

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 31st July 2019 at 1100 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Allan Bailey, Anne Clarke, Nick Clarke, Jim Clifton, Steve Fritchley, Natalie Hoy, Chis Kane, Duncan McGregor, Graham Parkin, Liz Smyth, Janet Tait, Deborah Watson, James Watson and Jen Wilson.

Officers:-

Chris Fridlington (Planning Manager (Development Control)), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

0194. APOLOGIES

Apologies for absence were received on behalf of Councillor Derek Adams.

0195. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0196. DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor James Watson declared a significant other interest in Agenda Item 6 – Local Development Order to support the Shop Front Repairs Grants Scheme due to having an interest in a shop front in Pinxton. Although it would not be covered by the proposed Local Development Order, Councillor James Watson considered there to be a possible knock on implication. Councillor James Watson left the meeting for consideration of this item and did not take part in the debate or vote.

0197. MINUTES –3rd July 2019

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** that, subject to the above amendments, the minutes of a meeting of the Planning Committee held on 3rd July 2019 be approved as a true and correct record.

PLANNING COMMITTEE

0198. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 19/00083/FUL – Residential development of 78 dwellings – Field Adjacent To Pattison Street Off Bolsover Road Shuttlewood

This application had been considered by the Committee at its meeting on 3rd July 2019 and was deferred in order for the Council to assess the viability appraisal and for further negotiations to take place regarding Section 106 contribution.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Mr. Chris Dwan, the agent on behalf of the applicant attended the meeting and spoke in support of the application.

Committee considered the application having regard to the adopted Local Plan, the Publication Version of the Local Plan and the National Planning Policy Framework; noting that this application was contrary to the adopted Local Plan. Regard was had to the lawful implementation of the earlier planning permission on this site that was considered to weigh against the normal policy principles regarding development in the countryside. There had been negotiated improvements to the proposed development in the interests of the character and appearance of the area, highway safety, the privacy and amenity of neighbours and biodiversity to bring the proposal in-line with other policy requirements, the Council's published design guidance and the National Planning Policy Framework (2019).

A S106 Agreement to address affordable housing need had been proposed and following the submission of the viability appraisal, a revised offer had been made including a contribution towards education. Members considered this to be adequate mitigation against the impacts of the development on local infrastructure and the local community.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that application be approved subject to prior entry into a s.106 legal agreement containing the following obligations:

- A:** on-site provision of 10% affordable housing; and
- B:** a contribution of £182,384 towards secondary education with the trigger points for payment of the education contribution weighted to require 50% payment at 50% occupation, with the remainder due at 75% occupation.

AND subject to the following planning conditions:

1. The development hereby permitted must be carried out in accordance with the following approved drawings and documents:-
 - C00 – Site location plan submitted 07/02/19
 - C01 – Topographical survey submitted 07/02/19
 - C02 Rev C - Street Elevations submitted 24/05/19

PLANNING COMMITTEE

- C03 Rev C - Site Plan East submitted 24/05/19
- C04 Rev E - Site Plan West submitted 18/06/19
- C05 Rev A - Petworth submitted 30/04/19
- C06 Rev A - Petworth submitted 30/04/19
- C07 Rev A - Petworth submitted 30/04/19
- C08 Rev A - Petworth submitted 30/04/19
- C09 Rev A - Lindisfarne submitted 30/04/19
- C10 Rev A - Lindisfarne submitted 30/04/19
- C11 Rev A - Lindisfarne submitted 30/04/19
- C12 Rev A - Lindisfarne submitted 30/04/19
- C13 Rev A - Lindisfarne submitted 30/04/19
- C14 Rev A - Lindisfarne submitted 30/04/19
- C15 Rev A - Lindisfarne submitted 30/04/19
- C16 Rev A - Kingston submitted 30/04/19
- C17 Rev B - Kingston submitted 24/05/19
- C18 Rev A - Hardwick semi submitted 30/04/19
- C19 Rev A - Hardwick semi submitted 30/04/19
- C20 Rev A - Hardwick semi submitted 30/04/19
- C21 Rev A - Hardwick det submitted 30/04/19
- C22 Rev A - Hardwick det submitted 30/04/19
- C23 Rev A - Hardwick det submitted 30/04/19
- C24 Rev A - Hardwick det submitted 30/04/19
- C25 Rev A - Rosedene submitted 30/04/19
- C26 Rev A - Rosedene submitted 30/04/19
- C27 Rev A - Rosedene submitted 30/04/19
- C28 Rev A - Rosedene submitted 30/04/19
- C29 Rev A - Wycombe submitted 30/04/19
- C30 Rev A - Wycombe submitted 30/04/19
- C31 Rev A - Westbury submitted 30/04/19
- C32 Rev A - Westbury submitted 30/04/19
- C33 Rev A - Westbury submitted 30/04/19
- C34 Rev A - Buckingham submitted 30/04/19
- C35 Rev A - Danbury submitted 30/04/19
- C36 Rev A - Sudbury submitted 30/04/19
- C37 Rev A - Claydon submitted 30/04/19
- C38 Rev A - Claydon submitted 30/04/19
- C39 - 2.5 storey Hardwick Plans submitted 24/05/19
- C40 Rev A - 2.5 storey Hardwick Elevations submitted 30/04/19 (only approved in respect of plots 12 – 18)
- C41 Rev A - 2 bed Affordable House submitted 30/04/19
- C42 – Garages – single and combined submitted 07/02/19
- C43 Rev A - Garages- paired submitted 30/04/19
- C44 Rev A - Plot materials Schedule submitted 30/04/19
- C45 Rev D - Site Plan 1/500 submitted 18/06/19
- C46A – Kingston submitted 24/05/19
- P47 – 2 bed affordable house for Plots 10 – 11

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

PLANNING COMMITTEE

2. The fencing erected to protect retained trees and hedgerows, as approved under application ref. 18/00407/DISCON, must be maintained as approved at all times during the development of this site. Nothing will be stored or placed within the fenced area around any retained tree or hedgerow and the ground levels within the fenced area must not be altered, and no any excavation will take place, without the written consent of the Local Planning Authority.

REASON: To ensure that adequate protection is given to trees and hedgerows that are to be retained on the site or which about the site in the interests of the visual amenity of the area and biodiversity interests, and in compliance with Policies GEN1, ENV5 and ENV8 of the adopted Bolsover District Local Plan.

3. Building works must not commence above foundation level on more than 10 new dwellings unless a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures should be implemented in full and maintained thereafter. Measures must include (but are not limited to):

- the provision of compensatory hedgerow planting for the hedgerow lost as part of the development;
- details of bird and bat boxes to be clearly shown on a plan (positions / specification / numbers).
- hedgehog connectivity measures to be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows; and
- a summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

REASON: To provide for an enhancement of the ecological/biodiversity interest of the site in accordance with the policy of the National Planning Policy Framework and policy ENV5 of the adopted Bolsover District Local Plan.

4. Notwithstanding the submitted details, prior to building works commencing above foundation level on more than 10 dwellings, details of both hard and soft landscape works, including all means of enclosure and a programme for implementation, must have been submitted to and approved in writing by the Local Planning Authority and the works must be carried out as approved. The soft landscaping details must take account of the need to provide for biodiversity enhancement under the requirements of condition 3 above.

REASON: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and biodiversity and in compliance with Policies GEN1, GEN2 and ENV5 of the adopted Bolsover District Local Plan

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the open space- footpath route along the southern edge of the site, other

PLANNING COMMITTEE

than small, privately owned, domestic gardens, must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling . The landscape management plan must be carried out as approved.

REASON. To ensure that landscaped areas are effectively maintained in the interests of biodiversity and the visual amenity of the area and in compliance with policies GEN1, GEN2 and ENV5 of the adopted Bolsover District Local Plan.

6. 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 must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

REASON. To provide a reasonable period for the replacement of trees and shrubs in the interests of biodiversity and the visual amenity of the area and in compliance with policies GEN1, GEN2 and ENV5 of the adopted Bolsover District Local Plan.

7. The Hall windows in the rear elevation of plots 4, 25 and 75 must be fitted with obscured glass that must be maintained as such at all times thereafter for the lifetime of the development.

REASON: In the interests of the privacy and amenity of occupants of the adjoining dwellings and in compliance with Policy GEN2 of the adopted Bolsover District Local Plan

8. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there will be no alterations resulting in the installation of any windows (including roof-lights) above the ground floor of the proposed dwelling on plot 36 without the prior grant of planning permission.

REASON: In the interests of the privacy and amenity of occupants of the adjoining dwellings and in compliance with Policy GEN2 of the adopted Bolsover District Local Plan.

9. Prior to the occupation of the approved dwelling on plot 36, a 1.8m high solid screen fence must have been erected on that plots rear boundary that must be maintained at all times thereafter for the lifetime of the development.

REASON: In the interests of the privacy and amenity of occupants of the adjoining dwellings and in compliance with Policy GEN2 of the adopted Bolsover District Local Plan.

10. Prior to building works commencing above foundation level on more than 10 dwellings, full details of foul and surface water drainage to include a scheme of

PLANNING COMMITTEE

implementation and arrangements for the lifetime management and maintenance of the drainage works, based on the principles established by the drainage details previously approved under planning consent ref. 18/00406/DISCON, must have been submitted to and approved in writing by the Local Planning Authority, which must be implemented in accordance with the approved timetable. The scheme will provide for separate foul and surface water systems on and off the site.

REASON: To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water and in compliance with policy GEN5 and GEN6 of the adopted Bolsover District Local Plan.

11. There shall be no piped discharge of surface water from the application site until works to provide the outfall for surface water, as approved under planning consent ref. 18/00407/DISCON, have been completed.

REASON: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading and in accordance with the requirements of policy GEN5 of the adopted Bolsover District Local Plan.

12. The construction management plan previously approved under application reference number 18/00407/DISCON shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and residential amenity and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

13. The construction access must be provided and maintained in accordance with the details previously approved under planning consent ref. 18/00407/DISCON. The access shall be retained in accordance with that approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

14. The construction compound within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles must be provided and maintained in accordance with the details previously approved under planning consent ref. 18/00407/DISCON free from any impediment to its designated use throughout the construction period.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

PLANNING COMMITTEE

15. No dwelling will be occupied unless and until it is served by an access road which has been surfaced at least to base course level and there is a level surfaced footway suitable for use by wheelchairs and pushchairs between that dwelling and the public highway.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

16. No part of the development shall be occupied until a new estate street junction has been formed to Bolsover Road in accordance with the application drawing Nos 18-560-SH-C03, and provided with visibility sightlines extending from a point 2,4m from the carriageway edge, measured along the centreline of the access, for a distance of 47m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

17. No dwelling will be occupied until its new vehicular access has been formed to the new estate street in accordance with the approved application drawings. The accesses serving plot numbers 7 to 41, 46, 49 to 59 and 73 to 76 must be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 25m in each direction measured along the nearside carriageway edge, with the accesses serving plot numbers 3, 42, 47, 48, 59, 60, 70, 71 and 77 to 79 being provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 17m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines must be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

18. Individual and shared private vehicular accesses shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footways/margins, the splay areas being maintained throughout the life of the development clear of any object greater than 1m in height relative to footway level.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

19. No dwelling shall be occupied until space has been laid in accordance with the approved application drawings for the parking of that dwelling's resident's vehicles.

PLANNING COMMITTEE

REASON: To enable a vehicle to be parked clear of the highway in the interests of safety and in compliance with Policy GEN1 of the Bolsover District Local Plan

20. The garages / car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

REASON: To enable a vehicle to be parked clear of the highway in the interests of safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

21. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

REASON: In the interests of highway safety and in compliance with Policy GEN1 of the Bolsover District Local Plan.

(Planning Manager (Development Control))

Councillor James Watson left the meeting at this point.

0199. LOCAL DEVELOPMENT ORDER TO SUPPORT THE SHOP FRONT REPAIRS GRANTS SCHEME

Committee considered the report of the Planning Manager (Development Control) which sought approval for a Local Development Order to grant planning permission for alterations and improvements to shop frontages in Shirebrook covered by the Shop Front Repairs Grants Scheme.

The Shop Front Repairs Grants Scheme formed part of a wider Market Square Enlivenment project. Working with a range of stakeholders, including MHCLG, Bolsover Partnership, Shirebrook Forward NG20, Shirebrook Academy, Junction Arts, and Chesterfield College a range of activities had been identified as part of the project which had the capacity to:

- Reduce anti-social behaviour through a market square that looks better and that the community have been a part of improving
- Improve public perceptions of safety
- Inspire community engagement and social inclusion
- Build community pride and identity
- Support a resilient local economy

PLANNING COMMITTEE

To assist delivery of the Shop Front Repairs Grants Scheme, a Local Development Order (LDO) was proposed to grant planning permission to alterations and improvements to shop fronts on Market Square in line with the Shop Front Design Guide produced as part of the Building Resilience programme.

This type of LDO was to streamline the planning process by removing the need for the owner / occupier of the affected premises to make a formal planning application to the Council. Instead, the LDO was to allow applicants to seek prior approval of their proposed alterations at the same time as submitting a grant application using the same plans for both aspects.

Public consultation needed to be carried out before an LDO would be adopted and it is intended to publicise the LDO by way of a press advert, site notices (in and around the Market Square) and by notifying the affected premises.

Moved by Councillor Tom Munro and seconded by Councillor Natalie Hoy

RESOLVED that

- (i) Subject to further public consultation, a Local Development Order be put in place to support the Shop Front Repairs Grants Scheme for the following reason:

The reason for the Local Development Order was to support the significant investment being made in improving the environmental quality of the Market Square in Shirebrook by (i) streamlining the planning process for the works that the Shop Front Repairs Grants Scheme is targeting, (ii) speeding up the delivery of grant money and subsequent improvements to the Market Square, and (iii) ensuring a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and improve the local economy.

- (ii) The Local Development Order shall grant planning permission for alterations and improvements to shop frontages, including replacement windows and doors, new or replacement canopies, new or replacement cladding, new or replacement fascia, new or replacement shutters and similar items, for all premises located within the areas edged red on the plan attached as Appendix A.1 operating either an A1 Use (retail), A2 Use (professional offices), A3 Use (cafes), A4 Use (drinking establishments) or A5 Use (hot food takeaway) at street level, subject to the following conditions:

- Prior approval of the external appearance of the altered frontage and external facing materials to be used in any proposed alterations must be obtained from the Local Planning Authority prior to the commencement of any development;
- The design of the proposed alterations and the final external appearance of the shop frontage must be in accordance with the design principles set out in the Shop Front Design Guide.
- There must be no alterations to the shape to the main roof over the existing premises.

PLANNING COMMITTEE

- Any alterations approved under this Order must be completed within two years of approval
 - This Order will expire and no longer take effect after 31 December 2022.
- (iii) The Order shall take effect following public consultation subject to no adverse comments being received on substantive planning grounds as a result of this consultation, in which case the matter would be brought back to Planning Committee for further consideration.

(Planning Manager (Development Control))

Councillor James Watson returned to the meeting at this point.

0200. LOCAL ENFORCEMENT PLAN (PLANNING)

Committee considered the report of the Planning Manager (Development Control) which reported on progress achieved on the service targets set out in the Local Enforcement Plan from January to June 2019.

The service standards set in the Local Enforcement Plan were:

- “The site of a high priority case will be visited in the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within 24 hours of that site visit”.
- “A site visit will be undertaken within two weeks of identifying a suspected breach of planning controls that is likely to be a medium priority case. A decision on what further action to take will be made within four weeks of that site visit”.
- “A site visit will be undertaken within six weeks of identifying a suspected breach of planning controls that is likely to be a low priority case. A decision on what further action to take will be made within six weeks of that site visit”.

In the period January to June 2019, 153 new complaints had been received and 68 cases were closed, which demonstrated that workload pressures continued to place a high demand on the team.

In respect of high and medium priority cases, 100% of cases achieved the service standard and in respect of low priority cases, 87% met the service standard.

This was considered to be a good level of performance, taking into account the volume of new enquiries, the disruption to the team caused by having to replace one of the team members and other workload pressures.

The report gave details of the number of enquiries that had been closed and those where action was still pending.

PLANNING COMMITTEE

The other major factor affecting current workloads was dealing with the legacy of historic cases, which has partially arisen due to a vacancy in the team for a significant period. However compared against other local authorities, the number of long standing 'pending cases' (23, of which 13 were reported last year) represented exceptionally good performance based on the recent localised benchmarking carried out.

Committee were advised of the status of 9 of the longest-running cases. It was noted that in many of the cases, the main delays were caused by the process of dealing with retrospective planning applications and appeals against refusal of planning permission. Officers were therefore considering a 'fast-tracking' process by issuing an enforcement notice at the time of the refusal of planning permission so the issues could be dealt with by a single appeal.

Other issues in high priority cases related to unauthorised development within a Conservation Area and unauthorised works to listed buildings.

It was anticipated that there may continue to be slippage in achieving the service standard in respect of low priority cases, if the volume of new enquiries continued to be high and whilst the Planning Service dealt with the outstanding high priority cases. However analysis of performance over the previous 5 years suggested the Service would be able to catch up with the pending cases following the principles in the Local Enforcement Plan.

It was agreed that the Local Enforcement Plan would be circulated to Members on the Committee. It was also proposed that enforcement could be included in the Planning Committee training programme during the year.

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

- (i) the report be noted.
- (ii) the Planning Service' performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis

(Planning Manager (Development Control))

The meeting concluded at 1128 hours.