedure, the progress report was required to highlight any sums of money at risk of clawback which required spending within 24 months of receipt.

The last quarterly update had highlighted seven sums as being within their 24-month deadline. Further to the Monitoring Group meeting held on 27<sup>th</sup> April 2023, this was updated to eight sums within their 24-month deadline and were detailed in the report. However, only two of these fell within a 12 month spend period.

Committee was advised that further to publication of the report, monies in relation to Meridian Close, Bolsover, cricket pitch, had now been spent and the invoice processed for payment.

A query was raised regarding Mansfield Road, Tibshelf – Outdoor Sport. The Leisure Special Projects Officer advised Members that he was currently awaiting a response from the Football Foundation, however, he would make enquires for an update.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith  
**RESOLVED** that the report be noted.

The meeting concluded at 10:53 hours.

**PARISH** Scarcliffe Parish

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**APPLICATION** Retention of static caravan for residential purposes and installation of timber cladding  
**LOCATION** Horse and Hound Farm Mansfield Road Scarcliffe S44 6SU  
**APPLICANT** Miss Danielle Hobson The Willows Four Lane Ends Oakerthorpe Derbyshire DE55 7LN  
**APPLICATION NO.** 23/00210/FUL **FILE NO.**  
**CASE OFFICER** Mrs Karen Wake (Mon-Thur)  
**DATE RECEIVED** 19th April 2023

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## SUMMARY

The application is for the siting of a three bedroom, static caravan to be occupied as a dwelling.

The recommendation is to refuse the application because the site is within the open countryside and the proposal does not meet the requirements of Local Plan Policies SS9 (Development in the Countryside,) LC7 (Agricultural, Forestry and Other Occupational Dwellings in the Countryside) and 1 (Sustainable Development).

The application has been referred to Planning Committee by Cllr J Ritchie on the basis that the application is made retrospectively, and he would like the planning considerations for this specific case (development in the open countryside / sustainable development) discussed at committee level.



## **SITE & SURROUNDINGS**

The site is set slightly lower than the road and forms part of a larger grass field which is fairly level, rising very slightly to the east. There is a high, mature hedge along the northern site boundary with field beyond. There is a mature hedge along the east side boundary which is sporadic in places with more fields beyond which rise up slightly from the site level. To the south of the site is an area of mature woodland. On the site frontage (western boundary) is a mature hedgerow with an existing access towards the southern end of the site.

To the west of the site on the opposite side of the road is a field, a dwelling and a farmhouse and associated farm buildings.

The site has new post and rail fence inside the hedge line and to each side of the access. The site contains a stable block, a storage building, a covered tractor store and a manège which is also surrounded by a post and rail fence. The manège has been completed to base course but has not had the surface laid and currently contains a static caravan.

## **BACKGROUND**

Planning permission was granted in 2021 for the change of use of the site from agricultural to equestrian use, the erection of stable block, storage barn and tractor store, construction of a manège and the closure of a vehicular access and formation of new vehicular access, all for personal use.

The proposal involved closing up an existing access which was severely substandard in terms of visibility and alignment. The new access was also substandard, but it was regarded an improvement to the access already in place at that time and supporting information submitted with the application described how the site would operate and indicated vehicular movements to and from the site for the proposed use. When this was compared to the vehicular movements to and from the site in relation to an agricultural use of the site there was little difference in the overall number of vehicular movements such that the proposal at that time was not considered to represent a significant intensification of the use of the site. This, together with the proposed improved access meant that, subject to conditions requiring private use, the proposal was not considered to be detrimental to highway safety.

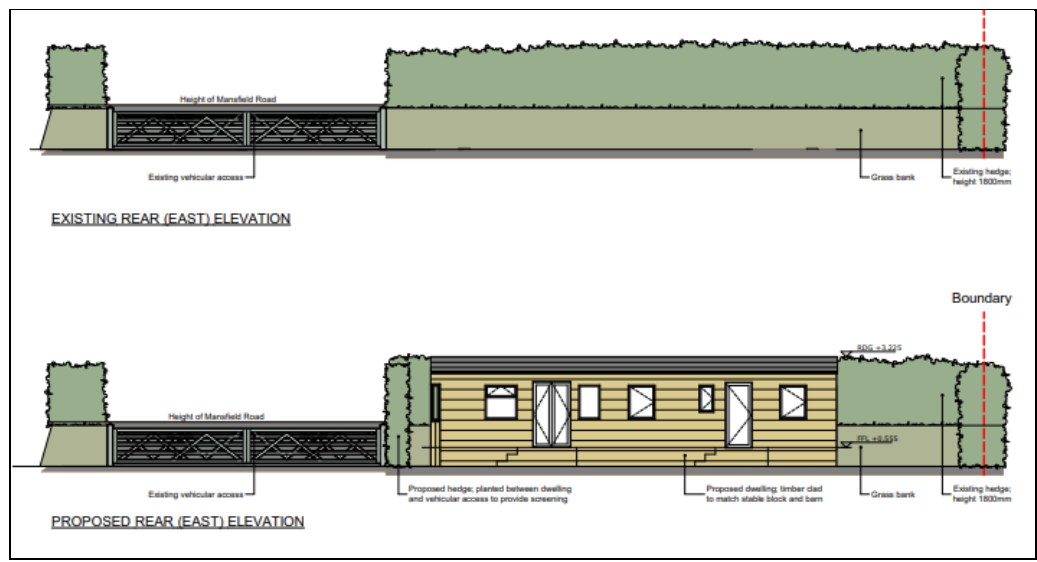
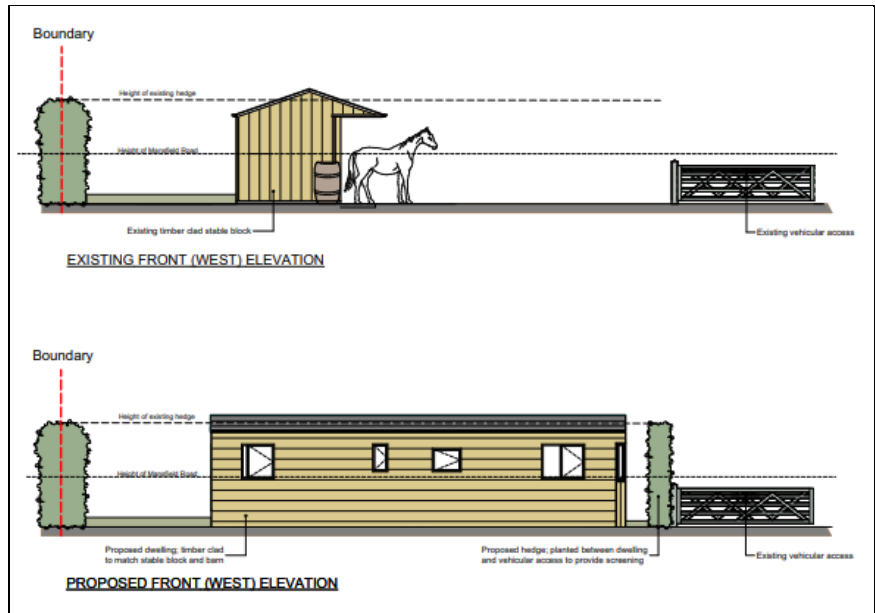
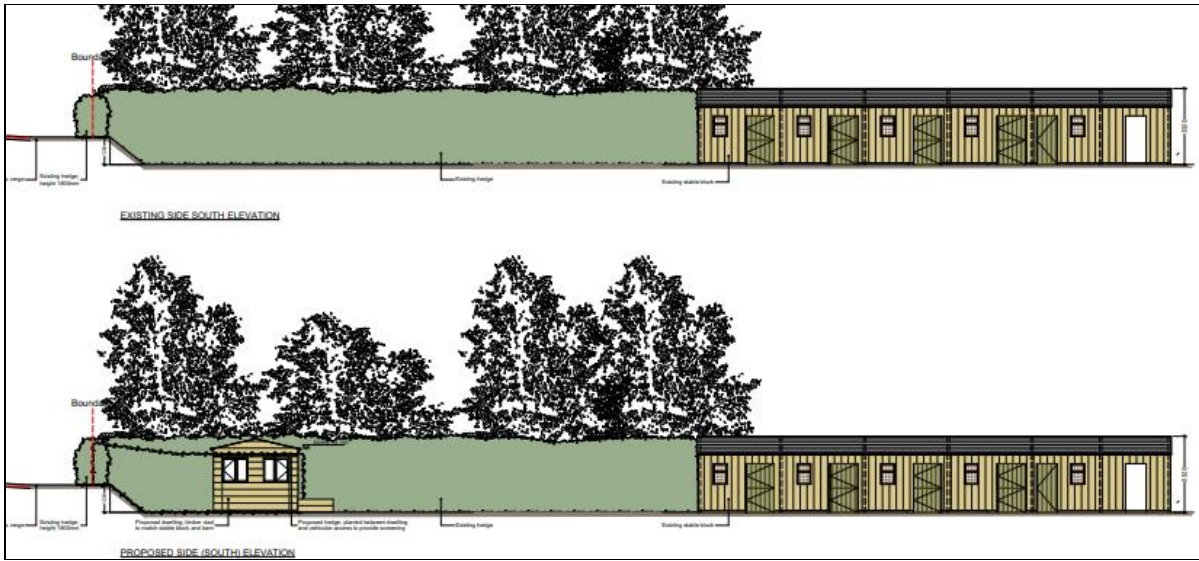
## **PROPOSAL**

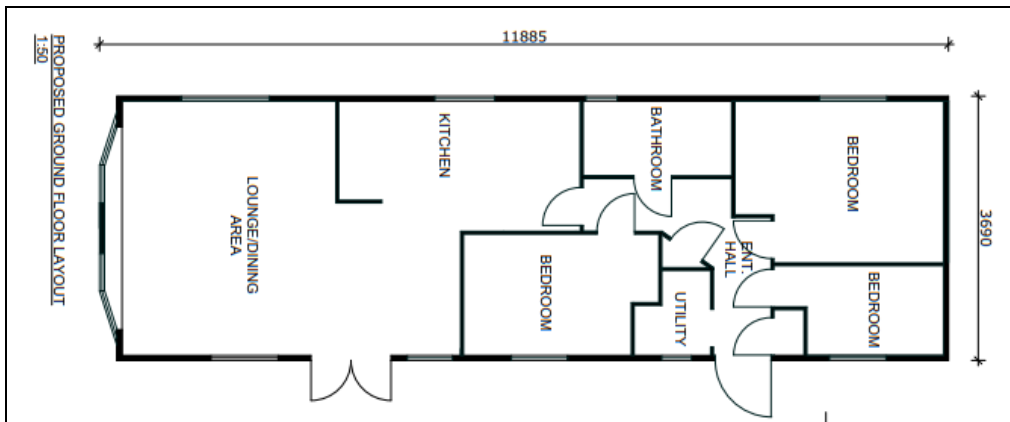
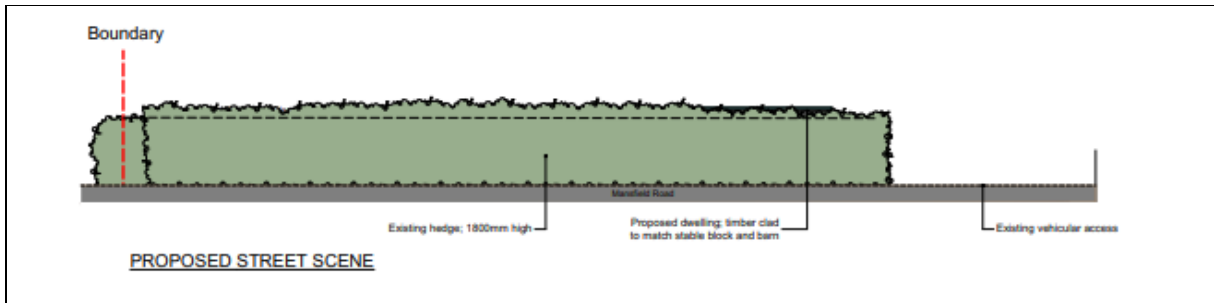
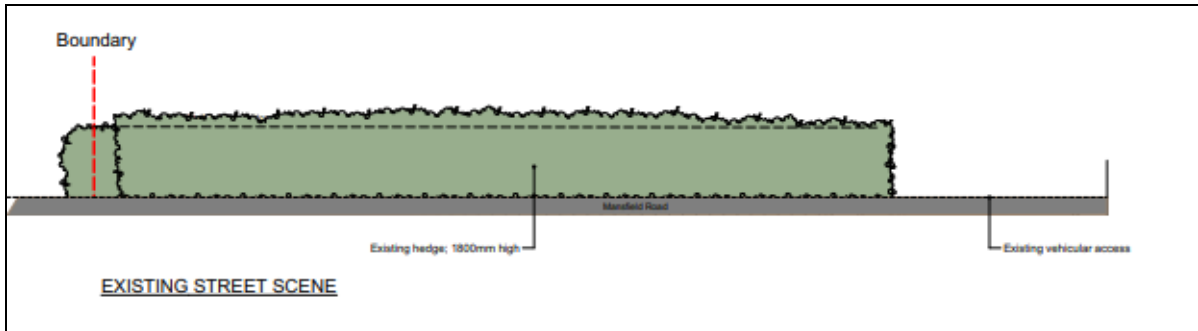
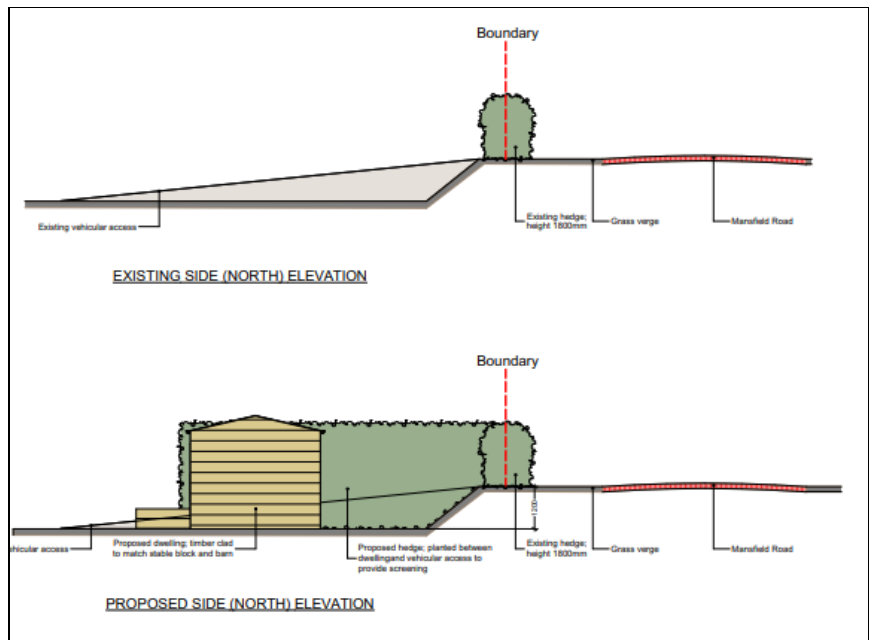
The application is submitted in full for the siting of a three bedroom, static caravan to be occupied as a dwelling.

The caravan is proposed to be sited in the northwest corner of the site, adjacent to Mansfield Road.

The proposal includes cladding the sides of the caravan in timber and putting a black, tiled effect steel, pitched roof on it.







## **AMENDMENTS**

None.

## **HISTORY**

21/00064/FUL - Change of use from agricultural to equestrian, erection of stable block and storage barn, formation of a manège and closure of existing vehicular access and formation of new vehicular access, all for personal use. Granted Conditionally.

## **CONSULTATIONS**

### Derbyshire County Council Highways

Mansfield Road is subject to a speed limit of 50mph in the vicinity of the application site which equates to a visibility distance (Y) requirement of 150m; however, it is assessed that the achievable emerging visibility distance measured from a 2.4m (x) distance is some 25m to 30m in both directions measured to a point approximately 1m in to the carriageway due to the proximity of the frontage hedge boundary to the access and extensive growth of the hedge. The site access has severely restricted emerging visibility on to Mansfield Road in both directions. The proposal will increase vehicular movements through the access, particularly when taking in to account the remoteness of the site to local amenities and will therefore intensify the use of the existing severely substandard access.

Recommends the application is refused on the following grounds:

1. The proposed development, if permitted, would lead to the intensification in use of an existing substandard access to Mansfield Road, where emerging visibility is severely restricted due to the proximity of the boundary hedge thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway.

The applicant may wish to undertake a speed survey to provide evidence of actual vehicle approach speeds which can then determine the required emerging visibility splays more accurately; however, considering that the existing achievable visibility distance of 25m – 30m equates to a vehicle approach speed of 20mph to 25 mph it is unlikely that this would be beneficial. To achieve an acceptable visibility distance from the access, extensive trimming or removal of the boundary hedge would be required or the setting back of the hedge.

Environmental Health Officer - No objections.

Parish Council - No comments received.

## **PUBLICITY**

Site notice and one neighbour notified. No comments received

## **POLICY**

Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- LC7 Agricultural, Forestry and Other Occupational Dwellings in the Countryside
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC11 Environmental Quality (Amenity)

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 78-80: Rural Housing
- Paragraphs 104-108: Promoting sustainable transport
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment

## **ASSESSMENT**

### **Key issues**

It is considered that the key issues in the determination of this application are:

- the principle of the development in the countryside
- the visual impact on the countryside
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access

These issues are addressed in turn in the following sections of this report

### Principle of the development in the countryside

The Local Plan for the District is the Local Plan for Bolsover District adopted March 2020. The council has more than a 5-year supply of deliverable housing which has been tested on several occasions on appeal and held to be sound. Full weight should therefore be given to the policies contained within the Local Plan.

The site is outside the development envelope for Scarcliffe within an area of open countryside where new development is restricted by the requirements of Policy SS9 of the Local Plan for Bolsover District.

This policy states that development in the countryside will only be granted where it meets one of a number of criteria. One of these criteria is if the proposal involves the re-use of previously developed land. The NPPF describes previously developed land as “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”. The site of the proposed dwelling is, and has not been, occupied by a permanent structure and is outside the area even approved for hard surfacing in connection with the equestrian use and the buildings/structures approved on site are not considered to have a curtilage. The proposed dwelling is therefore not considered to be on previously developed land and as such the proposal does not fall within the criteria of paragraph a) of Policy SS9. The proposal is also not considered to fall within any other criteria set out in this policy and as such the proposal is considered contrary to the requirements of Policy SS9 of the Local Plan.

Policy LC7 of the Local Plan makes allowance for new dwellings in the countryside based on the essential needs of agriculture, forestry or other rural business provided the proposal meets a number of criteria. In this instance, whilst information submitted with the application suggests the proposed dwelling would provide a functional need to help with security of the site and improve animal welfare, the use of the site is restricted by condition on the original planning permission to be for a personal use only and no trade or business to be carried out from the site. As such the use of the site is not for a rural business requiring a functional need for a dwelling and the proposal would therefore not comply with the requirements of this policy. In addition, no information has been submitted to show how site security cannot be achieved with improved security measures, such as lockable doors to enclose storage buildings etc.

The site is outside the development envelope in an area of open countryside which does not have accessible links to the nearest village, Scarcliffe. There is no footpath along Mansfield Road and as such walking along Mansfield Road which is subject to a 60mph speed limit, to the village would be considered dangerous. In addition, Scarcliffe is identified as a small rural village in the settlement hierarchy (policy SS3) as it is not considered to be a sustainable location. Scarcliffe has a small primary school and two public houses but has no other facilities in the village, no community building, no shop and no post office. It is acknowledged that the site is adjacent to bus stops but there are only two bus routes which include Scarcliffe, one runs every two hours and one every hour giving access to Sheffield, Mansfield or Shirebrook. The location of the site is therefore not considered to be sustainable for new residential development and any future occupiers would be wholly dependent on the use of a car.

Information submitted with the application suggests the proposal will reduce the applicant’s carbon footprint as there will be less need for driving around. However, the information submitted with the original planning application for the use of the site for keeping horses, provided the following information:

*“It is envisaged the applicant will visit the site twice a day in the working week (morning and afternoon) and visit the site once a day at the weekend, as they will be there most of the day. The horsebox will be used once a fortnight to attend shows during the showing season, between April and September. The applicant does not intend to use the horsebox through the winter months as the proposed manège will allow them to exercise their horses on site. The*

*proposed barn allows the applicant to have the bedding and hay delivered in bulk at the beginning of the year, allowing for a reduction in vehicle movements compared to sites with no storage facilities. The feed for the horses will be purchased at the start of every month and will be taken to the site by the applicant when tending to the horses, with no additional journeys for this service. The applicant will have their own tractor and implements on-site, which will enable them to maintain the land, i.e. hedgerows, themselves requiring no other plant or machinery coming to site.”*

Based on this information the proposal will not materially reduce vehicular movements to and from the site but is considered to increase vehicular movements to and from the site and result in additional travelling from this remote location with trips to work, school, shopping etc. and as such is not considered to result in the reduction of emissions from a reduction in vehicle usage to and from the site.

On this basis the proposal would be considered to represent unsustainable development which is contrary to the requirements of Policy SS1 of the Local Plan for Bolsover District.

#### The visual impact on the countryside

The static caravan on site is proposed to be positioned in the northwest corner of the site, adjacent to hedgerows. It is proposed to clad the caravan in timber with a black, profile sheet roof to match the existing stables.

The cladding of the building would mean the building is more in keeping with the existing buildings and the mature hedge offers screening from outside the site such that the caravan, once clad is considered to have minimal visual impact on the countryside. However, the creation of a domestic curtilage which would inevitably come with the use of the building as a dwelling and the associated domestic paraphernalia which would come with it would be considered to have a harmful, urbanising appearance on the rural character of the area, contrary to the requirements of Policies SS9 and SC2 of the Local Plan for Bolsover District.

#### Access

As set out above, the proposal is not considered to reduce vehicular movements to and from the site and is considered to actually result in an increase in vehicular movements.

Mansfield Road is subject to a speed limit of 50mph and as such requires 2.4m x 150m visibility splays. In this instance the Highway Authority have assessed the visibility splays from the site access to be 2.4m x 25-30m in each direction, measured to a point approximately 1m into the carriageway due to the proximity of the frontage hedge boundary to the access and extensive growth of the hedge. The site access therefore has severely restricted emerging visibility on to Mansfield Road in both directions. The proposal is considered to increase vehicular movements through the access, particularly when taking in to account the remoteness of the site to local amenities and will therefore intensify the use of the existing severely substandard access. The proposed development, if permitted, would lead to the intensification in use of an existing substandard access to Mansfield Road, where emerging visibility is severely restricted due to the proximity of the boundary hedge thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway, contrary to the requirements of Policy

SC3 of the Local Plan for Bolsover District.

The applicant could be asked to undertake a speed survey to provide evidence of actual vehicle approach speeds which can then determine the required emerging visibility splays more accurately; however, considering that the existing achievable visibility distance of 25m – 30m equates to a vehicle approach speed of 20mph to 25mph it is unlikely that this would be beneficial and as such it is not considered reasonable to require the applicant to go to the expense of carrying out such surveys.

To achieve an acceptable visibility distance from the access, extensive trimming or removal of the boundary hedge would be required or the setting back of the hedge. This in itself would be considered to have a harmful, urbanising impact on the character and appearance of the countryside, contrary to the requirements of Policies SS9 and SC2 of the Local Plan for Bolsover District.

#### Residential Amenity

The site could provide adequate amenity standards for the proposed occupiers and would not harm the amenity of residents of adjacent dwellings. However, this is not considered to overcome the non-compliance with the Local Plan policies set out above.

#### Other Issues raised by the applicant in support of the proposal

Some of the issues raised by the applicant are covered in the above assessment.

The issue of the applicant's personal circumstances and financial position has not been considered as this is not a material planning consideration which could be taken into account.

The applicant has stated that they are to become homeless and therefore need to live on site. This is also not a material planning consideration which could be taken into account. Even if this could be considered, there has been no evidence submitted to support this claim or to prove that other accommodation alternatives are not available.

The applicant has also expressed concern that they are being discriminated against because if they were members of the travelling community the proposal would be viewed differently. The council has a policy within the Local Plan (Policy LC5) which requires planning permission to be granted for new sites for gypsies, travellers and travelling show people provided they meet a number of criteria. One of these criteria is for the sites to be within the development envelope unless they can be shown to meet a need identified in an independent assessment. The Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA.) If this assessment shows an identified need for sites as the council has a shortfall in the number of allocated/identified sites, then the council may have to consider sites outside the development envelope in order to meet this identified need and that would be compliant with Policy LC5. If the council has enough sites to meet this need then sites outside development envelopes would be contrary to Local Plan policy and would be refused.

When considering this application, the applicant does not have these protected characteristics and as such Policy LC5 does not apply in this instance.

## CONCLUSION

The proposed dwelling is contrary to policies SS1, SS9, LC7 and SC2 and SC3 of the Local Plan for Bolsover District. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations which can be taken into account as part of the planning process which justify making a decision which is contrary to the requirements of the policies set out in the adopted Local Plan.

## RECOMMENDATION

**It is therefore recommended that the application be REFUSED for the following reasons:**

1. The site is outside the development envelope for Scarcliffe within an area of open countryside where new development is restricted by the requirements of Policy SS9 of the Local Plan for Bolsover District. This policy states that development in the countryside will only be granted where it meets one of a number of criteria. The proposal is not considered to fall within any of the criteria set out in this policy and as such the proposal is contrary to the requirements of Policy SS9 of the Local Plan.
2. Policy LC7 of the Local Plan for Bolsover District makes allowance for new dwellings in the countryside based on the essential needs of agriculture, forestry or other rural business provided the proposal meets a number of criteria. In this instance, the use of the site is restricted by condition on the original planning permission to be for a personal use only and no trade or business to be carried out from the site. As such the use of the site is not for a rural business requiring a functional need for a dwelling and the proposal would therefore not comply with the requirements of Policy LC7 of the Local Plan.
3. The site is outside the development envelope in an area of open countryside which does not have accessible links to the nearest village, Scarcliffe. There is no footpath along Mansfield Road and as such walking along Mansfield Road which is subject to a 60mph speed limit, to the village would be considered dangerous. In addition, Scarcliffe is identified as a small rural village in the settlement hierarchy as it is not considered to be a sustainable location. The site is adjacent to bus stops but there are only two bus routes which include Scarcliffe, one runs every two hours and one every hour giving access to Sheffield, Mansfield or Shirebrook. The location of the site is therefore not considered to be sustainable for new residential development and any future occupiers would be wholly dependent on the use of a car. On this basis the proposal would be considered to represent unsustainable development which is contrary to the requirements of Policy SS1 of the Local Plan for Bolsover District.
4. The proposed development would lead to the intensification in use of an existing substandard access to Mansfield Road, where emerging visibility is severely restricted due to the proximity of the boundary hedge thereby leading to potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway, contrary to the requirements of Policy SC3 of the Local Plan for Bolsover District.



## **Statement of Decision Process**

The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

## **Equalities Statement**

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

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

## **Human Rights Statement**

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

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