

## **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 25<sup>th</sup> September 2019 at 1000 hours.

PRESENT:-

Members:-

Councillor Chris Kane, Vice-Chair in the Chair

Councillors Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, 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)), Peter Sawdon (Principal Planner), Kay Gregory (Planner), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

### **0326. APOLOGIES**

Apologies for absence were received on behalf of Councillors Jim Clifton, Tom Munro and Dan Salt.

### **0327. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **0328. 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.

No declarations of interest were made at the meeting.

### **0329. MINUTES –31<sup>st</sup> JULY 2019**

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor  
RESOLVED that, subject to the above amendments, the minutes of a meeting of the Planning Committee held on 31<sup>st</sup> July 2019 be approved as a true and correct record.

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### 0330. SITE VISIT NOTES – 20<sup>th</sup> SEPTEMBER 2019

It was noted that Blind Lane, Bolsover had not been visited and in fact the following sites had been visited:

- Rear of 16 to 124 and South West of 124 and between Brickyard Farm and Barlborough Links Chesterfield Road, Barlborough - Application 19/00256/VAR
- Land Adjacent Brick Yard Farm Slayley Lane Barlborough - Application 19/00257/VAR.

Moved by Councillor Duncan McGregor and seconded by Councillor Jen Wilson  
RESOLVED that, subject to the amendment as noted above, the notes of the site visit held on 20<sup>th</sup> September 2019 be approved as a true and correct record.

### 0331. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 18/00452/OUT - Outline planning application (all matters reserved except access) for the mixed-use redevelopment of the former Whitwell Colliery site, comprising circa 450 dwellings, circa 6 hectares of employment, public open space, convenience retail store and offices, means of access and parking including drop off area for Whitwell railway station, drainage and structural landscaping - Whitwell Tip and Surrounding Land Southfield Lane, Whitwell

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.

The applicant and 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 Bolsover District Local Plan, the Publication Version of the Local Plan and the National Planning Policy Framework. Members considered the criteria in the emerging Local Plan's site-specific policy SS6; the impact on the setting of any heritage assets and the physical and visual coalesce of the neighbouring settlements of Hodthorpe and Whitwell; the suitability of access points for all users and the impact on the local road network; the provision of affordable housing on the site; and the socio-economic benefits of the 'over-provision' of public open space and the 'under-provision' of formal sports facilities.

It was considered that the development proposed in this application was acceptable or could be made acceptable in planning terms, subject to appropriate conditions and subject to planning obligations via a s.106 legal agreement as set out in the report.

In accordance with Council Procedure Rule 14.4, Councillor James Watson requested that a recorded vote be taken. Councillors Allan Bailey and Graham Parkin supported this request.

The officer's recommendation was moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson.

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For – 11 (Councillors Derek Adams, Anne Clarke, Nick Clarke, Steve Fritchley, Natalie Hoy, Chris Kane, Duncan McGregor, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson)

Against – 3 (Councillors Allan Bailey, Graham Parkin and James Watson)

Abstentions – 0

Moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson  
**RESOLVED** that Application 18/00452/OUT be approved subject to prior entry into a s.106 legal requirement containing the following planning obligations:

### Affordable Housing

- A. On site provision of 5.5% affordable housing (equivalent to a maximum of 25 new houses) tenure to be split: 85% socially rented and 15% affordable home ownership;
- B. Review mechanism to allow for 10% affordable housing in the event market conditions change over the operational phase of the proposed development;

### Education

- C. Financial contribution of £1,133,134.80 (index linked) towards provision of additional teaching block for the provision of 70 primary places at Whitwell Primary School;
- D. Financial contribution of £219,525.57 (index linked) towards additional teaching accommodation for the provision of 9 secondary places at Heritage High School;

### Public Health

- E. Financial contribution of £171,180 (index linked) towards local health provision unless and until contracts have been signed securing the build out of the new build medical centre being proposed in Creswell and the provision of the additional treatment room in this development. Once the construction of the new-build medical centre has been secured, the financial contribution towards local health provision shall be reduced to an amount equivalent to the cost of the works required to convert the office at the Whitwell medical practice to a medical treatment room and convert the existing store room into a replacement office;

### Public Open Space

- F. Neighbourhood equipped area of play (NEAP), of an area of 600m<sup>2</sup>, to be provided on the location identified in the masterplan 13.012/32L, to an agreed investment of £120,000 (to be index linked), and providing play equipment particularly for the ages of 8-13 to address local shortfalls identified locally within the Parish;
- G. Maintenance provision of the NEAP, over a period of 10 years, at a cost of £30,816, based on a rate of £51.36 per m<sup>2</sup> (to be index linked), providing that the applicant is not transferring the NEAP to a management company;

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- H. 25 years aftercare of the agreed landscaping scheme once it has been carried out;  
and

### Travel Plan Monitoring

- I. Travel Plan monitoring fee of £1,015.00pa for 5 years, total of £5,075 index linked

AND subject to the following conditions:

### Reserved Matters

1. Approval of the details of the landscaping of the site and the siting, scale and external appearance of the buildings on the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The approved layout shall broadly accord with the disposition of uses identified on Drawing No.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of three years from the date of approval of the last of the reserved matters.

Reasons: In the interests of the proper planning of the local area

### Archaeology

4. No development shall take place until a Written Scheme of Investigation for archaeological work shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - i. the programme and methodology of site investigation and recording;
  - ii. the programme for post investigation assessment;
  - iii. the provision to be made for analysis of the site investigation and recording;
  - iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v. the provision to be made for archive deposition of the analysis and records of the site investigation;
  - vi. the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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5. No development shall take place other than in accordance with the approved Written Scheme of Investigation.
6. Prior to the first occupation of the development hereby approved, the site investigation and post investigation assessments shall have been completed in accordance with the Written Scheme of Investigation approved under Condition 4, and provision shall have been made for the publication, dissemination, and archive deposition of the results.

Reasons: To ensure that the archaeological interest on site is properly managed in accordance with its degree of significance.

### Broadband

7. All dwelling houses erected as part of the residential development and any buildings erected on the commercial land hereby approved must be provided with full fibre broadband connections to an operational telecommunications network (or equivalent) prior to first occupation.

Reasons: To ensure appropriate connectivity in accordance with national planning policies in the Framework.

### Coal Mining Legacy

8. No development shall take place within the safeguarding areas of the two mine shafts on site without the prior written approval of the local planning authority (as shown on Drawing No. 13.012/32I).

Reason: Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately.

### Construction Environmental Management Plan

9. Prior to the start of any development hereby approved, a construction environmental management plan shall be submitted and approved in writing by the local planning authority.

This plan must include methods for controlling noise levels to those specified in mineral planning guidance and should not exceed background sound levels (LA90, 1hr) by more than 10 dB(A) and in any event should not exceed 55dB (A) (LAeq 1 hour) free field (during normal working hours). Exceedances of these limits will only be permitted for short, defined periods when additional mitigation measures have been agreed.

The construction environmental management plan must also include hours of work, methods of controlling nuisance dust and soiling, vibration which shall include but not limited to the provision of wheel washes, speed limits, damping down, locations of soil storage mounds and site compounds.

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In addition, the construction environmental management plan must provide details of the storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic signing or restrictions and measures required to protect the integrity and safe operation of the railway line adjacent to the application site.

Once agreed in writing by the local planning authority, the development shall be carried out in complete accordance with the approved construction environmental management plan.

Reasons: In the interests of highway safety and safeguarding the amenities of the local area.

### Design

10. The design of the proposed residential development shall be in accordance with the principles set out in the submitted design and access statement and the supplementary planning document *Successful Places* (and/or any successor supplementary planning document adopted by the local planning authority).

Reasons: To ensure that the proposed development is completed to an appropriate standard of design in the interests of place-shaping, the amenities of the local area and living conditions of future occupants.

### Drainage

#### *Foul Water*

11. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### *Surface Water Drainage*

12. 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:
  - a) Whitwell Colliery Redevelopment Flood Risk Assessment and Drainage Strategy A090970, Version 3, Welbeck Estates (February 2018), including any subsequent addendums, amendments or updates to those documents as approved by the LLFA,

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- b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), No objections in principle Conditions Recommended X Objection Recommended

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing

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.

- 13.No development shall 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 of the planning practice guidance."

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i. into the ground (infiltration);
- ii. to a surface water body;
- iii. to a surface water sewer, highway drain, or another drainage system;
- iv. to a combined sewer.

- 14.Prior to commencement of the development, the applicant shall submit for approval to the LPA, 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 LPA, 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.

### Ecology

- 15.Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for each phase must be submitted to and approved in writing by the local planning authority. The LEMP must include details of the landscape restoration plans for each phase including planting,

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seeding, details of habitat creation and establishment of that habitat including details of management proposals and the applicable aftercare period. The LEMP for each phase is to be prepared and implemented in accordance with the LEMP approved by Derbyshire County Council under application ref: CM5/0818/42 and agreed as part of the S106 Agreement for the reclamation scheme submitted to the County Council.

Reason: To ensure the successful and appropriate re-establishment of landscape and habitats within the site, in the interests of nature and landscape conservation, and to achieve a net gain in biodiversity.

### Electric Charging Points

16. All dwelling houses erected as part of the residential development hereby approved shall be provided with a charging point for electric vehicles, and a minimum of one charging point for electric vehicles shall be provided for each building erected on the employment land hereby approved.

### External Lighting

17. Prior to the installation of any external lighting (during either the construction phase or operational phase of the proposed development), precise details of any external lighting, including details of siting, lighting installations, luminosity, illuminated areas, light spread and/or light patterns, and duration of installation, must be submitted to and approved in writing by the local planning authority.

Thereafter, any external lighting shall be installed or implemented as approved.

Reason: To avoid compromising the operation of the adjacent railway line and to avoid any unnecessary light pollution in the interests of safeguarding biodiversity and the amenities of the local area and in the interests of protecting the living conditions of future occupants.

### Ground Conditions

18. Prior to each phase of development approved by this planning permission, no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i. A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation scheme, based on (i), above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy



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giving full details of the remediation measures required and how they are to be undertaken.

- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter, the scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 19.If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

### Ground Water

- 20.Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

### Highways and Site Access

- 21.No development shall commence on any phase/area until temporary access for construction purposes has been provided, laid out and constructed to base level in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority and County Highway Authority.

- 22.No works shall commence on site until a detailed scheme for the traffic signal control and new footways on the Station Road and Southfield Lane railway

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bridges has been submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority. The works shall be implemented in accordance with the approved scheme prior to the first occupation of any dwelling or premises hereby permitted.

23. No works shall commence on site until a detailed scheme for improvements to the Green Lane/Station Road junction (generally in accordance with Drawing 13050-5003-006 rev 2) has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. The works shall be implemented prior to the first occupation of any dwelling or premises hereby permitted in accordance with the approved scheme and the area forward of the new sightline constructed as highway verge prior to the first occupation of any dwelling or premises hereby permitted.
24. Prior to the first occupation of any dwelling hereby permitted on Areas 1-4 (Phases 1A & 2B), the new access onto Station Road serving that dwelling shall be laid out in accordance with application drawing 13050-5003-04 rev E, having a minimum carriageway width of 5.5m, 2 x 2m footways and 6m radii, constructed to base level, drained and lit in accordance with the County Council's specifications. Each access shall be provided with visibility sightlines of 2.4m x 160m in each direction, the area forward of the sightlines shall be constructed as footway and taken into the highway.
25. Prior to the first occupation of any dwelling hereby permitted on Areas 5 & 6 (Phases 2A & 1B), the new access onto Station Road shall be laid out in accordance with application drawing 13050-5003-04 rev E, having a minimum carriageway width of 5.5m, 2 x 2m footways and 6m radii, constructed to base level, drained and lit in accordance with the County Council's specifications. The access shall be provided with visibility sightlines of 2.4m x 160m in the easterly direction and 2.4m x 90m to the west, the area forward of the sightlines shall be constructed as footway and taken into the highway.
26. Prior to the first occupation of any dwelling hereby permitted on Areas 7 & 8 (Phase 3), the new access onto Southfield Lane shall be laid out in accordance with application drawing 13050-5003-05 rev G, having a minimum carriageway width of 5.5m, 2 x 2m footways and 6m radii, constructed to base level, drained and lit in accordance with the County Council's specifications. The access shall be provided with visibility sightlines of 2.4m x 100m in both directions, the area forward of the sightlines shall be constructed as footway and taken into the highway.
27. Prior to any premises first being taken into use on Areas 9 & 10 (the Employment phases), the access serving that property from Southfield Lane shall be laid out in accordance with application drawing 13050-5003-05 rev G, having a minimum carriageway width of 7.3m, 2 x 2m footways and 10m radii, constructed to base level, drained and lit in accordance with the County Council's specifications. The access shall be provided with visibility sightlines of 2.4m x 100m in both directions, the area forward of the sightlines shall be constructed as footway and taken into the highway.

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28. The gradient of any access into the site shall not exceed 1:30 for the first 10m from the existing highway boundary and not exceed 1:20 thereafter.
29. No works shall commence on site until a detailed scheme for the provision of footways and drainage on Station Road and Southfield Lane has been submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority. The scheme shall be implemented prior to the first occupation of any dwelling or premises hereby permitted, between the railway bridge on the existing road and the access of the area/phase serving the property.
30. Notwithstanding the submitted drawing, forward visibility of 100m shall be provided round the bend at the approach from the east to the traffic signals on Southfield Lane in order to maximise visibility available to a driver approaching the signals and also for a driver approaching behind vehicles queuing at the signals. The area forward of the sightline shall be laid out and constructed as highway in accordance with detailed designs first submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority.
31. Notwithstanding the submitted drawing, forward visibility sightline of 160m shall be provided at the approach from the east to the junction of areas 3 & 4 in order to maximise visibility available to a driver approaching behind a vehicle waiting to turn right into the junction. The area forward of the sightline shall be laid out and constructed as highway in accordance with detailed designs first submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority.
32. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6Cs' Design Guide and the "Manual for Streets" document issued by the Departments for Transport and Environment and Local Government.
33. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
34. Any full or reserved matters application should be accompanied by a swept path analysis to demonstrate that service and emergency vehicles can successfully enter and manoeuvre within the site.

Reasons: In the interests of highway safety and safeguarding the amenities of the local area, and in the interests of the amenity and living conditions of future occupants of the proposed development.

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### Local Employment Opportunities

35. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority (please refer to the template attached). The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
36. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

Reasons: To maximise potential local skills, training and employment opportunities.

### Noise Attenuation

#### *Residential*

37. Prior to the commencement of each development phase, a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The survey and the resulting scheme for each phase shall take account of the established noise conditions at the time of survey, and will consider the need to provide adequate ventilation where deemed to be necessary, which will be by mechanical means in addition to opening windows, where such an open window would not achieve the following criteria. Where ventilation has been considered to be necessary, the scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LA<sub>eq</sub> (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LA<sub>max</sub> to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LA<sub>eq</sub> (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

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### *Commercial and Retail Uses*

38. Prior to the erection of any buildings for employment/retail uses on the application site (i.e. buildings in an A1, B1, B2 or B8 use or in a mixed use):

- an assessment of sound must be undertaken and a scheme specifying the provisions to be made for the control of sound emanating from these buildings must be submitted to and approved in writing by the Local Planning Authority.

The assessment must identify and quantify all sound sources from each building and must assess the significance of the sound impact, taking into account the uncertainty of the assessment at the boundary of any neighbouring dwellings or other sensitive receptor in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound.

The approved scheme must then be implemented in full when each building (i.e. building in an A1, B1, B2 or B8 use or in a mixed use) is erected and upon completion of all works within the approved scheme a validation report must be completed by a competent person and must be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved noise attenuation scheme must be maintained as validated throughout the lifetime of the buildings.

Reason: In the interests of safeguarding the amenities of the local area and the living conditions of future occupants.

### Public Art

39. Prior to the occupation of any development on Phase 2A of the site, a viewpoint at the tip of the former colliery site, a trim trail and a series of interpretative boards advertising the proposed walking routes across the former colliery site and connections beyond (towards the Archaeological Way and Creswell Crags for example) must be provided in accordance with a scheme to be first submitted to and agreed in writing by the local planning authority.

Reasons: In lieu of the financial contribution required by saved Local Plan policy GEN17 and in the interests of place making and promoting and encouraging access to public open space.

### Safety Barriers

40. Network Rail's existing fencing / wall must not be removed or damaged and prior to the occupation of any part of the development hereby approved, an Armco or similar barrier must be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing in accordance with a scheme first submitted to and approved in writing by the local planning authority.

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Thereafter, the safety barriers must be maintained as approved for as long as the railway remains operational.

Reasons: To ensure the proposed development does not compromise the operation of the adjacent railway line.

### Sequence of Development

41. The development hereby approved shall be carried out in sequence as shown on Drawing No. 13.012/24o starting with the build out of housing on Phase 1A.
42. Phase 1A (residential development) must not commence until phase 3 of the restoration of the site (as illustrated by Drawing no. 13.012/39f) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan (subject of Condition 15, above).
43. No residential development in Phase 1B shall be carried out (other than ground preparation works) until a minimum of 10 houses have been substantially completed in Phase 1A.
44. No more than 50% of the houses subsequently granted reserved matters approval on Phase 1A and no more than 25% of the houses subsequently granted reserved matters approval on Phase 1B shall be occupied until phase 4 of the restoration of the site (as illustrated by Drawing no. 13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan (subject of Condition 15, above).
45. Phase 2A and 2B (residential development) must not commence until phase 4 of the restoration of the site (as illustrated by Drawing no. 13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan (subject of Condition 15, above).
46. No residential development in Phase 2B shall be carried out (other than ground preparation works) until a minimum of 10 houses have been substantially completed in Phase 2A and the 'drop off' area for Whitwell Station and footpath links to this drop off point and the station itself have been provided.
47. Phase 3 (residential development) must not commence until (a) reserved matters approvals or full planning permission has been obtained for commercial buildings (i.e. buildings suitable for a B1, B2 or B8 use) with a minimum cumulative floor area of 30,000m<sup>2</sup> to be provided on the employment land proposed in this application or (b) until 50% of the employment land proposed in this application (3ha) has been taken into use for employment purposes falling within a B1, B2 or B8 Use.

Reasons: To ensure the proposed development delivers on the socio-economic and environmental benefits that justified granting outline permission for re-development of the site of the former Whitwell Colliery and for new development on undeveloped land adjacent to the site of the former Whitwell Colliery.

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### Travel Plan

48. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

Reasons: To promote and encourage the take up of sustainable modes of transport in accordance with national planning policies in the Framework.

- (ii) 19/00005/REM - Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/ Management of public areas), 16 (hedgerow retention/creation) and 19 (Noise Assessment) in respect of the areas of the site included in this application - Land between Welbeck Road and Oxcroft Lane, Bolsover

Further details relating to the application were included in the Supplementary Report, including a number of comments and responses that had been received at a late stage. A number of minor issues remained outstanding which were proposed to be delegated to officers to resolve.

The Principal Planner presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Mr Boden attended the meeting and spoke against the application.

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 Bolsover District Local Plan, the Publication Version of the Local Plan and the National Planning Policy Framework. Members considered the reserved matters insofar as they related to means of access (other than the main site access), layout and design, scale, appearance, landscaping, ecology and highway safety. Heritage impacts, flood risk and drainage, noise were also evaluated.

In accordance with Council Procedure Rule 14.4, Councillor James Watson requested that a recorded vote be taken. Councillors Allan Bailey and Graham Parkin supported this request.

Members expressed concern about the possible loss of the hedgerow at the rear of plots 81-83 on the south west boundary of the site and requested that the retention of this hedgerow be made a condition of any approval.

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It was further discussed that Members wished the developer to include the provision of electric vehicle charging points on every property as a design feature.

It was moved by Councillor Steve Fritchley and seconded by Duncan McGregor that the application be approved subject to the retention of the hedgerow and the provision of the electric vehicle charging points as outlined above, being agreed as conditions, and that the resolution of other outstanding issues and the determination of conditions be delegated to the Head of Planning following consultation with the Chair and Vice-Chair of the Planning Committee. Should satisfactory resolution of these issues not be achieved, the matter would be brought back to Planning Committee.

For – 9 (Councillors Derek Adams, Anne Clarke, Steve Fritchley, Natalie Hoy, Chris Kane, Duncan McGregor, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson)

Against – 4 (Councillors Allan Bailey, Nick Clarke, Graham Parkin and James Watson)

Abstentions – 1 (Councillor Anne Clarke)

Moved by Councillor Steve Fritchley and seconded by Duncan McGregor

**RESOLVED** that

1. Application 19/00005/REM be approved subject to:
  - (i) agreement to retain the hedgerow at the rear of plots 81-83 on the south west boundary of the site, and the provision of the electric vehicle charging points on every dwelling, which would be subject of appropriate conditions; and
  - (ii) satisfactory resolution of the outstanding issues including landscaping, design alterations and alterations to the travel plan document; and
2. that the resolution of these issues (at (i) and (ii) above), and the determination of any other conditions be delegated to the Head of Planning, following consultation with the Chair and Vice Chair of Planning Committee.

*Councillors Steve Fritchley and Duncan McGregor left the meeting at this point.*

- (iii) 19/00256/VAR - Variation of Condition 8 (Flood Attenuation Pond), 9 (Surface water drainage details), 20 (new access junction replacing roundabout) of Planning Permission 17/00298/VAR - Rear of 16 to 124 and South West of 124 and Between Brickyard Farm and Barlborough Links Chesterfield Road Barlborough

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.

Councillor David Dixon, Ward Member, attended the meeting and spoke against the application.

The agent on behalf of the applicant attended the meeting and spoke in support of the application.



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Committee considered the application having regard to the Bolsover District Local Plan, the Publication Version of the Local Plan and the National Planning Policy Framework.

The only matters for consideration in this application were whether the revised drainage system with underground tank was acceptable and technically feasible, taking into account sustainable drainage principles, and whether the revised access was safe and suitable for the proposed development.

Members expressed concerns regarding the suitability of the revised access on highway safety grounds. It was commented that a roundabout would be more suitable than the revised access proposed in this application. The Committee were advised that they had no evidence before them that contradicted the view given by the Local Highway Authority, as the statutory consultee, which was that the proposed junctions were safe and suitable in highway safety terms.

It was therefore proposed that determination of the application be deferred in order to allow for further advice from the Council's Highways Consultant to be obtained in relation to Members' concerns.

Moved by Councillor Natalie Hoy and seconded by Councillor Nick Clarke

**RESOLVED** that application 19/00256/VAR be deferred in order to obtain further advice from the Council's Highways Consultant.

- (iv) 19/00257/VAR - Variation of Condition 2 (Approved Plans), Condition 15 (Access Junction replacing roundabout), Condition 16 (Provision of footway to revised junction) of Planning Permission 17/00539/FUL - Land Adjacent Brick Yard Farm Slayley Lane Barlborough

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.

Councillor David Dixon, Ward Member, attended the meeting and spoke against the application.

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 Bolsover District Local Plan, the Publication Version of the Local Plan and the National Planning Policy Framework.

The only matters for consideration in this application were whether the revised access arrangements would be safe and suitable for the proposed development.

The decision notice was to repeat the relevant conditions from the original planning permission, unless they had already been discharged, to provide additional clarity.

The approval was to be subject to a deed of variation to the existing s.106 legal agreement to make land available for the provision of a roundabout and a financial contribution of £111,450.34 towards highway improvements to ensure that the omission of a site access

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roundabout from this scheme would not prejudice or compromise the safe and efficient operation of the Treble Bob roundabout in the future.

Moved by Councillor Deborah Watson and seconded by Councillor Jen Wilson

**RESOLVED** that Application 19/00257/VAR be approved subject to:

- A. a condition requiring prior entry into a legal agreement to secure land for the provision of a roundabout and a financial contribution of £111,450.34 towards highway improvements within the local area prior to the commencement of development;
- B. the following varied conditions:
  - i. The development shall be carried out in complete accordance with the following approved plans, Drawing Nos.:
    - P17-0895 09A Location Plan
    - P17-0895 13B Ground Floor
    - P17-0895 14B First Floor
    - P17-0895 15C Elevations
    - P17-0895 16B Sections
    - P17-0895 17B GF Perspective
    - P17-0895 18B FF Perspective
    - P17-0895 19 Floor Areas
    - P17-0895 23G Proposed Layout.
  - ii. Before the site is taken into use, (a) a new access junction shall be formed to Chesterfield Road broadly in accordance with application drawing number: LTP/3383/S1/01.01 Rev 0 produced by Local Transport Projects, and (b) the new access junction shall be laid out and constructed, lined, signed, drained and lit to adoptable criteria.
  - iii. The premises, the subject of the application, shall not be taken into use until a footway has been provided between the new site access junction and the bus stop shelter on Chesterfield Road to the north east of the site, laid out and constructed in accordance with Derbyshire County Council's specification for adopted roads.

AND

- C. the following conditions repeated from the original permission (application no. 17/00539/FUL)

### Expiry Date

1. The development shall be begun on or before 1<sup>st</sup> August 2021.

### Prior Approval of Materials and Landscaping

2. Before construction commences on the erection of any building beyond the construction of the foundations for that building, a schedule of wall and roof

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materials shall first have been submitted to and approved in writing by the Local Planning Authority.

3. Prior to the erection of the proposed retaining walls / introduction of gabions on site, precise details of site levels as existing and as proposed and sectional details of the gabions and retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out as approved.
4. Prior to the erection of any fences, railings or other similar items, the details of these shall be submitted to and approved in writing by the local planning authority. Thereafter, these items shall be constructed as approved prior to the development hereby permitted being taken into use.
5. Prior to the development hereby permitted being brought into use, full details of soft landscape works, including a programme for implementation, measures to encourage biodiversity, tree and hedgerow planting, and suitable mitigation for birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved.
6. Prior to the installation of any external lighting except street lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved and shall be designed to minimise light spillage outside of the site, it is designed to serve and into the sky.

### Safeguarding Amenity

7. No goods, material or waste shall be stored outside the building(s) except in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority and implemented as agreed. The submitted scheme shall include details of the height of storage and measures to contain and screen the material.
8. Sound from the entire commercial development shall, not exceed the residual noise level of 49dB LAR (1hr) daytime (7:00-23:00) and 43dB LAR (15min) night-time (23:00-7:00) corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development. The measurements and assessment shall be made in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
9. The jet wash shall only be used during daytime hours 08:00-19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
10. Any external plant equipment must comply with the design criteria in Table 12 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
11. The workshop building shall be constructed with sound insulation in accordance with the recommendations within sections 4.15 and 4.17 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).

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12. Prior to the start of development, a dust management plan for the construction phase and prior to the buildings being brought into use, a dust management plan for the operational phases of the development must be submitted and approved in writing by the Local Planning Authority and then implemented in full during construction and whilst the site is operational.

### Drainage

13. Drainage systems on the site including

- The proposed separate systems of drainage on site and off site
- The proposed amount of domestic foul water to be discharged to the public foul sewer
- The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 14.6 (fourteen point six) litres/second
- the proposed use of the petrol/oil separator

shall be carried out broadly in accordance with the details submitted on drawing BARL - AWP - ZZ - XX - DR - C - 0200 (revision P3) dated 14/02/2018 that has been prepared by Alan Wood & Partners.

### Highways

14. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking and turning of domestic and commercial vehicles, laid out and surfaced in a solid, bound material and maintained throughout the life of the development free from any impediment to its designated use.
15. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
16. No development within the application area shall be occupied or otherwise brought into use until the works to the A616/A619 roundabout as broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic unless an alternative mechanism for facilitating improvements to this junction has been agreed with the Local Planning Authority through consultation with the Local Highway Authority and Highways England.

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### Site Remediation

17. A detailed remediation scheme to address ground contamination issues including landfill gas and its potential for migration beyond the site, including all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures shall be submitted to the Local Planning Authority prior to commencement of the development hereby permitted.
18. The remediation scheme approved in accordance with condition 17 above, must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
19. Following completion of measures identified in the remediation scheme approved in accordance with condition 17 above, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.
20. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.
21. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.

(Planning Manager (Development Control))

The meeting concluded at 1135 hours.