

## 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 3<sup>rd</sup> August 2022 at 1000 hours.

### PRESENT:-

Members:-

Councillor Chris Kane in the Chair

Councillors Derek Adams, Allan Bailey, Jim Clifton, Natalie Hoy and Duncan McGregor.

Officers:- Chris Fridlington (Assistant Director - Development), Steve Phillipson (Principal Planning Officer), Peter Sawdon (Principal Planning Officer), Lisa Ingram (Legal Team Manager – Contentious), Louise Arnold (Solicitor - Contentious) and Hannah Douthwaite (Governance Officer).

### PL10– 22/23. APOLOGIES

Apologies for absence were submitted on behalf of Councillors Nick Clarke and Tom Munro.

### PL11 – 22/23. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### PL12 – 22/23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### PL13 – 22/23. MINUTES – 8TH JUNE 2022

Moved by Councillor Derek Adams and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Minutes of a Planning Committee meeting held on 8<sup>th</sup> June 2022 be approved as a correct record.

### PL14 – 22/23. 22/0168/FUL – CHANGE OF USE FROM A DISUSED BARN INTO A 3 BEDROOM, RESIDENTIAL DWELLING FOR USE AS A HOLIDAY LET – LAND NORTH WEST OF 1 BARN COTTAGES, FARM LANE, HARDSTOFT

Committee considered a detailed report presented by the Principal Planning Officer in relation to the above application.

The application was seeking permission to change the use of a redundant barn into a three bedroom dwelling to use as a holiday let. The application had been called in to Planning Committee by Councillor Tom Kirkham to allow for greater scrutiny for the reasons detailed in the report.

Further detail could be found in the Supplementary Report, which advised of a further four objections received since the publication of the agenda.

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It was noted that the Environmental Health Officer had no objections to the proposal, however, if the application was approved it would be subject to the inclusion of a phased contamination condition.

Mr David Haddon attended the meeting and spoke against the application.

Mr Paul Harris attended the meeting and spoke against the application.

Mr Chris Williams attended the meeting and spoke against the application.

Mr Steve Rye (applicant) attended the meeting and spoke for the application.

Ms. Jenny Revill had been unable to attend the meeting but had submitted a written response against the application which was read to the meeting by the Principal Planning Officer.

In response to a Member's query in relation to the structural report, the Assistant Director of Development advised the meeting that appropriate steps would be taken to secure the building during the development process if it were found not to be structurally sound.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

**RESOLVED** that the application be granted, subject to:

- Either receipt of an amended site location plan to exclude a small area of land from the application site to the rear of the barn, or a condition to restrict the curtilage of the dwelling to exclude that small piece of land (an amended plan has since been received);
- a revised condition 2 to list the approved plans; and
- a revised condition 19 (contamination) in line with recommendations of the Environmental Health Officer as detailed in the update report.

Conditions as follows:

### **Conditions:**

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

2. The development hereby permitted must be carried out in accordance with the following plans and documents:

- Site Block Ownership Plan & Site Location Plan as Proposed - L/01 Rev F; received 8th August 2022
- Proposed block plan - L/02 Rev B; received 20th June 2022
- Proposed ground floor plan - P/01 Rev B; received 20th June 2022
- Mezzanine floor and roof plan - P/02 Rev B; received 20th June 2022
- South and East Elevations - P/03 Rev B; received 20th June 2022
- North and West Elevations - P/04 Rev B; received 20th June 2022
- Section A-A as Proposed - P/05 Rev B; received 20th June 2022
- M-Ecology - Bat Activity Survey Report (30th May 2022); received 20th June 2022.

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- Coal Mining Risk Assessment report (G22227) prepared by Geo-Investigate Ltd; received 20th June 2022.

3. Prior to commencement of development, the Structural Report, prepared by Nashmean Limited and received on the 23rd March 2022 shall be updated to correspond with the approved plans, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

4. No development shall commence on the building conversion until details of the roofing materials and details of the verge have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained as such for the life of the development.

5. The rainwater goods shall be cast metal on rise and fall brackets.

6. Prior to the installation of any doors or windows, the following information must be submitted to and approved in writing by the Local Planning Authority:

- Details of all new windows, including roof lights, in the form of 1:20 scaled plans.
- Details of all new external doors, in the form of 1:20 scaled plans.
- Details and treatment of the timber shutters in the form of 1:20 plans.
- Details of the appearance and materials for the proposed cill and lintel treatments.

The development shall then be carried out in accordance with the agreed details and retained as such for the life of the development.

7. Prior to the construction of the dry stone wall, a sample of the stone, elevations, and the method of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

8. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

9. Prior to any works being carried out to trees within the application site, a specification of works shall be submitted to and approved in writing. Where development takes place within any identified root protection areas of trees to be retained, the ground excavations shall be carried out using hand dig technology only. All tree works shall be carried out in accordance with the appropriate recommendations contained in British Standard 3998: 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the trees to be retained.

10. Prior to occupation of the dwelling hereby permitted, the temporary access track shall be removed and the field shall be restored to its previous condition through suitable ground preparation and the sowing of an appropriate seed mix. The section of hedgerow removed for access shall be reinstated using appropriate native species. The establishment of the hedgerow plants shall be monitored by the applicant for the next five years and any failed plants shall be replaced like for like. The stone wall along the western boundary shall be restored back to its current condition.

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11. Prior to occupation of the dwelling, an integrated or surface-mounted bat box shall be incorporated at the apex of the western gable. A photograph of the box in situ shall be submitted to and approved by the Local Planning Authority. The box shall be maintained in the agreed form for the life of the development.

12. The removal of the hedgerow to create the temporary site access shall avoid the nesting season, which falls 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.

13. Prior to the installation of new lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard nocturnal wildlife, including bats. This should provide details of the chosen luminaires, their locations and any variables such as timers, dimmers and passive infrared sensors. Guidelines detailing lighting strategy 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.

14. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site for the parking of visitors/resident's vehicles (measuring a minimum of 2.4m x 5.5m), generally in accordance with the application drawings, constructed, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. No part of the development shall be taken into use until details of arrangements for the collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

16. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to 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.

17. 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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18. Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwelling/house hereby permitted and its curtilage shall take place, other than those approved under the terms of this permission, unless authorised by an express grant of planning permission.

19. Before the commencement of the development hereby approved:

- a) A Phase I contaminated land assessment (desk-study) must be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment must include a desk-study with details of the history of the site use including:
  - the likely presence of potentially hazardous materials and substances,
  - their likely nature, extent and scale,
  - whether or not they originated from the site,
  - a conceptual model of pollutant-receptor linkages,
  - 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, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
  - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the deskstudy strategy

The site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation must be submitted to the local planning authority for written approval.

### **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.

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### Human Rights Statement

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

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

(Planning Manager)

**PL15 – 22/23.            21/00404/FUL – THE ERECTION OF TWO DWELLINGS WITH ASSOCIATED AMENITY AND CAR PARKING AREAS – LAND SOUTH OF 5 SYCAMORE LANE, BARLBOROUGH**

Committee considered a detailed report presented by the Principal Planning Officer in relation to the above application.

The application had been referred to the Planning Committee by Councillors Maxine Dixon and Tom Munro due to concerns raised by local residents regarding the impact of the development.

Further detail could be found in the Supplementary Report which advised of a further two letters of objection received after the publication of the agenda and that Yorkshire Water had objected to the amended layout due to the proposal of a tree to be planted on the south of the site and its close proximity to the public combined sewers. Yorkshire Water required that no new trees be planted within 5 meters of the centre line of the sewer. It was confirmed that subject to approval a condition could be added to satisfy Yorkshire Water's concerns.

Mrs Brenda Wilson attended the meeting and spoke against the application.

Mr John Wilson attended the meeting and spoke against the application.

Mr Neil Jones attended the meeting and spoke against the application.

Mr Alan Timperley attended the meeting and spoke against the application.

Mr Adam Perry attended the meeting and spoke against the application.

Councillor Hillary Gilmour attended the meeting on behalf of Barlborough Parish Council and spoke against the application.

Miss Emily Weston (agent) attended the meeting and spoke for the application.

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Members raised concerns that no access had been granted for the development. The Principal Planning Officer advised the meeting that subject to Committees approval a condition could be added to state that access documents would need to be provided before any work commenced on the site.

A Member requested clarification on what other allotment sites were available in Barlborough. It was confirmed that there was no other greenspace allocated for use of allotment as previous sites had already been built on.

Moved by Councillor Derek Adams and seconded by Councillor Jim Clifton  
**RESOLVED** that the application be **REFUSED**.

### Reasons for Refusal

1. The infilling of this plot with 2 detached properties, associated parking and hard landscaping will have a material impact on the character of this part of the conservation area and the wider setting of the adjacent grade II listed memorials. The views to and from this historic thoroughfare and area of open space contribute to the overall sense of place found in this part of the conservation area and these views will be affected by the development. The proposal is therefore contrary to policies SC16 and SC17 of the Local Plan for Bolsover District.

With reference to national planning policy, the harm caused by the proposals is considered to be less than substantial harm but this harm is not outweighed by the proposed public benefits of the proposal including making these plots available to individuals or groups registered on the Council's custom and self-build register. Therefore, there are no other material planning considerations that outweigh the identified harm to designated heritage assets and the identified conflict with the development plan.

### 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 policies of the National Planning Policy Framework. The issues were balanced and the application was called in by Councillors for a decision by Planning Committee as a result of the level of public concern. The application was recommended for approval but Planning Committee determined that the harm caused by the proposals to heritage assets is less than substantial harm but that level of harm is not outweighed by the proposed public benefits of the proposal including making these plots available to individuals or groups registered on the Council's custom and self-build register. Therefore Planning Committee resolved to refuse planning permission in accordance with the development plan and national planning policy.

(Planning Manager)

## PLANNING COMMITTEE

**PL16 – 22/23.            22/00125/FUL – SINGLE STOREY EXTENSION TO THE REAR –  
88 BOUGHTON LANE, CLOWNE, CHESTERFIELD, S43 4QF**

Committee considered a detailed report presented by the Principal Planning Officer in relation to the above application. The application had been referred to the Planning Committee due to the applicant being an employee of Bolsover District Council.

No objections had been received and Members had no concerns over the proposed development.

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams **RESOLVED** that the application be granted with the conditions as follows.

### **Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the approved plans submitted with the application (received 15th June 2022).
3. The external wall and roof materials used in the development shall be of the same type, texture and colour as those used in the existing building with the exception of the proposed roof material which will be felt.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”). In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

### **Human Rights Statement**

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

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

(Planning Manager)



## PLANNING COMMITTEE

**PL17 – 22/23. 22/00197/OUT – PROPOSED SINGLE STOREY DWELLING WITH SOME MATTERS RESERVED (ACCESS, LAYOUT & SCALE) – 172 CHESTERFIELD ROAD, SHUTTLEWOOD, CHESTERFIELD, S44 6QL**

Committee considered a detailed report presented by the Principal Planning Officer in relation to the above application.

The application had been referred to Planning Committee due to the proposed development not strictly complying with the provisions of policy SS9 of the Local Plan for the Bolsover District and was therefore a departure of the Local Plan.

Further detail could be found in the Supplementary Report which advised of one further objection received after the publication of the agenda?. It was also noted that the application title should read 'Proposed single storey dwelling with some matters reserved (access, layout & scale submitted for approval)'.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton **RESOLVED** that the application be granted with the conditions as follows.

1. Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") must be obtained from the Local Planning Authority in writing before any development is commenced on site.
2. Application for approval of the reserved matters must 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 must 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. The dwelling hereby approved must be single storey only and the scale and layout of the development must be in accordance with plan number 2149-FS01 Rev B and must be maintained as such thereafter.
4. Notwithstanding the provisions of Classes A, AA, B & C of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take place unless authorised by an express grant of planning permission.
5. Before construction commences on the dwelling hereby approved, the access to the site must be provided in accordance with the approved plans and must be maintained as such thereafter.
6. Before the dwelling hereby approved is first occupied the two parking spaces shown on the approved plans must be provided on site in accordance with the approved plans and must be maintained as such thereafter.

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7. The details submitted with the reserved matters application must include full details of each of the boundary treatments for the site. The boundary treatments approved in the reserved matters application must be provided on-site in accordance with the approved details before the dwelling is first occupied and must be maintained as such thereafter.

8. The details submitted with the application for reserved matters must include a scheme of biodiversity enhancement measures to be incorporated within the development to maximise the opportunity for biodiversity enhancement on site must be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures must be incorporated on site in accordance with the approved scheme and must be maintained as such thereafter.

### **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.

(Planning Manager)

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### PL18 – 22/23. PLANNING APPEALS REPORT JANUARY 2022 – JUNE 2022

Committee considered a report presented by Principal Planning Officer in relation to appeal decisions for the period January 2022 to June 2022.

During the 6 months since the last monitoring period, the Council had no appeals on Major planning applications. The Council had only had three appeals on non-major applications, one of which was dismissed and the other two allowed. The Council had therefore won 33% of the planning appeals determined within the 6 month period, however, this equated to only 1.06% of the total number of non-major applications and the Council was still exceeding its appeal decision target.

The lack of appeals against decisions indicated that current decision making remained sound.

Moved by Councillor Duncan Mcgregor and seconded by Councillor Jim Clifton  
**RESOLVED** that the report be noted.

The meeting concluded at 12.25 hours