

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Virtual Meeting and in the Council Chamber (if required) on Wednesday, 4 November 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane (Vice-Chair), Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, Paul Cooper, Maxine Dixon, Natalie Hoy, Duncan McGregor, Graham Parkin, Liz Smyth, Deborah Watson and Jen Wilson.

Officers:- Chris Fridlington (Assistant Director of Development and Planning), Sarah Kay (Planning Manager (Development Control)), Jenny Owen (Legal Executive), and Alison Bluff (Governance Officer).

PL8-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Janet Tait and James Watson.

PL9-20/21 URGENT ITEMS OF BUSINESS

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

PL10-20/21 DECLARATIONS OF INTEREST

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

Councillor Graham Parkin declared that he had previously discussed application 20/00185/OUT as a Ward Member for South Normanton West and he would therefore not participate in the consideration of that item.

PL11-20/21 MINUTES

Moved by Councillor Duncan McGregor and seconded by Councillor Derek Adams
RESOLVED - that the minutes of a meeting of the Planning Committee held on 30th September 2020 be approved as a true and correct record.

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PL12-20/21 20/00185/OUT - OUTLINE APPLICATION FOR THE ERECTION OF 48 DWELLINGS AND RETENTION OF THE EXISTING FARMHOUSE WITH ACCESS AND ALL OTHER MATTERS RESERVED, TOWNEND FARM, LEES LANE, SOUTH NORMANTON.

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 Andrew Joesbury, Ward Member, attended the meeting remotely and spoke against the application.

The agent, Ms Rebecca Booth, on behalf of the applicant attended the meeting remotely and spoke in support of the application.

Committee considered the application having regard to the Bolsover District Local Plan and the National Planning Policy Framework. This site was allocated by virtue of Policy LC1: Housing Allocations for housing development.

The main issues considered in the determination of this application were:

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development could deliver a suitable design and layout and provide sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;
- drainage requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and
- heritage and archaeology impacts.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth

RESOLVED that application 20/00185/OUT be approved subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- 10% on-site affordable housing (for rent) provision (Policies LC2 and II2)*;
- Leisure contributions*: £858 per dwelling open space contribution; and £1022 contribution to built and outdoor sports facilities (Policies ITCR5, ITCR7 and II2);
- Off-site ecology mitigation (identification and provision of suitable land, as well as future management and maintenance of that mitigation);
- Health contribution* to be used to increase clinical capacity for Village Surgery at one or both of their sites - £23,040 is requested based on a 48 dwelling proposal, but given the outline nature of the proposals, this should be expressed as a £480 per dwelling contribution;
- Investigation into and ; subsequent implementation of traffic management, should this provide necessary, due to the propensity of parking on Lees Lane, taking into account a monitoring period of 5 years post completion of the development. Subject to a maximum sum of £5000*

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*All financial contributions would be subject to indexation.

AND subject to the following conditions that are given in draft form, with the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee: -

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Lees Lane (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The proposed development is limited to a maximum number of 50 dwellings and any reserved matters application must be accompanied by a revised Design and Access Statement and Sustainability Statement. This shall demonstrate that the submitted reserved matters application proposal has followed a robust design led approach with appropriate regard to issues of sustainability.
4. The plans and particulars submitted in accordance with condition 1 above shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on or overhanging the site which has a stem with a diameter, measured over the bark at a point of 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) the plan shall also show details of all hedgerows on and around the site, showing which hedgerows are to be retained;
 - c) details of the species, diameter of trees (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and hedgerow, and of each tree which is on land adjacent to the site and to which paragraphs (d) and (e) below apply;
 - d) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site and details of any reduction in height or width of any hedgerow;
 - e) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 2m of any hedgerow and within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - f) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and hedgerow from damage before or during the course of development.
 - g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above and "retained hedgerow" means an existing hedge to be retained in accordance

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with the plan referred to in paragraph (b) above.

5. No removal of vegetation or work to buildings will take place between 1st February and 31st September inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
6. Prior to the commencement of any groundworks on the site, a survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall have been undertaken and will have been submitted to and approved in writing by the Local Planning Authority.
7. No development will take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following:-
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include reptile and badger).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
8. A landscape and biodiversity enhancement and management plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The LBEMP must combine both the ecology and landscape disciplines and ensure that there is no net loss of biodiversity and ideally providing a measurable net gain. It should include the following:-
 - a) Description and location of habitat and species features to be created, planted, enhanced and managed including type and locations of bird boxes (c.25 integrated swift boxes), integrated measures for swallow, Barn Owl mitigation (based on section 4 of the Barn Owl Report prepared by TEP July 2020), hedgehog access gaps in gardens and details of habitat creation.
 - b) Aims and objectives of management for species and habitat.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

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f) Details of the body or organization responsible for implementation of the plan.

g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP will also include details of the legal and funding mechanism(s) by which the long-term (25 years) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

9. No development shall take place, other than site clearance works, 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) Proposed Residential Development, Land off Lees Lane, South Normanton, Level 1 Flood Risk Assessment, by JPC Environmental Services, referenced: IE20/042/REVA/DS, dated May 2020 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
 - b) And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015) have been submitted to and approved in writing by the Local Planning Authority.
10. No development, other than site clearance works, 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 reference ID: 7-080-20150323 of the planning practice guidance.
11. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority 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 Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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A. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

B. Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, 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.

Following completion of measures identified in the approved remediation scheme, 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.

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not

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previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Importation of soil - 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 consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

14. Prior or concurrent with the submission of any reserved matters application, 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. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LA_{eq} (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LA_{max} to occur no more than 6 times per night (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LA_{eq} (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.

15. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

16. No part of the development can be of vulnerable construction, that being —

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;
- (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

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- (c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

17. No development will commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations must be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
18. Where the findings of the intrusive site investigations (required by condition 18 above) identify that coal mining legacy on the site poses a risk to surface stability, no development will commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works must be implemented on site in complete accordance with the approved details.
19. Before any other operations are commenced, except for site clearance, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
21. Before any other operations are commenced the new junction shall be formed to Lees Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in the non-critical direction i.e. to the left out of the site and 2.4m x to the tangent of the bend in the critical direction i.e. to the right out of the site measured along the nearside carriageway edge, in accordance with details that will have first submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The area in advance of the visibility sightlines shall be constructed as footway and form part of the publicly maintainable highway.
22. Before any other operations are commenced (excluding creation of the new access, the subject of condition 22 above), any redundant vehicular and pedestrian access to Lees Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

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23. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out, in accordance with Derbyshire County Council's Design Guide Delivering Streets and Places, and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

24. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, including service / delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

(Planning Manager (Development Control))

PL13-20/21 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) AND 16 (HEDGEROW RETENTION/CREATION) OF THE OUTLINE PLANNING PERMISSION REF. 14/00080/OUTEA 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, which included amended plans.

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.

This application had previously been considered by the Planning Committee in September 2019. The item had been brought back to the Planning Committee for re-consideration in the light of material amendments to the previously agreed scheme.

The agent, Mr Paul Butler, on behalf of the applicant attended the meeting remotely and spoke in support of the application.

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

The main issues considered in the determination of this application were:

- the principle of the development;
- layout and design;
- landscape and ecology;
- highway safety;

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- flood risk and drainage;
- noise.

The principle of development on this site had already been established through the strategic Local Plan allocation and the previous grant of outline planning permission.

It was moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson that the application be approved in line with the officer recommendation as set out in the report and supplementary papers.

Councillor Nick Clarke moved an amendment to the Motion which was seconded by Councillor Anne Clarke to defer the application until all the information had been received by officers and could be made available to the Planning Committee. On being put to the vote the amendment was lost.

The substantive Motion was then put to the vote and was carried.

RESOLVED - that application 19/00005/REM be granted planning permission, but the final decision be deferred to the Planning Manager, in consultation with the Chair and Vice Chair of the Planning Committee, subject to the following conditions, or additional conditions considered necessary to resolve outstanding issues where these cannot be satisfactorily resolved through amended details:-

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - A detailed list of plans will be included here to reflect the final detailed drawing submissions.

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

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.

[REASON: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and

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SC3(k) of the Local Plan for Bolsover District.]

4. Notwithstanding the submitted details, revised details of all external walling and roofing materials shall have been submitted to and approved in writing for each dwelling prior to the construction of that dwelling above foundation level.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

5. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed shall fully accord with any approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.]

6. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

[REASON: [To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

7. Prior to their installation, full details of the proposed Pumping Station and Electricity Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority and the completed development must be carried out only in accordance with those approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

8. Notwithstanding the submitted Noise Impact Assessment, prior to any development above foundation level, a revised scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed using the findings of the Noise Impact Assessment ref: NIA/8243/19/8190/v1/Marlpit Lane dated 8th January 2019 or an updated 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. 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 LAmax to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas - 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

9. Prior to occupation of each dwelling identified as requiring noise mitigation

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measures by any assessment approved under the terms of this condition, the scheme as approved must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

[REASON: In the interests of the amenities of the occupants of the proposed dwellings and in compliance with the requirements of Policy GEN3 of the Bolsover District Local Plan.]

10. Prior to occupation of any dwelling on site, the access arrangements and modifications to Marlpit Lane/ Welbeck Road shall be provided as shown on drawing Ref. P18-2638.001L – Planning Layout.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

11. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works, a formal Section 38 Highways Adoption Agreement must be in place with the Local Highway Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

12. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition 9 above up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

13. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

14. The estate streets shall be provided with 15m forward visibility sightlines around the inside of bends in the street alignment, as laid out in the County Council's Delivering streets and Places design guide; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

15. Individual driveways shall be provided with 2.4m x 25m visibility splays in each

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direction to the new estate street, or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

16. Where permanent turning arrangements for service and delivery vehicles have not been provided for a dwelling, that dwelling shall not be occupied unless and until a temporary turning facility, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority, has been provided. The temporary turning facilities shall be retained as approved at all times free from obstruction to its use for the turning of service and delivery vehicles until the permanent turning facility has been provided in accordance with the approved plans.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

17. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

19. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate opening.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

20. The proposed property access drives shall be no steeper than 1 in 10 for the first 6m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

21. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water

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from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access concerned and retained as such thereafter.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

22. The submitted Framework Travel Plan is not hereby approved and the requirements of condition 8 of outline planning permission ref. 14/00080/OUTEA is not hereby discharged. A Revised Framework Travel Plan must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

23. The submitted highway surface water drainage scheme is not hereby approved and the requirements of condition 11 of the outline planning permission ref. 14/00080/OUTEA is not hereby discharged. Revised highway surface water drainage details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

(Planning Manager (Development Control))

PL14-20/21 UPDATE ON SECTION 106 AGREEMENTS

Committee considered the report which gave information on Section 106 Agreements and their status to ensure that the Council had a robust procedure for recording and monitoring Section 106 obligations (also referred to as S106 agreements).

The report detailed the S106 money received in the Bolsover District Council Holding Account and the S106 obligations soon due on active development sites.

The report was intended to be quarterly but as a consequence of Covid-19 and staff changes at the start of 2020 the last S106 update report had been on 8th January 2020.

It was highlighted at the meeting that the most pressing issues were a site underspend (The Brambles, Doe Lea) that should be returned to the developer and a site (Woodside Stables, Rotherham Road) that was getting close to its trigger event for monies to be paid back.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor

RESOLVED – That the report be noted.

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PL15-20/21 LOCAL ENFORCEMENT PLAN (PLANNING)

Committee considered the report which reported on the progress made against the service targets set out in the Local Enforcement Plan for the period 1 July 2019 to 30 June 2020.

The report stated that the Local Enforcement Plan had been adopted by the Planning Committee in 2019. The Plan set out the following service standards:

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

The report detailed the progress against the targets.

Moved by Councillor Tom Munro and seconded by Councillor Liz Smyth

RESOLVED – That the report be noted and that the planning department's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

The meeting concluded at 12:08 hours.