

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 26th June 2018

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 4th July 2018 at **1100** hours.

Please Note: There will be a training session prior to the Planning Committee that will commence at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully



Joint Head of Corporate Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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**PLANNING COMMITTEE
AGENDA**

**Wednesday 4th July 2018 at 1100 hours
in the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u> To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u> Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 6 th June 2018	3 to 8
5.	Notes of a Site Visit held on 1 st June 2018	9
6.	Applications to be determined under the Town & Country Planning Acts. (i) 17/00376/FUL - Demolition of existing dwelling and erection of replacement dwelling and garage (Revised Scheme) at The Croft, Astwith Lane, Astwith, Chesterfield	10 to 26
7.	Five Year Housing Supply	27 to 38

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 6th June 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, P.Cooper, M.G. Crane, S.W. Fritchley, S. Peake, K. Reid, P. Smith, R. Turner, K.F. Walker, B. Watson, D.S. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)), J. Fieldsend (Team Leader (Solicitor) Non Contentious), A. Brownsword (Senior Governance Officer) and L. Robinson (Finance Assistant) (Observing)

0052. APOLOGY

An apology for absence was received from Councillor D. McGregor.

0053. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0054. DECLARATIONS OF INTEREST

There were no declarations of interest.

0055. MINUTES – 9TH MAY 2018

Moved by Councillor S.W. Fritchley and seconded by Councillor R. Turner
RESOLVED that the minutes of a meeting of the Planning Committee held on 9th May 2018 be approved as a true and correct record.

0056. SITE VISIT NOTES – 4TH MAY 2018

Moved by Councillor R. Turner and seconded by Councillor T. Munro
RESOLVED that the notes of a site visit held on 4th May 2018 be approved as a true and correct record.

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0057. APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS

1. 18/00026/FUL - Change of use to showman's site at Land Adjoining 7 Brookhill Road, Pinxton

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

Councillor M. Dooley and Mr. B. Woollard attended the meeting and spoke against the application.

Ms B. Storey attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the Bolsover District Publication Draft Local Plan, National Planning Policy Framework and Planning Policy for Travellers Sites 2015.

Moved by Councillor J.A. Clifton and seconded by Councillor T. Connerton

RESOLVED that Application No. 18/00026/FUL be APPROVED subject to the following conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

Reason: Y101 in compliance with legislation

2. The proposed caravans shall not be occupied until such time as full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers /
 - densities where appropriate

All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interests of visual amenity in accordance with policy GEN 2 of the Bolsover District Local Plan and paragraph 26 of the Planning Policy for Traveller Sites policy document 2015.

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3. The proposed caravans shall not be occupied until such time as a suitable scale drawing has been submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a minimum of 6 off-street car parking spaces of minimum dimensions 2.4m x 5.5m clear of the access and manoeuvring space and the spaces have been provided on site. Once provided, they shall be maintained thereafter clear of any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

4. In perpetuity all future occupants of the site hereby permitted shall meet the 'travelling showperson' definition within Annexe 1 of the Planning Policy for Traveller Sites Guidance 2015 (or any future guidance replacing or re-enacting this guidance).

Reason: The development hereby permitted is granted partially on the basis the site is appropriate for travelling showperson accommodation due to the specific site requirements associated with travelling showperson accommodation and equipment storage and maintenance. The condition is imposed to ensure that the site is not open to a purely residential caravan use which could be contrary to the development plan.

5. No more than 6 caravans and/or mobile homes (whether for storage or human habitation), as defined in the Caravan Sites and Control of Development Act (1960) and the Caravan and Sites Act 1968 (and any act or guidance supplementing, revoking or re-enacting those acts), other than those expressly approved by this consent, shall be placed on the land for temporary or permanent purposes. The agreement of the Local Planning Authority shall be issued in writing prior to the siting of any further caravans in addition to those expressly permitted.

Reason: In order to ensure the use of the site remains in line with the proportion of users proposed under the application to avoid additional uncontrolled highways and amenity impacts.

6. Within 1 month of the commencement of the use hereby permitted, mains drainage, mains water and mains electricity utility services shall be provided and made available for use on the site. Thereafter the utilities provided shall be retained for the life of the development.

Reason: In the interests of the amenity and living environment of future occupants and neighbouring properties.

7. There shall be no gates other than those already installed and such gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

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Informative Notes:

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. The Highway Authority recommends that the first 5 metres of the proposed access should not be surfaced with a loose material (e.g. unbound chippings or gravel). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

(Planning Manager (Development Control))

2. 18/00178/FUL - Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane at Land Formerly Known as Coalite on North And South Side Of Buttermilk Lane, Bolsover

Further details were included within the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

Mr. S. Crapper and Mr. Philpott attended the meeting and spoke against the report.

Ms. S. Watkin attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the Bolsover District Publication Draft Local Plan, East Derbyshire Greenways Strategy (1998), Derbyshire Key Cycle Network (2017) and the National Planning Policy Framework.

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Moved by Councillor T. Munro and seconded by Councillor P. Smith

RESOLVED that Application No. 18/00178/FUL be APPROVED subject to the following conditions:

1. The development shall be carried out within a period of three years from the date of this decision.
2. The development hereby permitted shall be carried out in complete accordance with Drawing No. VC0125 Revision A subject to the following conditions:
3. No development shall take place until detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved planting scheme shall be carried out within one planting season of completing the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of being planted then they must be replaced with trees of a similar size and species within one planting season.
4. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The statement shall provide for 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 restrictions.
5. No development shall take place until a detailed design for the removal of the bridge backfill of the void and the layout, construction, drainage and lighting of the new road and proposed ramps have been submitted and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. For the avoidance of doubt, the applicant will need to enter into an Agreement with Derbyshire County Council under Section 278/72 of the Highways Act 1980.
6. Prior to being taken into use, the new access shall be laid out in accordance with application drawings VC0125/011 & 012, having a 7.3m carriageway, 2 x 2m footways, 12m radii and visibility sightlines of 4.5m x 160m in each direction. The area in advance of the sightlines shall be levelled, constructed as highway and not be included in any plot or other sub-division of the site.

INFORMATIVES

Highways

- a) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. The appellant should be aware that this will be the subject of separate approval. Advice regarding the technical, legal,

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administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

- b) Construction works are likely to require Traffic Management. Advice regarding procedures should be sought from Derbyshire County Council's Traffic Management section (01629 538686). All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
- c) In addition to entering into a Section 278 Agreement prior to commencing any works within the public highway, the applicant will need to obtain separate Approval in Principle for the structural elements of the proposed works. Advice regarding the process involved can be obtained from the Structures Section of the Economy, Transport and Environment Department at County Hall, Matlock (01629 533190).

Wildlife

- a) When the development hereby permitted is carried out, any person on site must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. It is therefore recommended that any removal of habit and/or works affecting trees should be carried outside of the bird-nesting season (March to July) or under the supervision of a suitably qualified ecologist.
- b) When the development hereby permitted is commenced, any person on site must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Therefore, it is advised that works must stop immediately if bats are found to be present at any stage of the development and a suitably qualified ecologist should be instructed to advise on the appropriate action to take including advising whether a European Protected Species Licence is required prior to works re-commencing.

(Planning Manager (Development Control))

The meeting concluded at 1056 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 1 June 2018 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, R. Turner, K.F. Walker and D.S. Watson.

Officer:-

C. Fridlington (Planning Manager (Development Control))

1. APOLOGIES

Apologies were received from Councillors P.A. Cooper, D. McGregor, K. Reid, S. Peake, P. Smith and J. Wilson.

2. SITES VISITED

1) Buttermilk Lane, Bolsover (18/00178/FUL)

The meeting concluded at 1100 hours

PARISHAult Hucknall

APPLICATION

Demolition of existing dwelling and erection of replacement dwelling and garage (Revised Scheme)

LOCATION

The Croft Astwith Lane Astwith Chesterfield

APPLICANTThe Trustees of Jimi Kirk Julie Hardy 3 Wheatcroft Business Park
Lanmere Lane Nottingham NG12 4DG UK**APPLICATION NO.**

17/00376/FUL

FILE NO.

PP-06262781

CASE OFFICER

Mrs Karen Wake (Mon, Tues, Wed)

DATE RECEIVED

26th July 2017

Delegated application referred to committee by: Development Control Manager

Reason: Level of public interest

SITE

Stone-built dwelling with tiled roof and some timber, some upvc windows and a upvc conservatory to the side. The dwelling has first floor accommodation within the roof space with a front facing gable containing ground and first floor windows. The dwelling is set back from the site frontage and is set higher than the adjacent highway. There are mature hedges and trees around the side and rear boundaries of the site and a low hedge along the site frontage. There is an existing access and a long driveway with parking for several cars.

PROPOSAL

The application is for the demolition of the existing dwelling and the construction of a new two storey dwelling (First floor accommodation in the roof space.) The proposed dwelling has 5 bedrooms, an open plan kitchen/dining/living room, a separate lounge and kitchen and a therapy/activity room. The proposed dwelling has a pitched roof double garage linked to the main dwelling by a store/entrance hall. The application is the re-submission of a previously refused scheme. The current proposal is the same design as the previously refused scheme but is slightly longer and narrower than the previously refused scheme. The footprint of the proposed dwelling has been reduced in size, the height of the dwelling has been reduced, the first floor accommodation above the entrance hall and garage has been removed and the dwelling is now set further away from the . The proposed dwelling is slightly closer to the western boundary than the original proposal and is further away from the southern boundary and closer to the northern boundary than the existing dwelling.

AMENDMENTS

Bat building Assessment and Dusk Emergence Bat Survey submitted. Report confirmed that the existing dwelling has a bat roost and as a result 3 nocturnal bat surveys were submitted which have been taken in the appropriate months. The dusk emergence survey carried out in September 2017 recorded no bats. The dusk emergence survey carried out in May 2018 found 3 common pipistrelle bats emerged from the gable end during the May dusk emergence Survey and no bats were recorded returning to roost during the May dawn Survey.

A preliminary environmental risk assessment report has been submitted.

HISTORY (if relevant)

17/00097/FUL: Demolition of existing dwelling and construction of replacement dwelling and garage: Refused 26/04/2017

BOL393/63: Erection of a porch: Approved 8/4/1993

BOL891/387: Conversion of roof space into bedroom and construction of window in gable: Approved 18/10/1991

BOL288/83: Rebuilding of demolished barn and extension to farm dwelling: Approved 31/03/1988

BOL984/359: Change of Use from agricultural building to residential: Approved

BOL680/387: Conversion of stone barn to residential unit: Approved 5/9/1980

BOL1179/618: Change of use from barn to dwelling: Refused 28/2/1980

BOL279/64: Erection of detached dwelling: Refused 4/5/1979

BOL175/12: Erection of bungalow: Refused 10/02/1975

CONSULTATIONS

DCC Highways: No objections subject to conditions requiring provision of 2m x 30m visibility splays and space provided in the site for parking and manoeuvring of vehicles: 10/08/2017

Senior Engineer: The sewer records show a public sewer within the curtilage of the site (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010: 5/09/2017

National Trust: The additional accommodation required would be better achieved through modest extensions rather than replacement with a much larger dwelling. The existing building's small scale and vernacular character allow it to perform a subordinate role within the settlement despite its elevated position. The proposed dwelling will be set forward and its increased height and mass will result in a more imposing, overbearing building which together with the large paved area, modern frontage and open outlook could result in significant urbanisation of the settlement which would detract from the character and appearance of the conservation area contrary to Policy CON 1 of the Bolsover District Local Plan. The Heritage Impact Assessment does not provide an adequate description of significance or assessment of impact. However the Design and Access Statement gives some information relating to historic significance and impact and therefore the information requirement of the NPPF is considered to have been met. The garage and link building appears oversized in relation to the main building. The position and height of this structure may obscure views from Astwith Lane towards Holly Cottage behind (an unlisted building of merit) and may also therefore impact on return views. It is possible that these effects could be lessened by reducing the extent of this structure, reducing its ridge height and/or turning the garage through 90 degrees to create a companion (though lesser) gable to the main dwelling. The design of the east elevation is not in keeping with the character of the conservation area or the local vernacular. The large amount of exposed glazing facing east towards Hardwick Hall and Park, Astwith Lane and adjacent buildings is of concern as the glazed gable end in particular is of a design

not in keeping with the local character. The boundary wall is out of character with the local vernacular where boundary hedges are more characteristic. If the LPA are minded to approve suggest conditions relating to building in stone, design and specification of gate, details of windows and doors, roofing material and any hard surfacing/paving: 5/09/2017

Conservation Officer:

No objections. This revised scheme has reduced the scale of the new dwelling considerably so that it now reflects the existing building better. The proposal has been extended in length so that it is now slightly longer than the refused scheme but this is acceptable as it enables the reduction in scale. Other amendments have been made which include the removal of numerous rooflights. Overall the design of the dwelling reflects the simple styling of an agricultural/barn building. This responds to the origins of the existing building which was once a barn that was converted to residential. The building was rebuilt during the conversion and was inappropriately extended and altered over the years so that it was no longer recognisable as a converted barn and is therefore not consider a heritage asset. The new dwelling will introduce timber windows and doors whilst the existing building has upvc, this will be more appropriate in the conservation area. Required conditions in relation to samples of stone, pantiles and slate, sample panel of stone on site, large scale details of windows, doors and rooflights, details of hard and soft landscaping, details of rainwater goods on rise and fall brackets not fascia boards: 1/09/2017

Environmental Health Officer:

Environmental Health: Agrees with the findings of the preliminary environmental risk assessment report and has no objections subject to a condition requiring removal of made ground or a contamination investigation risk assessment be carried out and in the event of any contamination being found whilst carrying out the development it must be reported to the LPA and a remediation scheme be approved and implemented and if soil is to be imported to the site it must be sampled at source and approved by the LPA before being brought to site: 30/04/2018

Ault Hucknall Parish Council object to the proposal.

The development is out of keeping with the Conservation Area in size, design and overall mass in contravention of a number of planning policies including HOU8, CON1 and GEN2. The existing building is a viable, if undistinguished, small residence and the arguments for demolition are not convincing.

In general, it is out of keeping with the vernacular rural design of the existing buildings which retain the traditional appearance of the Conservation Area. The amount of glass in the window designs and the roofing proposals are of especial concern.

The Council is concerned with the creeping suburbanisation of the hamlets, Astwith in particular. The character of the conservation area is easily lost once development of this type is allowed and provides justification for further inappropriate development.

Derbyshire Wildlife Trust

Demolition of the dwelling shall not take place until a European Protected Species licence has been obtained from Natural England. Upon receipt of the licence, works shall proceed strictly in accordance with the approved mitigation which should be based on the proposed

measures outlined in the Bat Survey Report (Ramm Sanderson May 2018.) Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the Local Planning Authority once granted. Confirmation will also be submitted to the Local Planning Authority once all mitigation is installed, along with a copy of the results of any monitoring works: 13/06/2018

PUBLICITY

Site notice, press notice and 11 neighbours notified. Nine letters of objection letters which raise the following issues:

1. The revised scheme has not met the criteria set by the previous refusal. It is only 15% smaller, still appears all roof and is still 260% bigger than the existing
2. The style of the building is designed around a timber frame method of construction more akin to a tree growing locality than predominantly stone constructed areas. Suggest the architect visits the area as the village was part of the Hardwick estate and the language needs to be maintained.
3. Clay pantile roofs are traditionally used on ancillary buildings not as the main roof.
4. There is no mention of coal measure sandstone which is the local stone and all but two buildings are constructed in it.
5. The proposed dwelling is too big for the surrounding hamlet. Astwith is a Conservation area and this proposal ignores the character and appearance of the conservation area. It will be imposing and out of character and set close to the historic road which runs through Astwith. It is in an elevated position and will dominate that part of the village and the landscape setting of Hardwick Hall and does not relate to the character of the village.
6. The proposed dwelling still has side windows and overlooks adjacent dwellings and gardens and causes a significant loss of privacy for residents of the adjacent dwellings, overpowers the adjacent properties resulting in loss of daylight and sunlight to those properties and removing views from these properties all of which is harmful to the amenity of the residents of the adjacent dwellings contrary to Policy GEN 2.
7. Allowing the hedge to grow higher or installing a screen fence on the Holly Cottage side of the boundary will not prevent overlooking from the proposed dwelling as it would be sitting on a much higher finished floor level than the garage and garden area of Holly Cottage such that the height of the hedge would need to be at least 3m in height to achieve this.
8. The building looks more like a public care home and its size and modern appearance makes it out of keeping with the other properties in Astwith. It would be preferable for the existing building to be modestly extended on the northwest wing within the present constraints of height and width to accommodate the extra room.
9. The proposed amendments to the original application are very modest and the design is still incongruous in this rural setting. The roof line has been lowered but the building has been extended forwards to emphasise the bulk of the property which is not in keeping with a rural hamlet.
10. The hamlets of Stainsby, Astwith and Hardstoft are precious in these overcrowded times and are not the places for sharp angled, modern glass fronted creations.
11. The original proposal contravened policy HOU 8. This revised proposal still exceeds the scale of the original. It is 2m longer, remains in close proximity to neighbouring

- plots and is still not in keeping with the character of its surroundings.
12. The previous proposal was identified as contrary to Policy HOU 9 and still is as it is not essential for agriculture or forestry.
 13. No evidence of the viability of this proposal has been submitted. The dwelling was purchased for approx £370k and was habitable and could be enlarged by a modest extension to provide an additional bedroom instead of squeezing a 2600ft² new build in there.
 14. The applicant's submission states the Planning Manager indicate the council were now happy with the form and massing of the proposal which was untrue. Only one officer in the process felt the drawing was moving in the right direction which is not an overwhelming acceptance. If correspondence has taken place with the applicant and the proposal is a done deal then this documentation should be in the public domain.
 15. Previous proposals in the village have had to be amended/reduced in size to conform with Conservation and National Trust requirements. This proposal should have to do the same.
 16. It is upsetting for the community and the applicant that this planning consultancy has an agenda which completely disregards the community of Astwith which is leading to ill feeling and conflict. The community would like to welcome the new residents and suggest a meeting to come up with acceptable proposals for the dwelling which do not have such a detrimental effect on the village.
 17. Demolishing a small bungalow and replacing it with a five bedroom dwelling of this scale will adversely affect the character of the village and the conservation area and will set a precedent for future unsuitable development when, to date, other dwellings in the village have been subject to constraints imposed by the conservation team to maintain the vernacular style of the area and this has been successful.
 18. The proposal seems to be using The Croft as a building plot to build a property five times the size of the original of a design and size better suited to a suburban setting. The main building is still at least 2ft taller than the existing dwelling, the proposed eaves height is 3m rather than 2.4m as it is now and the garage is unnecessarily tall resulting in a negative impact on the street scene.
 19. Paragraph 50 of the NPPF requires councils to plan for a mix of housing based on the needs of different groups within the community. The demolition of the croft and creation of a 5 bedroom property is unnecessary. The existing two bedroom habitable dwelling provides the mix required for a smaller and therefore cheaper property in the hamlet and is ideally suited to retired people. The majority of dwellings in Astwith a large enough for families but only this one is suitable for couples wishing to retire.
 20. If the applicant wanted to buy a plot to erect an enormous tailor made property then it should not have bought a property in a conservation area.
 21. The building is of an ultra modern design and materials which insensitive and dismissive of the architecture found in this hamlet.
 22. The proportions of the building are out of character in the area creating a roof which is almost twice the height of the walls this is unbalanced and looks more like a swiss chalet such that its design is incongruous and does not comply with conservation area requirements or the recommendations of the Conservation Review and Management Plan for Astwith 2010.
 23. The mass of the proposed dwelling is such that it will totally dominate the plot and have a negative impact on the street scene and the hamlet.
 24. The building should be set lower in the ground or repositioned in the northwest corner

of the site which is much lower and therefore issues of scale and mass wouldn't greatly impact on anyone

25. The Design and Access statement suggests a tree protects the privacy of Rose Cottage. This tree is deciduous and is therefore no protection at all for 6 months of the year. If the tree is fundamental to the consent it should be given a Tree Preservation Order.
26. The proposal is harmful to the setting of the conservation area and the setting of Hardwick Hall.
27. The site is within the conservation area. It wasn't a conservation area at the time the barn was demolished and a bungalow was built but it is now and as result it has a right to be preserved in its current state and size.
28. The existing bungalow was bought knowing the size of the building and knowing it was in a conservation area if it was unsuitable a more suitable property should have been purchased. There is another property for sale in the same village which is large enough for what is required.
29. The existing building was built on the footprint of the original barn. The building is not an unlisted building of merit but is now well established enough to be in keeping with the character and appearance of Astwith.
30. The proposal will harm views from adjacent properties.
31. The proposal will block important views into and out from the conservation area and across the Hardwick estate which is an important feature to be preserved as set out in the Astwith Conservation Area Appraisal and Management Plan
32. The removal of the mature hedgerows and erection of walls along the boundaries of the property will affect the existing landscaping, biodiversity and local wildlife and harm the character of the conservation area.
33. Astwith Lane is single width and unsuitable for construction traffic. Such traffic will damage existing grassed open space and verges.
34. The proposal is contrary to Policies GEN 2 and HOU 8 of the Bolsover District Local Plan and the guidance in the Astwith Conservation Area Appraisal and Management Plan.
35. The position of Holly Cottage will not be enhanced through increasing the degree of separation as the height and size of the proposed dwelling will outweigh this.
36. The proposed double garage is 5.65m wide and the link building is 3m wide but no measurements are provided for the length of these buildings so the overall size of these rooms cannot be determined.
37. Astwith Conservation Area Appraisal states that "Where a decision relates to a site of building within the Astwith Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area before reaching a decision." "The council generally resist proposals to demolish buildings which make a positive contribution to the conservation area and will only grant planning permission where every alternative course of action has been properly investigated and discounted for sound and convincing reasons." The revised proposal is still over twice the size of the original dwelling and is considerably higher and even more so than the original barn.
38. The dwelling will now be sited further forward than the the existing dwellings building line, towards the boundary of the adjacent dwelling, the measurements of which are not shown on the site plans and also extended some 7m further forward towards Astwith Lane, changing the juxtaposition with adjacent dwellings and Astwith Lane.

The level of reduction to the footprint of the revised dwelling has merely been moved from the southeast elevation then added to the rear southwest elevation.

39. The proposal features a bold, glazed gable end with bi-fold doors facing Astwith Lane. This would not be in the architectural style of the area which is considered to have historical interest and a character which is conducive to the designation as a conservation area. This is contrary to the requirements of the Conservation area appraisal which states windows and doors are a key feature which influence the overall appearance of a building and make a significant contribution to the character and appearance of the conservation area.
40. The comparing images of the present dwelling and the proposed dwelling do not portray the size, scale or height that the new dwelling would actually aspire to. On the proposed dwelling image the main part of the dwelling looks very similar in size and height to the existing dwelling however it is in fact double the size and 1.6m higher and so does not give an overall informed view of the actual size and scale that the new dwelling will become. Comparable images have not been provided for the revised proposed dwelling.
41. It is stated that the main bulk of the revised dwelling will be moved away from Holly cottage and therefore will no longer be harmful yet this is replaced by the link building and double garage and as there are no length measurements of these buildings on the site plans, the scale, size and juxtaposition of them cannot be determined.
42. The revised dwelling is still of such large proportions that it seems to exceed the needs of such a small family. The dwelling has 5 bedrooms and in the future could house a much larger occupancy. The room sizes are such that in the future they could be scaled down with partition walls to create even more rooms.
43. Holly Cottage which is adjacent to the site is an unlisted building of merit. The proposal detracts Holly Cottage from its setting, not enhances it as stated in the application due to its height, scale and mass.
44. The revised dwelling's total roof length will now be 22.36m which is 2.4m longer than the refused dwelling. This will introduce an alien element into the conservation area and impact on the relationship with the group of traditional buildings and harm the character and appearance of the conservation area and which are now sited 2m nearer to the boundaries of adjacent private gardens resulting in loss of privacy and amenity.
45. Residents of Astwith still object to the proposal due to its height, overall mass and modern design which is unsympathetic and out of keeping with the Hamlet, the surrounding properties and the conservation area in general. However, after reviewing Officer's report, if the Planning Committee is minded to approve the application, could a redesign be considered to address the following outstanding issues:

- The Height of the double garage
- The fully glazed gable end
- The roof lights

The new dwelling, linkage and double garage could be set lower into the ground which would alleviate some of the height issues, together with a reduction in height of the loft space above the garage, reducing the impact on the street scene and surrounding properties.

By dividing the fully glazed gable end with stone and windows at the upper level, the lower level could still retain the bi-folding doors and this would help create a more barn

like appearance

The roof lights could be obscure glass and non-opening throughout to give privacy to the surrounding properties.

Planning Advisor to Local Residents

Previously requested that the application is not determined by Planning Committee until a bat survey has been submitted and full consideration given to it as the LPA cannot determine the application until any effects upon protected species are identified, understood and where necessary mitigated/enhanced.

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development) GEN 2 (Impact of Development on the Environment) GEN 8 (Settlement Frameworks) HOU 8 (Replacement or Extension of Existing Dwellings in the Countryside) HOU 9 (Essential new Dwellings in the Countryside) CON 1 (Development in Conservation Areas.)

National Planning Policy Framework

Paragraph 131

In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 134

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137

Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

Other (specify)

Successful Places: A Guide to Sustainable Housing Layout and Design
Historic Environment Supplementary Planning Document

Astwith Conservation area Appraisal and Management Plan. The Appraisal and Management Plan sets out the key elements that contribute positively to the character and appearance of the Astwith Conservation Area as follows:

- picturesque rural setting on the edge of the sandstone plateau within a broader undulating agricultural landscape dotted with woodland
- a settlement and landscape character that reflects the historic and ongoing influence of the Hardwick estate
- low density development centred principally around traditional farmsteads with later infill development
- good examples of vernacular farmhouses, cottages and barns where traditional building materials and detailing have been retained
- prevalence of hedgerows and mature boundary trees adds to the scenic quality of the environment
- traditional stone boundary walls
- historic interest of the road network
- a number of important open spaces
- a network of public footpaths connect the settlement to the surrounding Countryside

The Astwith Conservation Area Appraisal and Management Plan also contains the following guidance:

Landscape Setting

Astwith has an intrinsic association with the agricultural landscape within which it sits. The significance of the landscape component is critical in setting the overall context for the buildings and other structures found in the conservation area. Intermittent views of Astwith sitting within this landscape and views from the conservation area of the surrounding landscape make an important contribution to the character and appearance of the area. Long distance views of Astwith can be obtained from a number of locations, particularly from the network of public footpaths which cross the local landscape. Because there is no church in Astwith it is the farm houses and larger outbuildings situated on the edge of the settlement that are most noticeable when viewed from more distant locations.

Key Element - Important Views, Open Spaces, Trees and Hedgerows

7.45 The nature of the local topography and position of Astwith on the edge of the sandstone escarpment overlooking the shallow valley of the River Doe Lea is conducive to some intermittent mid- and long distance views of the settlement, particularly from the north, east

and southeast. Views of the mix of stone and red brick buildings clustered together with roofs comprising slate and red pantile add considerably to the character and appearance of Astwith. These views make an important contribution to the character and appearance of the area by framing the conservation area in the context of the wider surrounding landscape.

Important Views

The following views have been identified as important to the character and appearance of the conservation area:

- views in both directions along Branch Lane and Astwith Lane
- views to the north and north east across open landscape
- views to the east and south from the edges of the settlement
- views across the Doe Lea Valley towards the halls at Hardwick
- views of the settlement from surrounding footpaths
- internal views of the street-scene along Astwith Lane

ASSESSMENT

Background

In this case, the existing dwelling replaced a barn which was granted planning permission for conversion to a dwelling. The barn fell down during the works and resulted in planning permission being granted for a new dwelling on the same footprint. Since then it has been extended and altered several times which has resulted in a building that is not considered to contribute to the overall character of the conservation area. The existing dwelling is approximately 6m wide, 14m long and 6m high to the ridge at the highest point. The existing dwelling has a further single storey extension to the northern side and a conservatory to the southern side.

A planning application for a replacement dwelling was originally submitted in March this year. The application was refused as it was considered to be too large, was harmful to the character and appearance of the conservation area and was harmful to the privacy and amenity of residents of adjacent dwelling and as such was contrary to Policies HOU 8, HOU 9 CON 1 and GEN 2 of the Bolsover District Local Plan.

The previously refused replacement dwelling had 5 bedrooms, was 10m wide and 20m long and was 8.1m high, 5.4m of which was roof plane containing 20 roof lights. The dwelling had a pitched roof double garage linked to the main dwelling by a store/entrance hall and both the garage and entrance hall were designed to accommodate first floor extensions into the roof space.

Current Proposal

The dwelling which is the subject of this application is approx 7.7m wide, 22.3m long and 6.8m high to the ridge at the highest point. The proposed dwelling also has a pitched roof double garage linked to the main dwelling by a store/entrance hall but does not propose rooms in the roofspace above the garage/link building.

Principle of Replacement Dwelling

The site is within the hamlet of Astwith which is outside settlement frameworks in an area of open countryside but within the Conservation Area. Policy GEN 8 of the Bolsover District Local Plan states that outside the settlement frameworks general open countryside policies apply.

Policy HOU 8 of the Bolsover District Local Plan states that planning permission will be granted for replacement dwellings in the countryside provided the replacement dwelling is in keeping with the character of its surroundings and does not exceed the scale of the original and in all other cases a replacement dwelling will be treated as new residential development. The policy goes on to state that extensions to existing dwellings will also be acceptable provided they are of a scale and design which is in keeping with the current scale and character of the dwelling and its surroundings.

The proposed new dwelling is larger than the existing dwelling. However, the existing dwelling could be increased in size/scale to some extent by a rear extension which would be permitted development, as well as having the ability to apply for planning permission for extensions in keeping with the scale and design of the original dwelling in accordance with Policy HOU 8. Therefore, the existing building could be increased in scale without permission or in accordance with HOU8. So, it is reasonable to consider that a replacement dwelling for an ordinary residential use might be acceptable in planning terms even though it would be bigger than the dwelling it replaced.

It was originally considered that the dwelling could also be extended to the side and detached outbuildings be provided to the side of the original dwelling under permitted development rights. This is actually not the case as such proposals require planning permission where the dwelling is within a conservation area. However, this does not mean they couldn't, or wouldn't be acceptable if planning permission was applied for.

In these respects, whilst the proposed main part of the dwelling is of a larger footprint than that of the existing dwelling, it is less than 1m higher than the existing dwelling and is not considered to be significantly greater in scale than the existing dwelling as it could be extended.

On this basis it is considered reasonable to accept the scale of the proposed replacement dwelling as acceptable under Policy HOU 8 of the Bolsover District Local Plan. There is therefore no need for the proposed dwelling to be treated as a new dwelling (rather than a replacement) and as such Policy HOU 9 of the Bolsover District Local Plan does not apply and there is no need for an agricultural or forestry justification for the new dwelling.

Impact on Conservation Area

The proposal site is elevated and is located next to several traditional buildings (which have been designated as unlisted buildings of merit in the Astwith Conservation area appraisal). There are views of this group of buildings at various points along Astwith Lane. The increase in scale and massing of the proposed dwelling would impact on the relationship within this

group of traditional buildings and the views to and from this group of buildings. The proposed development will therefore clearly have an impact on the character and appearance of the conservation area.

However, the Conservation Officer has no objections to the proposal. The existing dwelling has been extended and altered several times which has resulted in a building that is not considered to contribute positively to the overall character of the conservation area. The previously refused scheme was considered to be overly dominant in relation to the scale of the existing building and the adjacent buildings in the conservation area. This revised scheme has reduced the scale of the new dwelling considerably so that it now reflects the existing building better. The proposal has been extended in plan so that it is now slightly longer than the refused scheme but the extension in length is considered acceptable as it enables the reduction in scale compared to the proposals that were refused planning permission earlier this year. Other amendments have been made which include the removal of a number of rooflights and reducing the height of the building so that the roof slope is no longer considered to appear top heavy and the proportions of the proposed dwelling are considered more appropriate for its location.

On this basis, the proposed dwelling is removing a dwelling which does not contribute positively to the character and appearance of the conservation area and which could be altered and extended and where detached garages and outbuildings could be constructed to the side/rear without the need for planning permission. Permitted development rights could be removed from the proposed dwelling to prevent it being externally altered or extended to prevent any further additions to the building or any additional outbuildings and details of materials and detailing of the dwelling can be controlled by condition.

Subject to such conditions, the replacement dwelling whilst not ideal in design terms would preserve the character and appearance of the conservation area and its impact would not cause harm to the Conservation area over and above the existing situation. The proposal is therefore considered to meet the requirements of Policy CON 1 of the Bolsover District Local Plan and the guidance set out in the NPPF.

Impact on Residential Amenity

The proposed dwelling is close to the side and rear boundaries which it shares with the adjacent dwelling. The main part of the proposed dwelling is set further away from the southern boundary than the existing dwelling but is also larger and higher and the garage and link extension extends closer to the southern boundary. However, the adjacent dwelling is set higher than the site and does not directly face the proposed dwelling and there is some 20m between the two dwellings. On this basis, whilst the proposed dwelling will undoubtedly result in a loss of view from the adjacent dwelling this is not something which can be protected by the planning system.

The distance between the dwellings, the difference in heights and the angled position all mean that the proposal is not considered to result in a significant loss of daylight to or outlook from the adjacent dwelling. There are no windows proposed in the rear elevation but there are ground and first floor windows in the side elevation of the proposed dwelling. The first floor windows in the side elevations are rooflights but they have an internal cill height of 1.5m which is not considered to be high level and as such there ground floor windows within 9m and first floor

windows within 11m. The ground floor windows on the south elevation area screened by the boundary hedge and the retention of a hedge can be required by condition. 11m from first floor windows to private gardens is considered sufficient to protect an adequate standard of privacy to the adjacent garden as it meets the requirements of the Housing Layout and Design guidance published by the Council.

The proposed dwelling is immediately adjacent to the northern site boundary and the garden of the adjacent dwelling extends round to the north of the site and the hedge along this northern boundary is only 1m in height. Some of the ground floor windows in this northern elevation are obscure glazed but some are clear and very close to the boundary. However, the erection of a 1.8m high screen fence (measured from the site level) would protect the privacy of the garden to the north from the ground floor windows and this can be required by condition. The rooflights in the northern elevation serve a hallway and a bedroom. The rooflight in the bedroom is not the only rooflight to this room and therefore the one in the northern elevation and the ones serving the hallway can be conditioned to be fixed and obscure glazed or high level to prevent overlooking of the garden to the north of the site.

Subject to such conditions the proposal is not considered to result in a significant loss of privacy and amenity for residents of the adjacent dwellings and meet the requirements of Policy GEN 2 of the Bolsover District Local plan and the Successful Places Guide to Housing Layout and Design published by the council.

Other Considerations

The proposed dwelling is larger than the existing dwelling and has separate facilities such that it could be occupied as two dwellings. However, on the basis that the application is for a single dwelling and its occupation can be controlled by condition to be a single dwelling, the proposal is not considered to result in an additional dwelling in the countryside and in highway terms the proposal replaces one dwelling with another. On this basis, the proposal utilises the existing access and provides parking and turning for several cars. The provision of parking and turning on site prior to occupation of the new dwelling can be required by condition. Subject to such a condition the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The Highway Authority have also requested a condition relating to provision of visibility splays from the access but this is considered to be unreasonable since the proposal utilises the existing access and is replacing one dwelling for another. Local residents have raised issues about Astwith Lane being unsuitable for construction traffic but any such traffic would only be for a temporary period and must be reasonably expected unless no development is to be allowed in the hamlet at all.

A bat building Assessment and Dusk Emergence Bat Survey has been carried out. The report confirmed that the existing dwelling has a bat roost and as a result 3 nocturnal bat surveys were submitted which have been taken in the appropriate months. The dusk emergence survey carried out in September 2017 recorded no bats. The dusk emergence survey carried out in May 2018 found 3 common pipistrelle bats emerged from the gable end during the May dusk emergence Survey and no bats were recorded returning to roost during the May dawn Survey. Derbyshire Wildlife Trust have confirmed that the demolition should not take place

until a Licence has been obtained from Natural England. A note can be added to advise the applicant of this requirement but a condition to this effect is not necessary as this is covered by other legislation.

However, given the rural location and loss of bat roost it is considered reasonable to require the ecological enhancement measures be provided as part of the development. A condition to this effect can be included. Subject to such a condition the proposal is considered to meet the requirements of Policy ENV 5 of the Bolsover District Local Plan.

The Environmental Health officer has asked for a condition requiring removal of made ground or a contamination report be carried out and if unexpected contamination is found it is reported and any soil imported to the site has been tested. Such conditions are considered sufficient to ensure the safety of the site in accordance with Policy GEN 4 of the Bolsover District Local Plan.

Most of the issues raised by local residents are covered in the above assessment. The issue of the existing dwelling being suitable for other people, the future conversion to a care home and the applicant buying a more suitable property available in the village has not been considered as this is not a material planning consideration and each application is considered on its individual merits.

Conclusion

The determination of this proposal is finally balanced. The proposal increases the scale of the dwelling and will impact on the character on the character and appearance of the Conservation area. However, there are no objections to the proposal from the conservation officer and the existing dwelling is not considered a heritage asset and could be substantially altered subject to planning permission. The proposed dwelling is not significantly larger than the existing dwelling could be if it were to be extended and the removal of permitted development rights will prevent the scale of the proposed dwelling increasing further than proposed in this application. Careful control over the materials and detail of the proposed dwelling will also help ensure the replacement dwelling harmonises with its surroundings.

Therefore, subject to appropriate planning conditions, it is not considered that the proposals would harm the conservation area over and above the existing situation and the character and appearance of the conservation area would be preserved. On this basis the proposal is considered to broadly meet the requirements of Policies HOU 8 and CON 1 of the Bolsover District Local Plan and the guidance set out in the NPPF.

Other Matters

Listed Building: Covered in the above assessment

Conservation Area: Covered in the above assessment

Crime and Disorder: N/A

Equalities: N/A

Access for Disabled: The application is to provide a dwelling which can accommodate the needs of an occupier with disabilities and his carer. Given that the council cannot control future occupancy of the dwelling there has been no weight given to the individual needs of the

applicant.

Trees (Preservation and Planting):N/A

SSSI Impacts: N/A

Biodiversity: No known issues

Human Rights: No known issues.

RECOMMENDATION

Approve subject to the following conditions which are given in précis form to be formulated in full by the Planning Manager (Development Control) in liaison with chair and vice chair of the Planning Committee:

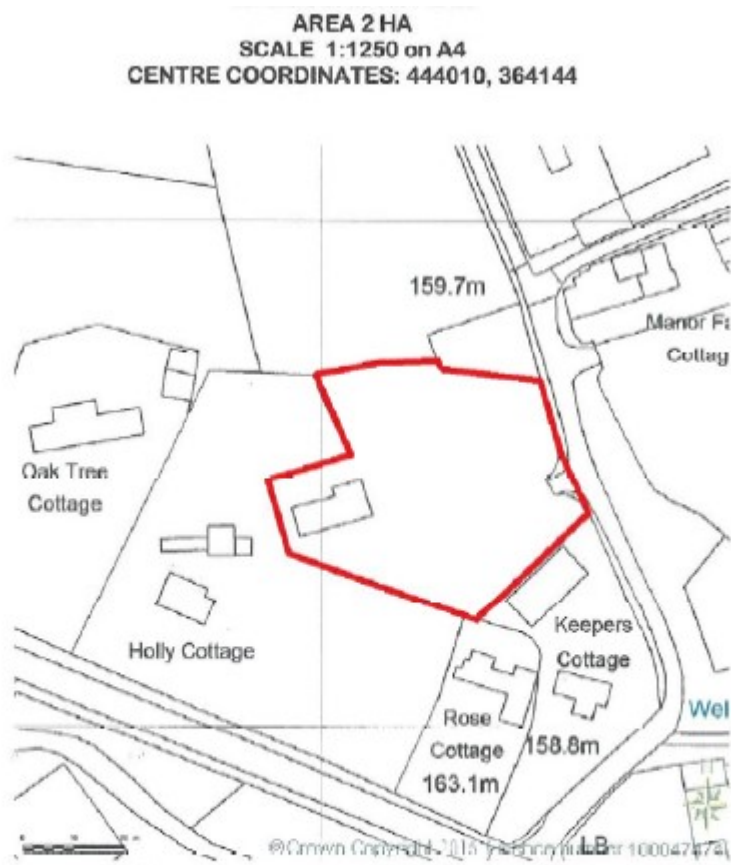
1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed dwelling shall be constructed with the same finished floor levels as the existing dwelling.
3. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.
4. The dwelling shall be occupied as a single dwelling only.
5. The roof materials shall be clay pantiles and natural slate in accordance with the materials schedule submitted via email from the applicant's agent on 15th May 2018. The roof shall be constructed in accordance with the approved materials and shall be maintained as such thereafter.
6. Notwithstanding the submitted details, before construction commences on any wall, a sample of the stone shall have been submitted to and approved in writing by the Local Planning Authority and a sample panel of stonework shall be constructed, using a mortar to a specification which shall have been approved by the Local Planning Authority. The walls of the dwelling shall be constructed in accordance with the approved details and shall be maintained as such thereafter.
7. The windows, doors and glazed screen shall be constructed in timber with no trickle vents in accordance with details shown on plan number 131-k-16a received via email on 16th April 2018. The windows, doors and glazed panel shall be installed on site in accordance with the approved details and shall be maintained as such thereafter.
8. Notwithstanding the submitted details, the details of the finish of the windows, doors and glazed panel shall be submitted to the Local Planning Authority for approval. The windows shall be finished in accordance with the approved details and shall be maintained as such thereafter.
9. Rainwater goods shall be Heritage cast aluminium mounted on rise and fall brackets in accordance with details shown on plan no 131-k-18a received via email dated 15th May 2018 and shall be maintained as such thereafter.
10. Before the dwelling hereby approved is first occupied, a 1.8m high screen fence (measured from site level) shall be provided along the northern site boundary in the position shown on the attached plan and shall be maintained as such thereafter.
11. The rooflights in the northern elevation to be fixed and obscure glazed or have minimum internal cill level of 1.7m and shall be maintained as such thereafter.
12. A screen fence or hedge shall be maintained along the southern side boundary of the

- site to a minimum height of 2m at all times.
13. The hard landscaping shall be constructed in accordance with the materials schedule submitted via email from the applicant's agent on 15th May 2018 and shall be maintained as such thereafter.
 14. Before the dwelling hereby approved is first occupied, the parking and turning shown on the approved plan shall be provided on site in accordance with approved plan and shall be maintained as such thereafter.
 15. Prior to first occupation of the dwelling hereby approved, the ecological enhancement scheme set out in paragraphs 6.1 and 6.2 of the ecology report ref RSE_1266-02-V1 shall be provided on site in accordance with the approved scheme and shall be maintained as such thereafter.
 16. Prior to the commencement of construction of the dwelling hereby approved, the made ground on the site of the existing dwelling shall have been removed or a contamination investigation and risk assessment of that part of the site shall have been carried out by an appropriately qualified person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority to demonstrate that the site is suitable for the proposed development. If that investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as so approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any of the dwellings hereby approved.
 17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and an investigation with risk assessment must be undertaken in accordance with current guidance and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared in accordance with current guidance which is subject to the approval in writing of the Local Planning Authority. Any approved remediation shall be implemented as approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any dwelling.
 18. 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 previously agreed in writing with the Local Planning Authority, 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.

Statement of Decision Process

The proposal broadly complies with the policies and guidelines adopted by the Council. The impacts of the proposal are not considered to be so great as to justify refusal of the proposal and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

Site Location Plan



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Bolsover District Council

Planning Committee

4th July 2018

Five Year Housing Supply

Report of the Interim Planning Policy Manager

This report is public

Purpose of the Report

- To set out the background to the assessment of the Council's five year supply of deliverable housing.
- To approve the annual assessment and publication of the five year supply of deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.

1 Report Details

Introduction

- 1.1 Councils are required to monitor housing supply and indicate publically on an annual basis whether or not they have a five year housing supply.
- 1.2 Members will be aware that where a Council cannot demonstrate a five year supply of deliverable housing sites, housing applications fall to be considered in the context of the presumption in favour of sustainable development, as relevant policies for the supply of housing may not be considered up to date. Therefore whether or not an authority has a five year supply has a direct impact on the Council's ability to influence the location of new housing. The adoption of a new Local Plan and achievement of a five year supply will give members greater control over the location of new housing development in the district.
- 1.3 Whilst the absence of a five year supply is not conclusive in favour of the grant of planning permission, the Secretary of State and their Inspectors usually place great weight on the need to demonstrate a five year supply in line with paragraph 47 of the NPPF which emphasises the need 'to boost significantly the supply of housing'.
- 1.4 In August and November of last year, we were able to report that due to the positive and proactive approach the Council had taken to housing sites, we could demonstrate a five year supply and therefore planning policies relevant to the supply of housing could no longer be considered as out of date.

Objectively Assessed Need and Housing Targets

- 1.5 The National Planning Policy Framework (2012) introduced the phrase ‘objectively assessed needs’ for housing. It is important to note that objectively assessed need is not the same as housing provision or a housing target.
- 1.6 Objectively assessed need (OAN) is based on modelling work using demographic factors such as births, deaths, number of households; migration patterns; and, employment to predict the number of houses likely to be needed in an area. This basic data is refined by considering other factors, such as whether household formation has been suppressed by affordability or past under-provision, or whether the figures will support forecast employment growth to arrive at an objectively assessed need.
- 1.7 The objectively assessed need for housing in Bolsover District was calculated by independent consultants and is set out in the North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017). This report identifies that the most appropriate figure for Bolsover District’s OAN, based on the current methodology and the latest Subnational Population Projections (SNPP) as suggested in government guidance, should be 272 dwellings per year.
- 1.8 This evidence has also been considered within the Council’s plan making work and the Council has used the identified OAN to inform the scale of housing provision within the Publication Local Plan for Bolsover District (May 2018).
- 1.9 The Government has announced the intention of introducing a new, simpler, method to calculate the level of housing need which will replace calculating OAN. In addition, the Government has also announced the intention of introducing an additional method for assessing whether an appropriate supply of housing is being maintained, namely the Housing Delivery Test, to operate alongside the five year supply assessment. However, at the time of writing confirmation on when these new methods will come into force is still awaited and is expected to be provided when the new NPPF is published. It is worth noting that the Governments approach would give us a minimal requirement of 242 per annum.

The Housing Requirement

- 1.10 Based on the current national methodology, the housing requirement is provided by the North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017) which states that most appropriate figure for Bolsover District’s OAN is 272 dwellings per year.
- 1.11 The 2017 OAN Update Report has a base date of 2014. Any variations in delivery from this date have to be considered in relation to the requirement. Table 1 below shows that between the 1st April 2014 and the 31st March 2018, the number of completions has exceeded the OAN requirement by 35.

Table 1: The shortfall to date against the Objectively Assessed Need of 272 and selected Local Plan housing target

Year	Annual Requirement	Completions (Net)	Shortfall
2014/15	272	253	-19
2015/16	272	326	+54
2016/17	272	293	+21
2017/18	272	251	-22
Total	1088	1123	+35

1.12 Based on this situation, the Council has no record of ‘persistent under delivery’ and therefore in accordance with existing Government guidance the Council only need apply a 5% buffer to its housing requirement.

The Housing Supply

1.13 Government policy in relation to the supply of housing in the five year supply is that it should be ‘deliverable’. For the purposes of this assessment this means that sites should be available; in a suitable location; with a realistic prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable. Not all sites with planning permission are considered ‘deliverable’, within the next five years, whilst some sites will only make a partial contribution within this period.

1.14 The assessment of the five year supply for deliverable housing follows the completion of the annual Residential Land Assessment. This includes a survey of all the sites in the District with planning permission, and sets out how many houses have been built, and how many houses are still to be built. Owners / developers of major sites with planning permission have been surveyed to help assess when sites are likely to be developed. This information feeds into the assessment of how many sites will be deliverable over the next five years.

1.15 In addition to sites with planning permission, the Council has included housing allocations within the Publication Local Plan for Bolsover District (May 2018). These sites may make a contribution to the supply of deliverable housing sites where they fall within the five year supply window.

1.16 Table 2 gives a breakdown of the components of the five year deliverable supply.

Table 2: Components of the five year deliverable supply

Year	Supply - Sites with planning permission at 31 st March 2018 considered to be deliverable	Additional deliverable supply from Local Plan allocations	Total
2018/19	365	0	365
2019/20	484	20	504
2020/21	466	85	551
2021/22	260	60	320
2022/23	231	105	336
Total	1806	270	2076

- 1.17 As can be seen in Table 2, following the Council's positive response to the historical lack of a five year supply through its decisions on planning applications in recent years, the supply of deliverable sites has been significantly boosted. In this context, the additional supply of deliverable sites from Local Plan allocations is expected to make a modest contribution towards the end of the five year supply period.
- 1.18 The Council has taken a robust approach in relation to considering what elements of our supply can be considered to be deliverable over the next five years. This has seen sites that we consider are unlikely to deliver within the five year period to be excluded. In addition, the later years of provision from larger sites that will take more than five years to build out are also excluded.
- 1.19 Whilst all major sites in the district have been assessed for their deliverability, it is not practical to assess each minor site. Therefore, a lapse rate of 15% based on historic lapse rates on minor sites has been applied to the total number of dwellings that could be provided by minor sites. This reduced total level of deliverable minor sites has then been apportioned across the first three years of the supply period to reflect the three year period for implementation and the fact that infrastructure requirements for such sites are generally minimal.
- 1.20 Overall, we are only relying on 33% of our overall supply and discounting 4,130 potential dwellings. This shows that a robust approach has been taken to discounting, however, this is far from a precise science. Sites previously discounted have, due to changed circumstances, recently seen renewed interest. Therefore there is no guarantee that these sites will not come forward, so delivery could actually be higher.
- 1.21 A full list of the deliverable sites included in the five year supply is set out at Appendix B.

Assessment of the five year supply

- 1.22 The Council has consistently followed the Sedgefield method when assessing its five year supply and so has always planned to meet any shortfall within 5 years rather than across the whole of the Plan period (the Liverpool method). On the same basis we have spread the excess of 35 dwellings to date (Table 2) across the next 5 years, to reflect how many houses would need to be built for the Council to stay on track.
- 1.23 As outlined above, now that the Council can evidence that since 2014 we have exceeded our requirement there is no requirement to have a buffer of 20% to respond to a record of persistent under delivery. Rather, there is an excess to spread out over the next 5 years and a need to only provide for a 5% buffer in accordance with the NPPF.
- 1.24 Table 3 below shows the requirements set against the deliverable supply and the NPPF requirements in future years.

Table 3: Deliverable supply set against the requirement and 20% buffer					
Year	OAN pa. + excess to date spread over 5 years	Potential Delivery pa.	Cumulative requirement	Cumulative Potential delivery	NPPF requirement (+5%)
2018/19	265	365	265	365	1391
2019/20	265	504	530	869	
2020/21	265	551	795	1420	
2021/22	265	320	1060	1740	
2022/23	265	336	1325	2076	

- 1.25 This table clearly shows that the potential delivery sites exceed the requirement throughout. Over the period, the Council has 2,076 deliverable dwellings, 685 dwellings in excess of the NPPF requirement, meaning the Council can demonstrate that it has in excess of a 5 year deliverable supply.
- 1.26 To calculate the extent of the Council's deliverable supply, if one were to add the over-provision to date (35 dwellings) to the deliverable supply (2,076 dwellings) and divide this number (2,111 dwellings) by our annual requirement (272 dwellings pa.) the Council can show just over 7³/₄ years supply for the period 2018/19 to 2022/23.
- 1.27 Appendix A sets out the Council's definitive account of its five year supply. Appendix B sets out the sites in the five year supply of deliverable housing sites.

2 Conclusions and Reasons for Recommendations

- 2.1 The five year housing supply is a consideration of the amount of housing that is deliverable on housing sites within the District at the 31st March 2018.
- 2.2 The assessment of the five year housing supply is a technical exercise. Based on the above assessment the Council can demonstrate that it has a five year housing supply as required by the NPPF.

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Interim Planning Policy Manager; Principal Planning Officers; Senior Planning Information Officer and Planning Information Officer.
- 3.2 Members consulted during the preparation of the report: Cllrs Munro and Turner.

4 Alternative Options and Reasons for Rejection

- 4.1 As explained at paragraphs 1.1 & 1.2 above there is a requirement under national planning policy to carry out the assessment of the five year supply of deliverable housing sites. This means that there is no alternative course of action.

5 **Implications**

Finance and Risk Implications

- 5.1 The assessment of the five year supply of deliverable housing sites is part of the annual monitoring work. As such it can be funded from existing budgets. However, it is important that this budget is maintained in future years.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The development of land for housing is a key issue that affects the growth of the district.

Human Resources Implications

- 5.3 The assessment can be met within existing staffing resources.

6 **Recommendations**

- 6.1 That the Planning Committee:

- I. Notes the detailed issues set out in the report;
- II. Approves the assessment of the Council's current five year supply of deliverable housing sites as set out at Appendix A;
- III. Authorises the publication of the five year Supply Assessment (Appendix A) and Schedule of Deliverable Sites in the five year supply (Appendix B) on the Council's website; and
- IV. Gives delegated authority to the Interim Planning Policy Manager in consultation with the Chair, and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 6.1 III. prior to publication.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All

<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>The maintenance of a five year supply of deliverable housing has an impact on the way decisions on planning applications for residential development are determined. As such it has potential impacts on the following corporate aims:</p> <p>COMMUNITY SAFETY – Ensuring that communities are safe and secure</p> <p>ENVIRONMENT – Promoting and enhancing a clear and sustainable environment</p> <p>REGENERATION – Developing healthy, prosperous and sustainable communities</p>
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8 Document Information

Appendix No	Title
Appendix A	Assessment of Five Year Supply
Appendix B	Details of sites in the current five year supply
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Assessment of deliverability of major sites Calculation of lapse rate of minor sites</p>	
Report Author	Contact Number
Rob Routledge	Ext 2299

Appendix A

Bolsover District Council

Annual Assessment of Five Year Supply of Deliverable sites for Housing, as required by paragraph 47 of the National Planning Policy Framework 2012

A. The Assessment

1. The Council has a five year supply of deliverable sites for housing.
2. Assessments have been made since 1st April 2007.
3. The assessment was reviewed and updated in 2018, based on data available for the year ended 31st March 2018.
4. Summary of five year supply of deliverable sites.

Deliverable supply set against the requirement and 20% buffer					
Year	OAN pa. + excess to date spread over 5 years	Potential Delivery pa.	Cumulative requirement	Cumulative Potential delivery	NPPF requirement (+5%)
2018/19	265	365	265	365	1391
2019/20	265	504	530	869	
2020/21	265	551	795	1420	
2021/22	265	320	1060	1740	
2022/23	265	336	1325	2076	

5. Based on this assessment, the Council currently has in excess of the NPPF required 5 year housing supply (plus 5%). In 2022/23 we will exceed the requirement by almost 800 dwellings.
6. To calculate the extent of the Council's deliverable supply, if one were to add the over-provision to date (35 dwellings) to the deliverable supply (2,076 dwellings) and divide this number (2,111 dwellings) by our annual requirement (272 dwellings pa.) the Council can show just over 7³/₄ years supply for the period 2018/19 to 2022/23.

OAN Update Report figure of 272 gives: $2,076 + 35 = 2,111 \div 272 = 7.76$ years

B. Assumptions made in preparing the Assessment

7. The Housing Requirement Figure is based on the latest assessment of Objectively Assessed Need set out in the North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017), which identifies an OAN of 272 dwellings a year from the base date of 1st April 2014, plus incorporating the oversupply from previous years of 35 during the five year period (the Sedgefield method).

8. Based on an oversupply against the OAN since 1st April 2014, the Council has no record of 'persistent under delivery' and therefore in accordance with existing Government guidance the Council only need apply a 5% buffer to its housing requirement.
9. The assessment of deliverable supply is based on:
 - a) A physical survey of housing completions and demolitions carried out as soon as possible after 31 March each year;
 - b) An assessment of 'deliverable' sites to determine those sites with a realistic prospect of delivery within five years. This assessment has been informed by a survey of the views of promoters of all major sites in the housing supply, on build out rates and any lead-in times, for their sites.
10. The assessment of the five year supply will be available on the Council's website alongside the schedule of specific deliverable sites.
11. The assessment, assumptions and process may be revised as necessary to take account of new government guidance, case law, best practice and valid stakeholder comments, by the Interim Planning Policy Manager in consultation with the Chair and Vice Chair of the Planning Committee.


Appendix B

List of major sites in the five year supply of deliverable sites

Site	Permission Reference	Address	Status	Commitment at 1st April 2018	5 year assessment period					Not deliverable within 5 years
					2018/19	2019/20	2020/21	2021/22	2022/23	
Bolsover										
B1880	BOL/617/314	Former Courtaulds Plc, Oxcroft Lane	U/C	35	15	20	0	0	0	0
B2005	BOL/1210/552	99 to 101 Moor Lane	Extant	9	0	0	0	0	0	9
B2192	BOL/916/46	Land off Blind Lane	N/S	250	0	0	0	0	0	250
B2276	BOL/118/234	Land off Langwith Road and Mooracre Lane (phase 1)	U/C	212	5	30	30	30	30	87
LPfBD	Allocation	Land off Langwith Road and Mooracre Lane (phase 2)	Alloc	248	0	0	0	0	0	248
B2387	BOL/215/76	Land between Shuttlewood Road and Oxcroft Lane (phase 1)	N/S	149	0	0	0	0	0	149
LPfBD	Allocation	Land between Shuttlewood Road and Oxcroft Lane (phase 2)	Alloc	81	0	0	0	0	0	81
B2400	BOL/214/80	Land between Welbeck Road and Oxcroft Lane, Bolsover	N/S	950	0	70	70	70	70	670
B2427	BOL/217/82	The White Swan, Market Place	N/S	14	0	0	0	7	7	0
LPfBD	Allocation	Land off Oxcroft Lane	Alloc	45	0	20	25	0	0	0
Totals				1993	20	140	125	107	107	1494
Shirebrook										
B0906	BOL/1016/530	Former Shirebrook Station, Station Road, Langwith Junction	U/C	68	25	25	18	0	0	0
B1835	BOL/417/191	The Old Empire Bingo Hall, Thickley Close	U/C	15	15	0	0	0	0	0
B2322	BOL/615/316	Land at Brookvale	U/C	581	40	40	40	40	40	381
B2444	BOL/1016/533	Land to the north of 76 Main Street	U/C	10	10	0	0	0	0	0
Totals				674	90	65	58	40	40	381
Clowne										
B2112	BOL/517/242	High Ash Farm, Mansfield Road	N/S	41	20	21	0	0	0	0
B2386	BOL/1214/603	Land to rear of 169-207 Creswell Road, Clowne	Extant	27	0	0	0	0	0	27
B2454	BOL/1115/604	Land west of Tamarisk, Mansfield Road	N/S	15	15	0	0	0	0	0
LPfBD	Allocation	Clowne Garden Village	Alloc	1500	0	0	60	60	80	1300
Totals				1583	35	21	60	60	80	1327
South Normanton										
B2014	BOL/116/3	Land To The Rear of, 1 to 35, Red Lane	N/S	50	0	20	30	0	0	0
B2077	BOL/1016/510	Jacques Brickyard, Water Lane	N/S	32	0	20	12	0	0	0
B2342	BOL/1114/531	Land at Rosewood Lodge Farm, Alfreton Road	N/S	145	0	25	25	25	25	45
B2485	BOL/317/114	Site of former BDC Depot, Meadow Lane	U/C	10	10	0	0	0	0	0
B2494	BOL/317/148	Land to the east of Thornhill Drive, Ball Hill	N/S	29	0	4	25	0	0	0
LPfBD	Allocation	Land at Town End Farm, Lees Lane	Alloc	40	0	0	0	0	0	40
Totals				306	10	69	92	25	25	85

Site	Permission Reference	Address	Status	Commitment at 1st April 2018	5 year assessment period					Not deliverable within 5 years
					2018/19	2019/20	2020/21	2021/22	2022/23	
Barlborough										
B2155	BOL/416/187	Land north of Chesterfield Road	N/S	157	0	0	15	30	30	82
Totals				157	7	40	40	40	30	0
Creswell										
B1577	BOL/1016/529	Land South of Model Village	U/C	197	20	20	20	20	20	97
B2291	BOL/715/368	Land To The Rear Of Nos 34 To 54, Skinner Street	U/C	73	25	25	23	0	0	0
B2413	BOL/616/294	Former Miners Welfare Institute, Model Village	U/C	11	11	0	0	0	0	0
Totals				281	56	45	43	20	20	97
Pinxton										
B2496	BOL/218/457	Land to the north of 46 Park Lane	U/C	10	10	0	0	0	0	0
LPfBD	Allocation	Land at Croftlands Farm	Alloc	50	0	0	0	0	25	25
Totals				60	10	0	0	0	25	25
Tibshelf										
B2275	BOL/413/170	Field West Of Spa, Doe Hill Lane	U/C	44	25	19	0	0	0	0
B2295	BOL/513/182	Land South of Overmoor View	U/C	95	30	30	30	5	0	0
Totals				139	55	49	30	5	0	0
Whitwell										
LPfBD	Allocation	Former Whitwell Colliery site	Alloc	400	0	0	0	0	0	400
Totals				400	0	0	0	0	0	400
Glapwell										
B1947	BOL/1111/599	Glapwell Nurseries, Glapwell Lane, Glapwell	U/C	16	0	0	16	0	0	0
Totals				16	0	0	16	0	0	0
Hodthorpe										
B2390	BOL/715/354	Land at Queens Road Allotments, Hodthorpe	N/S	38	0	10	10	10	8	0
B2385	BOL/1014/518	Land north-west of Broad Lane, Hodthorpe	N/S	101	0	0	0	0	0	101
Totals				139	0	10	10	10	8	101
Palterton										
B2433	BOL/816/410	Land between 11 and 19 Back Lane, Palterton	N/S	11	0	0	5	6	0	0
Totals				11	0	0	5	6	0	0

Site	Permission Reference	Address	Status	Commitment at 1st April 2018	5 year assessment period					Not deliverable within 5 years
					2018/19	2019/20	2020/21	2021/22	2022/23	
Pleasley										
B2262	BOL/716/348	East of Pleasley Pit, Pit Lane, Pleasley	U/C	17	9	8	0	0	0	0
Totals				17	9	8	0	0	0	0
Scarcliffe										
B2430	BOL/1215/649	The Nursery, East Street, Scarcliffe	N/S	16	0	0	0	0	0	16
Totals				16	0	0	0	0	0	16
Shuttlewood										
B2243	BOL/516/207	Field Adjacent to Pattison Street, off Bolsover Road, Shuttlewood	N/S	80	0	0	0	0	0	80
Totals				80	0	0	0	0	0	80
Countryside										
B2389	BOL/415/216	Land South of Plantation on North side of Worksop Road, Hotel Van Dyk	N/S	52	0	17	17	17	1	0
Totals				52	0	17	17	17	1	0
Sub totals				5924	285	424	471	320	336	4088
All Settlements – Minors										
	Total in supply	282	(assumed 15% of minor sites will lapse)	282	80	80	80	0	0	42
Totals				282	80	80	80	0	0	42
Sub totals – Minors				282	80	80	80	0	0	42
Final totals				6206	365	504	551	320	336	4130

 Not considered deliverable within 5 years

Deliverable total for current year (18/19) = 365 (estimated)

Deliverable total for the full 5 years = 2076 (estimated)

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 6 Planning Applications to be determined

Planning Site Visits held on 29 June 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors T Alexander, PM Bowmer, Pat Cooper, Paul Cooper, T Munro (Chair), P Smith, KF Walker, B Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors J Clifton, D McGregor, K Reid, R Turner (Vice Chair) and D Watson

SITES VISITED

1) The Croft Astwith Lane, Astwith (17/00376/FUL)

The meeting concluded at 11:15 hours

Summary of representations received after the preparation of the original main Committee Report and any recommendation based thereon.

Agenda item No: 6.1: The Croft Astwith Lane, Astwith (17/00376/FUL)

No further representations have been received on this application but officers have been asked to clarify why this application is coming back to the Planning Committee:

Firstly, application reference no. 17/00097/FUL is the 'previously refused application' referred to under the heading 'PROPOSAL' on page 10 of the officer report. 17/00097/FUL proposed a different scheme to that now under consideration and 17/00097/FUL was refused under delegated powers.

The current application reference no. 17/00376/FUL includes proposals that officers recommended for approval because the revised proposals addressed the previous concerns that had resulted in planning permission being refused for the previous application (17/00097/FUL). However, the current application (17/00376/FUL) was referred to the Planning Committee in September 2017 because of the relatively large amount of objections from local residents.

Subsequently, the current application (17/00376/FUL) was reported to Planning Committee on 27th September 2017 where it was resolved to approve the application subject to the

results of a bat survey. However, bat surveys can only be undertaken at certain times of year hence the relatively long delay between receipt of the bat survey and the committee resolution. The results of the bat survey are set out under the heading 'AMENDMENTS' at the bottom of page 10 and also in the last paragraph at the bottom of page 22 of the officer report. The Derbyshire Wildlife Trust have been consulted on this survey and have no objections to the application subject to Condition 15 on page 25 of the officer report.

Normally, this would have meant that officers would have issued the permission for the current application (17/00376/FUL) after agreeing the full wording of the conditions set out in precis form in the report on 17/00376/FUL that went before the Planning Committee 2017. However, in the interim period between the original resolution on this application (17/00376/FUL) and submission of the bat survey; a planning agent speaking on behalf of local residents expressed concern that too much weight had been given to a fall-back position that was set out in the original officer report and broadly repeated in the officer presentation to members.

In short, officers advised that a fall-back position existed whereby a number of alterations similar to those proposed in this application (17/00376/FUL) including extensions and outbuildings could have been carried out under permitted development i.e. without planning permission. This advice was not correct insofar as the site is in the conservation area, which means that extensions and outbuildings to the side of the existing dwelling would require planning permission so it would not be possible to build the garage or build a side extension without permission as originally suggested in September 2017.

Therefore, the officer report now in front of you for the current application (17/00376/FUL) sets out a revised explanation of what permitted development rights would be available to the applicant and places less weight on a fall-back position (compared to that reported in September 2017). In conclusion, officers consider the proposals are still acceptable on their own merits even in the absence of permitted development rights now that we have seen the results of the bat survey.

In the interests of transparency and accountability, it is also considered only right to return this application to the Planning Committee to ensure that members are still satisfied their resolution to approve the current application (17/00376/FUL) in September 2017 was the correct decision. This is because the original report and presentation from September 2017 could have misrepresented the case for approval even though officers consider the fall-back position was just one of a number of considerations and not a determinative factor in the original recommendation to approve the current application (17/00376/FUL).

Hence, the reason this application has been returned to the Planning Committee for a final decision and there is no change to the officer recommendation to approve the current application (17/00376/FUL) subject to conditions as set out on pages 22-23 of the officer report.