

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 10th April 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

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

Officers:- Steve Brunt (Strategic Director of Services), Jim Fieldsend (Monitoring Officer), Peter Sawdon (Principal Planner), Chris Whitmore (Development Management and Land Charges Manager), Alison Bluff (Governance) and Matthew Kerry (Governance and Civic Officer).

PL68-23/24 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Carol Wood.

PL69-23/24 URGENT ITEMS OF BUSINESS

There were no urgent items of business.

PL70-23/24 DECLARATIONS OF INTEREST

There were no declarations of interest made.

PL71-23/24 MINUTES – 13TH MARCH 2024

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie **RESOLVED** that the Minutes of a meeting of a Planning Committee held on 13th March 2024 be approved as a correct record.

The Chair introduced and welcomed Chris Whitmore to the meeting. Chris was the newly appointed Development Management and Land Charges Manager.

PL72-23/24 21/00331/FUL - FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT - OPEN SPACE EAST OF DAHLIA AVENUE SOUTH NORMANTON

Committee considered a detailed report in relation to the above application which had been referred to Committee due to financial viability issues meaning normal section 106 contributions were not able to be offered.

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Permission was sought for 21 affordable homes, reduced from 25 originally submitted, and consisted of the following:

- 10 x two storey (2 bed) properties (4 single story and 6 two storeys);
- 9 x two storey (3 bed) properties;
- 2 x flats (1 bed) (in 1 no. two storey unit).

Retrospective approval was also sought for soil piles generated from earlier adjoining housing developments, which had already been removed.

The viability of the proposal had been tested with an assessment commissioned by the Council and paid for by the applicant, but due to the different financial arrangement of schemes like the proposal, (the applicant was an RSL/Housing Authority), the typical s.106 requirements could not be met.

The balanced conclusion, with the need for more affordable housing and given the limited impact of the proposal due to its limited size, was that the proposal be approved subject to conditions.

Further information was contained in the supplementary update report which noted that the applicant had requested an amendment to the recommended conditions to:

- Merge the requirements of conditions 5 and 21 as a single condition, given the similar nature of these two conditions to control construction management; and,
- Merge the requirements of conditions 6 and 7 to create a new two-part condition, given these both dealt with the identification and treatment of any contamination, should any be identified.

The Principal Planner noted there were no planning objections to these amended conditions.

Additionally, it had been noted that the draft conditions included the following drafting errors that required correction:

- Condition 16 was a duplication of condition 8 that has been included in error and so condition 16 was proposed to be deleted as it is unnecessary; and
- Condition 8 is incorrectly cross-referenced to other conditions and so amendments to the condition are also proposed (following re-numbering this will become condition 7).

Publicity of the application; local press, site notices, and 20 neighbouring properties consulted, had resulted in the receipt of eight representations. Further publicity carried out in February 2022, to notify of amendments to the scheme had resulted in no additional representations.

Councillor Emma Stevenson, a Ward Member for South Normanton, who had been elected after the original submission and proposals of the application had been notified and publicised, had discussed concerns with planning officers that related to other issues raised in previous representations concerning spoil removal, the lack of section 106 financial contributions to the area, the impact on wildlife, the footpath connections, and a children's play space. The Principal Planner had spoken with the Leisure Officer

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responsible for this final concern, who was satisfied the existing play space was fit for purpose despite its age.

In relation to noise, an error in the report was noted as the original submitted noise assessment had not been updated with the later revised layout of the site. The Environmental Health Officer had been contacted and had confirmed that there were no significant issues with the scheme that could not be overcome. The original noise assessment had recognised the major noise source of the M1 Motorway, and that the closed windows and mechanical ventilation would likely control the issue of noise for future residents; a revised condition (to amend condition 16 as contained on the update report) will be needed to address this. The Environmental Health Officer had also advised the air quality assessment had been carried out appropriately with no unacceptable impact.

A Member noted the M1 Motorway was currently receiving alterations with new passing/parking places installed and he queried if these changes had been considered in the noise and air quality assessments. The Principal Planner explained the revised noise condition had been designed to carry out refreshed noise assessments and these would include the current alterations being made to the M1 Motorway. These reports would be adjusted to consider the revised assessments and then be put forward for recommendations including necessary technical enhancements of the dwellings to ensure the developer could meet appropriate and reasonable amenity levels for residents.

It was noted that Chesterfield Royal Hospital had made a request for financial contributions and a Member queried the Council's response to this. The Principal Planner advised that all the Council's s.106 requirements were subject to a separate supplementary document which was reviewed regularly. Part of the review involved liaising with local health bodies and until the Policy team reviewed the s.106 supplementary document, ongoing discussions with Chesterfield Royal Hospital would continue.

In response to a Member's comment regarding affordable housing in the District, the Principal Planner confirmed that while s.106 contributions were reduced, the quantity of affordable housing being 100% of the proposal offset this reduction.

In response to a Member's query regarding the future management and maintenance of the open space and play equipment, the Principal Planner noted this was an error in the report and the future management and maintenance referred to the offsite biodiversity.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith
RESOLVED that the application be **APPROVED** subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A. Limitation over the occupation of the dwellings to affordable housing.
- B. Provision for off-site biodiversity mitigation measures, including mechanisms for initial provision as well as on-going long-term management and maintenance.

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AND subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission.

Documents submitted 25/01/2024: -

- P20-1071.01H - Revised Layout
 - P20-1071.04A - Site Levels and Sections
 - P20-1071.06A - Street Scenes
 - P20-1071.07B - Garden Sizes
 - P20-1071.08 - 3D Site Renders
 - P20-1071.020 - TYPE B-TYPE B – SEMI
 - P20-1071.021 - TYPE B-TYPE D – SEMI
 - P20-1071.022 - TYPE C-TYPE C - SEMI
 - P20-1071.023 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 1)
 - P20-1071.024 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 2)
 - P20-1071.025 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 1)
 - P20-1071.026 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 2)
 - P20-1071.027 - TYPE F-TYPE B – SEMI
 - P20-1071.028 - BUNGALOW 1 – SEMI
 - P20-1071.029 - BUNGALOW 2 - SEMI
3. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size, and texture with the approved details.
 4. No development shall take place until full details of both hard and soft landscape work with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

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5. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The submitted plan must include, but is not restricted to: -

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Locations for loading/unloading and storage of plant, waste, and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- details for the methods to be employed to control and monitor noise, dust, and vibration impacts
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and
- timescales for the implementation of the scheme.

The approved scheme shall be implemented and adhered to in full accordance with the scheme as approved under this condition.

6. Before the commencement of the development hereby approved

- i. a site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis and a report of the site investigation must have been submitted to, and approved in writing by, the Local Planning Authority.
- ii. Only where the site investigation required by 6i above identifies 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, must have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to CLR 11 and other 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.

7. o dwelling hereby approved will be occupied until:

- a) Any approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice in respect of that dwelling and its plot.

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b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, 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 6 above and satisfy 7a above.

c) Upon completion of the remediation works required by 6 and 7a 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.

8. 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.

9. 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.

10. No development will take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. ASC, Ltd. (Oct 2022), Flood Risk Assessment and Drainage Strategy Report, ref: SC128/FRA, including any subsequent amendments or updates 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.

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11. No development will take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
12. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase must have been submitted to and approved in writing by Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
13. Prior to the first occupation of any dwelling hereby approved, a verification report carried out by a qualified drainage engineer must have been submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed 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).
14. No part of the development hereby permitted shall commence until an assessment of the risk to motorists using the M1 motorway as a result of glint and glare emitting from vehicle movements within the development or the proposed street lighting layout, has been carried out and any necessary mitigation scheme identified and has been approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme shall thereafter be constructed in accordance with the approved plans prior to first occupation of the development and maintained in perpetuity.
15. Prior to the occupation of any dwellings, street lighting and lighting for the proposed shared parking court serving plots 8 to 16, must have been provided and be made operational in accordance with details that must have previously been submitted to and approved in writing by the Local Planning Authority, that shall be maintained and operational, as approved, at all times thereafter.
16. An updated acoustic assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. A scheme of mitigation, as necessary in light of the results of the assessment, [covering façade, glazing and ventilation specifications] shall achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to meet the requirements of BS8233:2014. Once approved the mitigation shall be installed fully in accordance with the approved scheme and permanently maintained thereafter.
17. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing P20- 1071 – DE_001_01 G.

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18. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.
19. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
20. Due to the presence of Japanese knotweed on adjacent land, prior to the commencement of the development, including preparatory site clearance, a survey for any recent establishment of this species within the site or along the site boundary should be undertaken. The results and any appropriate mitigation requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
21. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery, and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species and sensitive habitats during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

22. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications, and numbers of features, which will include (but are not limited to) the following:

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- 21 integrated swift bricks (universal nest box) at ratio of 1:1, in line with British Standard 42021:2022. Bricks should be integrated into the fabric of the dwellings.
- 3 external or internal bat boxes
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

23. A Landscape Enhancement and Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development. These should be in accordance with the proposals set out in the submitted Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The LEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

24. A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the plan is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The plan shall be suitable

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to provide to the management body responsible for the site. It shall include the following: -

- a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.
- b) Details for the enhancement of modified grassland to lowland calcareous grassland including the results of soil analysis.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

25. 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. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

The meeting concluded at 10:28 hours.