

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 30 October 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait, Deborah Watson, Jen Wilson and Carol Wood.

PL104-24/25 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Kane.

PL105-24/25 URGENT ITEMS OF BUSINESS

There were no urgent business to be considered at the meeting.

PL106-24/25 CHANGE TO ORDER OF BUSINESS

The Chair consented to a change in the order of business to that stated on the agenda to accommodate the large number of speakers for agenda item 9, application number 23/00644/FUL, conversion of public house which would be brought forward from the last item to be considered.

PL107-24/25 DECLARATIONS OF INTEREST

| Minute No. | Member | Level of Interest |
|-------------|-----------------------|---|
| PL111-24/25 | Councillor Janet Tait | As a Member on the Planning Committee, Councillor Tait declared an interest and would sit in the public gallery and not take part in the discussion or vote on the item. |
| PL112-24/25 | Councillor Janet Tait | As a Member on the Planning Committee, Councillor Tait declared an interest in agenda item 8 as a Director of Dragonfly and left the meeting during discussion of the item. |
| PL112-24/25 | Councillor Watson | As a Member on the Planning Committee, Councillor Watson declared an interest as a member of Tibshelf Parish Council and left the meeting during discussion of the |

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| PL112-24/25 | Councillor Wood | item. As a Member on the Planning Committee, Councillor Wood declared an interest in as a Director of Dragonfly and left the meeting during discussion of the item. |
| PL114-24/25 | Councillor Rob Hiney-Saunders | As a Member of the Planning Committee, Councillor Rob Hiney-Saunders would sit in the public gallery and not take part in the discussion or vote on the item. |

PL108-24/25 MINUTES - 19TH JUNE 2024

Moved by Councillor by Councillor John Ritchie and seconded by Councillor Phil Smith
RESOLVED that the Minutes of the Planning Committee held on 19th June 2024 be approved as a true record subject to the following amendment:

PL79-24/25 - 24/00102/FUL - CHANGE OF USE OF EXISTING DWELLINGHOUSE (C3 USE) TO CHILDREN'S CARE HOME FOR UP TO 3NO. CHILDREN (C2 USE). MINOR FACILITATING WORKS COMPRISING WIDENING OF DRIVEWAY AND VEHICLE ACCESS - 16 THE CHINE BROADMEADOWS PINXTON NOTTINGHAM

'On being put to the vote, the motion was won;

For the motion: 5 6
Abstentions: 2

PL109-24/25 MINUTES - 4TH SEPTEMBER 2024

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor
RESOLVED that the minutes of a meeting of the Planning Committee held on 4th September 2024 be approved as a true and correct record.

PL110-24/25 MINUTES - 17TH SEPTEMBER 2024

Moved by Councillor Rob Hiney-Saunders and seconded by Councillor Duncan McGregor
RESOLVED that the minutes of the meeting held on 17th September 2024 be approved as a true and correct record.

Councillor Janet Tait left her seat on the Committee and sat in the public gallery.

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PL111-24/25 APPLICATION NO. 23/00644/FUL - CONVERSION OF PUBLIC HOUSE TO GENERAL CONVENIENCE STORE WITH EXTENSION TO PROVIDE ADDITIONAL STORAGE AND CONVERSION OF 1ST AND 2ND FLOORS TO PROVIDE 2 SELF-CONTAINED FLATS AND 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO) - THE NEW VICTORIA INN, ACREAGE LANE, SHIREBROOK, MANSFIELD

Committee considered a detailed report in relation to the above application presented by the Development Management and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues.

The application was initially referred to Planning Committee by Councillor Jane Yates due to the number of licensed Houses of Multiple Occupation (HMO) in the Bolsover District, all within Shirebrook South, Shirebrook North and Langwith Wards and the multiple issues within the HMOs in the area.

The application was initially considered at Planning Committee in June 2024 but was deferred to ask the applicant to consider residential flats instead of HMO accommodation and to enable a Preliminary Bat Roost Assessment to be submitted.

A revised application was submitted which provided a bat roost survey and the proposed to reduce the number of bedrooms in the HMO from 10 to 7 with supporting information to justify why the applicant wished to retain the HMO but with a reduced number of bedrooms.

The revised plan showed the amended HMO layout and included a single storey rear extension to provide storage for the shop proposed at the ground floor which reduced the available parking area and amenity space proposed.

District Councillor Janet Tait spoke against the application from the public gallery.

District Councillor Jane Yates spoke against the application.

Brian Murray-Carr of Shirebrook Town Council attended the meeting and spoke against the application.

Mick Yates – Chair of Shirebrook Model Village Residents Association attended the meeting and spoke against the application.

Raj Padda (applicant) and Adam Brown (Nest Architecture Ltd) attended the meeting and spoke in support of the application.

During discussion Councillor Deborah Watson proposed an additional condition be added for a management plan to be submitted to the Authority in relation to how day to day management of the HMO accommodation, vetting of occupants, management of the site and methods for dealing with and reporting of anti-social behaviour.

Moved by Councillor Deborah Watson (with the inclusion of the additional condition relating to the HMO management plan) and seconded by Councillor Tom Munro and on being put to the vote the motion was won:.

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For the motion: 5

Against the motion: 2

It was therefore **RESOLVED** that application be approved subject to:

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 specifically stated otherwise in the conditions below:
Revised Proposed Block Plan ref VI-AL-111 Issue A
Revised Proposed Elevations ref VI-AL-108 Issue D
Revised Proposed Elevations ref VI-AL-107 Issue C
Revised Proposed First Floor and Second Floor ref VI-AL-106 Issue C
Revised Proposed Ground Floor Plan with Site Layout ref VI-AL-105 Issue I
Revised Boundary Details VI-AL-109 Issue B
3. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the approved plan. Once provided the access, parking and turning facilities shall be maintained thereafter free from any impediment to use for access, parking and turning purposes.
4. Before the hereby approved commercial unit and residential accommodation are first taken into use, the existing vehicular access to Acreage Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the ground floor of the premises must be used only for Class E, a, b, d, e, f purposes (and for no other use falling within Class E, c and g of the Order).
6. The hereby approved 7 bedroomed house in multiple occupation shall be for a maximum of 7 occupants.
7. Prior to the first occupation of the residential accommodation hereby approved 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 scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB L_{Amax} to occur no more than 6 times per night (2300 hrs - 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (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 before first occupation. The approved scheme shall be implemented in full and retained thereafter.

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8. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a scheme of CCTV shall be installed covering the main communal entrances, shared parking areas and external communal grounds fully in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the CCTV scheme shall be continually operated and maintained thereafter.
9. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a lighting scheme covering the main communal entrances, shared parking areas and external communal grounds shall be installed fully in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the lighting scheme shall be continually operated and maintained thereafter.
10. Prior to any works taking place to the external elevations and roof of the development, the precise external materials for the elevational treatment and roofing shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then proceed fully in accordance with the agreed external materials and be maintained in perpetuity for the lifetime of the development.
11. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, the boundary treatments shown on the approved site will be constructed on site in accordance with the approved details and must be maintained as such thereafter.
12. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a hard and soft landscaping scheme shall be submitted to and be approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. Notwithstanding the submitted details shown on the approved plans, prior to commencement of use of the commercial unit and residential accommodation the precise details and location of the secure cycle storages areas to the rear of the site shall be submitted to and approved in writing by the Local Planning Authority and provided prior to commencement of use. Once provided the revised location and specification for the cycle storage scheme shall be maintained thereafter.
14. Prior to the commencement of use of the commercial unit and first occupation of the residential accommodation, a scheme of biodiversity enhancement measures shall be provided on site fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Once provided the biodiversity enhancement measures shall be maintained thereafter.
15. The roller shutter box for the main customer entrance to the commercial unit shall be an internally fitted mechanism only.
16. Prior to the installation of any replacement windows and doors, precise details shall be first submitted to and approved in writing by the Local Planning Authority. The agreed replacement windows and doors shall then be implemented fully in accordance with the approved details prior to commencement of use of the commercial unit and residential accommodation and maintained thereafter.
17. The two hanging signs on the building shall be retained, repaired or replaced and re-

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installed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority prior to commencement of use of the ground floor commercial unit. Once provided the hanging boards shall be maintained thereafter.

18. The hereby approved ground floor commercial premises shall be open for trade or business only between 6am and 11pm daily.
19. There shall be no commercial deliveries for the ground floor unit outside of the hours of 7am and 9pm Monday to Saturday and 9am to 9pm Sunday, with the exception of newspapers.
20. Prior to the first occupation of the HMO accommodation hereby approved a management plan for the accommodation which shall include the vetting of occupants, day-to-day management of the site and methods for dealing with and reporting incidents of anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. The accommodation shall thereafter be managed in accordance with the approved details in perpetuity.

Councillors Janet Tait, Deborah Watson and Carol Wood left the meeting having previously declared interests in the following item.

PL112-24/25 APPLICATION NO. 24/00356/FUL - ERECTION OF A NEW PAVILION BUILDING TO PROVIDE A FLEXIBLE COMMUNITY SPACE THAT CAN BE USED FOR A VARIETY OF USES, INCLUDING CO-WORKING, COMMUNITY EVENTS, CAFE, AND TOURIST INFORMATION CENTRE. THE BUILDING WILL ALSO PROVIDE INCREASED PROVISION OF PUBLIC WCS, MARKET STALL STORAGE, MARKET SUPERVISOR OFFICE, AND A WI-FI HUB. THE COMMUNITY HUB WILL BE RUN / MANAGED BY SHIREBROOK TOWN COUNCIL - SHIREBROOK MARKETPLACE, SHIREBROOK

Committee considered a detailed report in relation to the above application presented by the Development Management and Land Charges Manager.

The application was referred to the Planning Committee by the Development Management and Land Charges Manager due to the decision being of strategic importance to the District and in the interests of openness and transparency, as the District Council has been involved in the inception of the scheme and could be involved in its delivery.

The application was for a building to provide a flexible community space, public toilets, and a storage area for market stalls.

Mick Yates – Chair of Shirebrook Model Village Residents Association attended the meeting and spoke in support of the application.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith
RESOLVED that application be approved subject to:

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1. The development shall be begun before the expiration of three years from the date of this permission.
2. Development may not be begun until:
 - a) a biodiversity gain plan has been submitted to the planning authority; and
 - b) The planning authority has approved the plan.

The Biodiversity Gain Plan must be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of any on site measures. The biodiversity enhancement measures shall thereafter carried out in accordance with the approved details.

3. The development must not commence until a landscape plan and management schedule to secure gains over a minimum 30 year period in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscaping must be provided on site before the dwelling hereby approved is first occupied.
4. The development must be carried out in accordance with drawing numbers:
 - 2201 Rev P06 Proposed floor plan
 - 2800 Rev P06 Proposed phasing plan
 - 4200 Rev P02 Proposed sections
 - 2212 Rev P06 Proposed market stall layout
 - 3200 Rev P06 Proposed elevations
5. Prior to construction of the building superstructure, samples of the materials to be used for all external areas of the building, including windows, external doors and bi-folding screen must be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved must be constructed in the approved materials and must be maintained as such thereafter.
6. The external paving and planters shown on the approved plan must be provided on site in accordance with the approved plan before the building hereby approved is first occupied and must be maintained as such thereafter.

Councillors Janet Tait, Deborah Watson, Jen Wilson and Carol Wood returned to the Committee for the next item of business.

PL113-24/25 APPLICATION NO. 24/00184/FUL - CHANGE OF USE FROM RESIDENTIAL DWELLING (C3A) TO A CHILDREN'S HOME (C2) FOR A MAXIMUM OF THREE CHILDREN - 18 BUCKTHORN CLOSE, BOLSOVER, CHESTERFIELD, S44 6FX (SPEAKERS REGISTERED)

Committee considered a detailed report and committee update sheet in relation to the above application presented by the Development Management and Land Charges Manager.

The application had been called in to Planning Committee by Councillor Cathy Jeffery due to concerns relating to insufficient parking spaces leading to highway safety implications and it being an unsuitable location for new residents as it was too far away

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from local services.

The application sought approval for a material change of use from a C3a (dwellinghouse) to C2 (children's care home) for a maximum of 3 children.

John Reynolds attended the meeting and spoke against the application.

Elsie Dey (the applicant) attended the meeting and spoke in support of the application.

Tuesday Hanley attended the meeting and spoke in support of the application.

During discussion it was suggested that an additional condition be added for temporary approval of the application for a period of two years.

Moved with the additional condition by Councillor Duncan McGregor and seconded by Councillor Rob Hiney-Saunders

RESOLVED that application be approved subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The noise management plan submitted to the Local Planning Authority via email on the 12th September 2024 must be implemented in full, concurrent with the first occupation of the site and must continue to be implemented in accordance with the approved scheme thereafter.
3. Before the development hereby approved is first implemented, the three parking spaces shown on amended parking plan received by the Local Planning Authority via email dated 17th September 2024 (including one space in the garage be available for parking on site in accordance with that plan and must be maintained available for parking at all times thereafter.
4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises must be used only as a children's care home for up to 3 children and for no other purpose (including any other use falling within Class C2 of the Order).
5. There must be no more than three members of staff on shift at the premises at any time unless otherwise agreed in writing by the Local Planning Authority.
6. The applicant must notify the local Planning Authority of the date of the commencement of the use hereby approved, within 7 days of the date of that commencement. The use hereby approved must cease within two years of the date of its commencement unless planning permission has been granted by the Local Planning Authority to retain that use.

Notes:

1. The three members of staff on shift must include the manager and carers on site.

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Councillor Duncan McGregor left the meeting at this point and Councillor Rob Hiney-Saunders moved into the public gallery for the following item of business and did not partake in the vote.

PL114-24/25 APPLICATION NO 24/0096/FUL - USE OF LAND FOR NATURE BASED WOODLAND PLAY AREA, INCLUDING A SHELTER BUILDING - LAND NORTH OF 4 TO 10 MEADOW VIEW, CLOWNE

Committee considered a detailed report and the committee update report in relation to the above application presented by the Development Management and Land Charges Manager.

The application was called in to Planning Committee by Councillor Rob Hiney-Saunders due to concerns relating to insufficient parking at the site and the impact of the development on the environment.

District Councillor Hiney-Saunders attended the meeting and spoke from the public gallery against the application.

Jackie Goodison attended the meeting and spoke against the application.

Lynne Drew attended the meeting and spoke against the application.

John Inger attended the meeting and spoke against the application.

Anne Fotheringham attended the meeting and spoke against the application.

Ben Shatford (applicant) attended the meeting and spoke in support of the application.

During discussion concerns were raised by Members in relation to the access and location of the site and suitability of such development.

It was moved by Councillor Phil Smith and seconded by Councillor Jen Wilson **RESOLVED** that the application be refused for the following reasons:

1. The proposed development constitutes an unwarranted and unsustainable form of development in the countryside that is poorly connected to and would result in significant incursion into, and harm to the landscape setting of Clowne and fail to respond positively to the identity and context of the area, contrary to the requirements of Policy SS1, SS9, SC3 and SC5 of the Local Plan for Bolsover (2020) and policy contained within the National Planning Policy Framework (2023).
2. The development will encroach into an area of land which makes a significant contribution to the historic, geological and early settlement character of Clowne and would result in less than substantial harm to the character and appearance of this part of Clowne Conservation Area and Clowne Craggs that would not be outweighed by the public benefits to be derived, contrary to the requirements of Policy SC16 of the Local Plan for Bolsover (2020) and policy contained within the National Planning Policy Framework (2023).

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PL115-24/25 SECTION 106 AUDIT REPORT (OCTOBER 2024)

This item was deferred to the next meeting.

The meeting concluded at 12:48 hours.