

## **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, 12th February 2020 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Chris Kane (Vice-Chair) in the Chair

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

Officers:- Richard Purcell (Joint Head of Planning), Chris McKinney (Principal Planning Officer), Peter Sawdon (Principal Planner), Kay Gregory (Planner), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

### **634 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Paul Cooper and Tom Munro.

### **635 URGENT ITEMS OF BUSINESS**

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

### **636 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.

There were no declarations made at the meeting.

### **637 MINUTES**

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that the minutes of a meeting of the Planning Committee held on 8<sup>th</sup> January 2020 be approved as a true and correct record.

### **638 NOTES OF SITE VISITS**

Moved by Councillor Deborah Watson and seconded by Councillor Nick Clarke **RESOLVED** that the notes of the site visits held on 5<sup>th</sup> February 2020 be approved as a true and correct record.

## PLANNING COMMITTEE

**639 19/00583/OUT. - RESIDENTIAL DEVELOPMENT FOR UP TO 62 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS - LAND OFF BLACKSMITHS CLOSE AND PARK AVENUE, TO THE REAR OF 7 - 53 MANSFIELD ROAD, GLAPWELL**

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

Councillor Tricia Clough, Ward Member, spoke against the application.

Councillor Tony Trafford on behalf of Glapwell Parish Council spoke against the application.

Ms. Jacqueline Hole attended the meeting and spoke against the application on behalf of herself and other local residents.

Mr Chris Waumsley, 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 emerging Local Plan and the National Planning Policy Framework.

The key issues considered in determining the application were:

- The principle of development.
- The sustainability of the site in relation to local services and facilities.
- Landscape character and visual impact of the proposed development.
- Residential amenity.
- Access and highway safety.
- Ecological impacts, including biodiversity, trees and hedges.
- Social Infrastructure and planning obligations.
- Other – including archaeology, drainage, contamination, stability.

Councillor Duncan McGregor outlined the reasons that he supported the approval of the application. Although it was recognised that the proposal was contrary to Saved Policies ENV3 and HOU9 of the adopted Local Plan, and Policies SS3 and SS9 of the emerging Local Plan and paragraph 79 of the Framework insofar as this site was outside the settlement framework/development envelope, material considerations outweighed this position. It was considered that the proposal did not contravene the policies to protect the countryside. The proposals could be considered as infill and did not encroach into the countryside beyond existing developments.

Further, the officer assessment of the land as grade 2 agricultural land that should be protected, was not supported. In the Member's view the proposal was not contrary to Saved Policy ENV2, Emerging Policy SC5 or Paragraph 170b of the Framework. The land did not appear to be good quality land and did not appear to be intrinsic to or a valuable component of any farm business or ongoing agricultural operations. There was no evidence that the land had any significant ecological interest. In this case, housing was considered to be a more productive use of the land giving rise to socio-economic benefits through providing jobs and more homes than retaining the currently unproductive land that had limited utility for farming.

## PLANNING COMMITTEE

Councillor Duncan McGregor also outlined his view that there were no obvious reasons why development of this land would diminish physical and visual separation of Glapwell from the nearest neighbouring settlements contrary to Policy SS11 of the emerging Local Plan. There was also no case made that this development would result in coalescence of Glapwell with any neighbouring settlements. Therefore approval of this application would not undermine the planning purpose of important open breaks which were intended to retain and maintain the individual and locally distinctive identity of the District's unique settlements, villages and towns.

The wider visual impact of the proposal on the landscape was perceived to be limited because the site was not especially prominent and the housing would be seen against the backdrop of existing residential development. As landscaping was a reserved matter, there was an opportunity to create a defensible settlement edge in accordance with Local Plan Policy GEN11, to create a landscape buffer on the edge of new developments.

Approving the application was considered to increase the provision of the affordable housing in the village with high house prices, which would benefit the next generations of villagers. The proposal would accelerate development on the other part of the site and the delivery of the restoration of The Bothy and the relocation of the existing nursery and provision of the farm shop.

Councillor Duncan McGregor commented on the need to be mindful of the impacts of failing to deliver sufficient houses and that accepting this windfall site could be considered to be the right thing in the right place. This would create a buffer should the planned sites for housing not be delivered, and enable the authority to resist housing development in more damaging locations.

In a previous appeal in respect of a neighbouring site, the Inspector had determined that Glapwell was a sustainable settlement for housing developments, although it was noted that the Inspector distinguished that site from neighbouring sites (including this application site). Members were also advised that the emerging Local Plan identified Glapwell as a small settlement, not suitable for housing developments of this scale. This was acknowledged and supported by the Inspector during the Local Plan examination.

It was concluded that, on the individual merits of the case, the limited harm as a consequence of the contravention of Local Plan policies and on the local area resulting from approving the application, would be significantly and demonstrably outweighed by the benefits of doing so.

Councillor Duncan McGregor moved that the application be approved contrary to officer recommendation, for the reasons as outlined above, subject to the securing of contributions requested by consultees and the provision of affordable housing, through completion of a S106 legal agreement, and subject to suitable planning conditions. Authority to agree the terms of the S106 legal agreement and the conditions was to be delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of Planning Committee.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth  
**RESOLVED** that application 19/00583/OUT be approved, contrary to officer recommendation, for the reasons set out above, subject to prior entry to a S106 legal agreement to cover the contributions requested by consultees and the provision of affordable housing and that the Head of Planning, in consultation with the Chair and Vice-

## PLANNING COMMITTEE

Chair of Planning Committee, be delegated authority to agree the terms of the S106 legal agreement and the conditions.

### **640            19/00475/FUL - RESIDENTIAL DEVELOPMENT OF 88 DWELLINGS INCLUDING ACCESS, INFRASTRUCTURE AND ASSOCIATED WORKS - LAND TO THE REAR OF 64 TO 74 SKINNER STREET, CRESWELL**

Further details relating to the application were included in the Supplementary Report relating to suggested amendments to the proposed Section 106 legal agreement and the proposed conditions.

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

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

Ms Sarah Clark, 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 emerging Local Plan and the National Planning Policy Framework.

The key issues considered in determining the application were:

- Principle of the development;
- Section 106 requirements including:
  - Affordable housing; and
  - The ability to provide relevant infrastructure requirements.

It was considered that the development proposed in this application could be made acceptable in planning terms subject to appropriate planning conditions and subject to planning obligations securing affordable housing provision and financial contributions towards leisure facilities, local medical provision and biodiversity enhancements.

Further discussions and negotiations were still needed with the applicant and consultees to agree the final conditions, generally following the recommendations in the report, as addressed in the Supplementary Report.

Flexibility with the provision of affordable housing was also put forward due to difficulty in securing a registered provider to deliver the rental housing. If agreed this would have required amendment to the proposed S106 legal agreement, also addressed in the Supplementary Report.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

**RESOLVED** that application 19/00475/FUL approved, subject to the prior entry into a S106 legal agreement and subject to conditions, and that delegated authority be granted to the Head of Planning to agree the terms of the S106 legal agreement and the conditions.

## PLANNING COMMITTEE

### 641 LOCAL PLAN FOR BOLSOVER DISTRICT

Committee considered a report of the Head of Planning which reported the findings of the Inspector's Report on the new Local Plan for Bolsover District and the recommended Main Modifications. The report also proposed that the Inspector's recommended Main Modifications and identified Additional Modifications be incorporated into the version of the Local Plan for Bolsover District approved in April 2018 and that it be recommended to Council that the Local Plan for Bolsover District be adopted as the development plan for Bolsover District and replace the Bolsover District Local Plan (February 2000) and the saved policies within it.

The report set out the process followed by the Council in developing the required evidence base to shape and inform its potential planning strategy and policies for the period up to 2033, as well as the public engagement and consultation carried out.

In April 2018, the Council approved the proposed Local Plan for Bolsover District, which was followed by further consultation. Following submission of the Local Plan for Bolsover District in August 2018, Inspector Karen Baker DIPTP MA DIPMP MRTPI was appointed to undertake an independent examination of the document. The Local Plan Examination Hearing Sessions took place between Tuesday 21<sup>st</sup> January to Wednesday 6<sup>th</sup> February 2019 with an additional and final session on Tuesday 12<sup>th</sup> March 2019.

The Inspector provided her judgement on the necessary Main Modifications on 14<sup>th</sup> May 2019 and these were approved for public consultation by Planning Committee at its meeting on 5<sup>th</sup> June 2019. Consultation on the necessary Main Modifications then took place, following which the Council submitted the representations received to the Inspector.

The Planning Inspectorate issued the Inspector's Report to the Council on 15<sup>th</sup> January 2020, which was then published and notice of its publication was given to those persons who requested to be notified, as well as to those who had submitted representations during the 2018 and 2019 consultations.

The Inspector's Report set out the findings of the Examination and concluded that, with the recommended Main Modifications set out in the Appendix, the Local Plan for Bolsover District satisfied the requirements of Section 20(5) of the 2004 Act and met the criteria for soundness in the National Planning Policy Framework.

Additional modifications set out a number of changes that did not materially affect the Policies of the Local Plan and did not fall within the scope of the Examination. It was recommended that these changes be agreed by the Council to correct typographical and factual errors within its approved Local Plan.

The Council was also required to maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. A decision to adopt the Local Plan for Bolsover District would therefore necessitate an update to the Adopted Policies Map that accompanied the Bolsover District Local Plan that was adopted in February 2000.

Objections to a proposal to remove the Wildlife Corridors and Stepping Stones designation from a site at Ball Hill, South Normanton were outlined in the report. A minor

## PLANNING COMMITTEE

change was recommended to remove only a small strip of the designated area. This amendment was shown on the Proposed Changes to the Submitted Policies Map, attached to the report at Appendix D.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

**RESOLVED** - That Planning Committee:

- 1) notes the findings of Inspector's Report as set out in Appendix B to the report;
- 2) notes the Inspector's recommended Main Modifications as set out in Appendix B to the report to make the plan sound and accept their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
- 3) notes the Additional Modifications as set out in Appendix C to the report to correct typographical and factual errors and agree to their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
- 4) notes the Policies Map Changes as set out in Appendix D to the report and agree to those changes being incorporated into the version of the Policies Map submitted to the Secretary of State in August 2018;
- 5) recommends to Council that the Local Plan for Bolsover District is adopted as the development plan for Bolsover District and to replace the Bolsover District Local Plan (February 2000) and the saved policies within it.

(Joint Head of Planning)

The meeting concluded at 11:45 hours.