

**PARISH** Blackwell Parish

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**APPLICATION** Change of use of the former school rooms to a single dwelling with internal and external alterations. Two off-street parking spaces provided on the site frontage.  
**LOCATION** The Old School Room 88 Main Street Newton Alfreton  
**APPLICANT** Mr Stephen Rye  
**APPLICATION NO.** 19/00055/FUL  
**CASE OFFICER** Miss Kay Gregory  
**DATE RECEIVED** 30th January 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY COUNCILLOR BULLOCK

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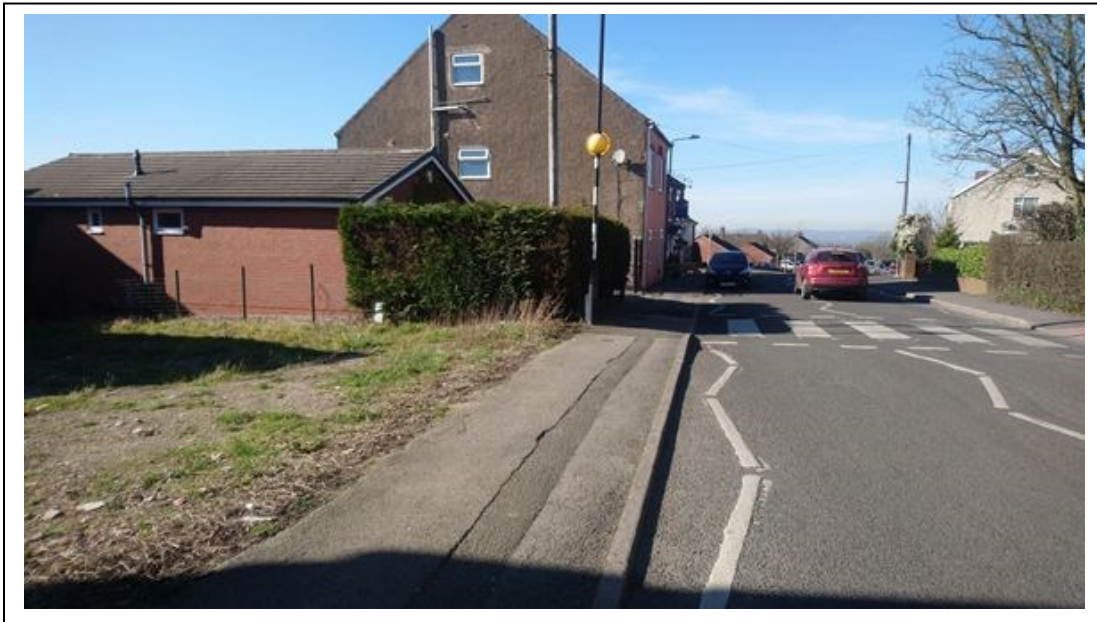
## **SITE**

The application site is within the settlement boundary of Newton, as defined by Saved Policy GEN8 of the Bolsover District Local Plan.



The site fronts onto Main Street, which is a 'B' classified road (B6023), running in a northwest direction, linking Newton to the adjacent settlement of Tibshelf.

Within the adopted highway, immediately in front of the site are 'zig-zag' parking restrictions, and a zebra crossing in front of number 86 Main Street. To the east of the site, a row of terrace houses have on-street parking availability. Number 86 has a vehicular access behind the zebra crossing. The legal speed limit along Main Street is 30mph.



The existing building is detached, single storey, and is of a traditional Victorian age and design. It is registered as a non-designated heritage asset.

The building, which externally remains largely unaltered, is considered to have historic and architectural value. It was constructed in 1880, first as a chapel, then when that was replaced by the larger church opposite the site in 1904, it became a school.

It is of a red brick construction, with imitation slate roof. It is set back from the back edge of the highway by approximately 11 metres.



It is bounded by a bungalow of modern design to the west (no. 86) and to the east by a two storey end terrace (no. 90), which abuts the back edge of the footway.

Directly opposite the application site is the Primitive Methodist Chapel. This property has a hedge and trees along the frontage, and a vehicular access leading into a car. Adjacent to the church is a bungalow on one side, and a former petrol filling station on the other, now used for retail.

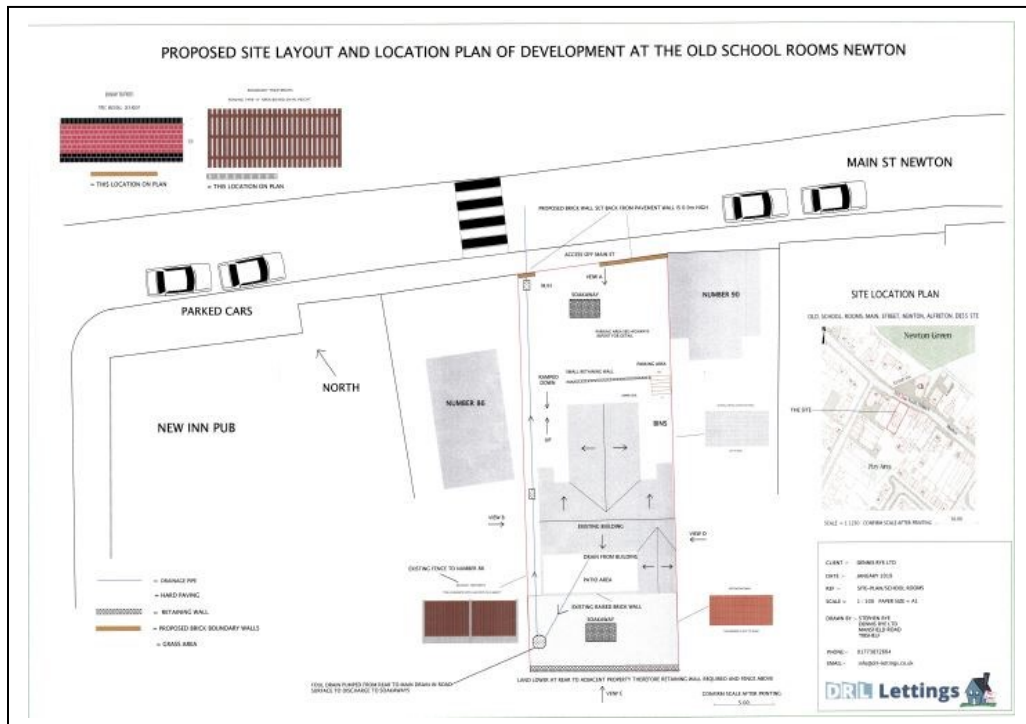
Other uses surrounding the application site are predominantly residential, but vary in age, design, appearance, scale and materials.

Land levels drop steadily towards the south. The rear boundary of the site is a close board fence which also acts as a retaining feature for the garden to the rear. Also on the rear boundary is the neighbours 3.5m high detached outbuilding. The west boundary treatment is a 2m-2.5m high close board fence, and the east boundary is an existing brick wall.

## **PROPOSAL**

This application is seeking planning permission to convert the former school house into a three bedroom detached dwelling. Also proposed is on-site parking provision for two vehicles, and the creation of a vehicular access onto Main Street.



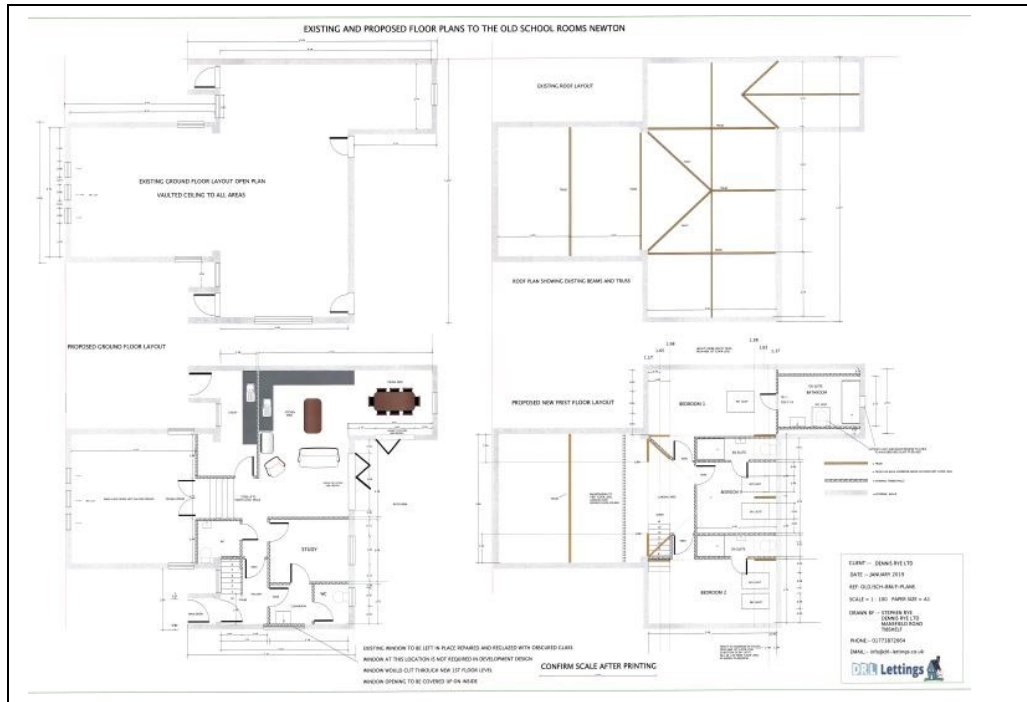


The site frontage would be predominantly hard surfaced, with space for manoeuvring and parking of two vehicles, a small amenity area, and a small retaining wall and steps.

The front elevation of the building would remain largely unaltered. It would have new glazing in existing windows openings within the front projecting gable; the two smaller windows on either side would be lowered to allow for the new internal floor level. Stone cils and headers would be repaired and reinstated.



Existing openings would be utilised on the side elevations. To the rear, several new window and patio door openings would be provided for additional light into primary living areas.



Internally, on the ground floor, two living areas on split levels would be formed to take into account the natural slope of the site. The rear living space would comprise of an open plan kitchen, dining and seating area; with a separate study and WC. Steps leading up from this area into a larger living space at the front of the site, and to each side, a WC and utility room.

Stairs to the first floor would be located next to the front door.

On the first floor, three bedrooms would be created, each with en-suite facilities. A balustrade would span the length of the first floor hallway, looking over into the upper, ground floor living space.

The rear garden would be landscaped.

## AMENDMENTS

- Cross sections to show internal floor layout – submitted on the 23<sup>rd</sup> April 2019.
- Photographs to confirm features of retention; submitted on the 23<sup>rd</sup> April 2019
- Amendments to the submitted Transport Statement - submitted on the 25<sup>th</sup> April 2019

## HISTORY (if relevant)

- BOL/1276/615 – Proposed demolition of the Methodist Church Hall and Erection of Pair of Semi-Detached Houses. Approved on the 15/02/1977.
- BOL/188/15 – Erection of 2 Shops with 2 Flats over. Approved on the 26/02/1988.

## **CONSULTATIONS**

### DCC Highways - 28/2/19

- See body of report (Highways Issues) for summary and response to applicants submitted Transport Assessment.
- Object to the proposed access and parking area; the proposed access is considered to be severely substandard and is not acceptable to the Highway Authority;
- It is recommended that the application as submitted is refused;
- As the site currently has no vehicular access and the proposed access is not considered suitable, the Highway Authority may consider a development without on-site parking provided that it generated similar vehicular traffic and parking requirements to that generated by the former school rooms or any other permitted use. If the Local Planning Authority can clarify whether there is a current extant use of the site and the applicant can demonstrate that a development proposal would generate similar traffic levels to its previous or permitted use, the Highway Authority will reassess the application and may be in a position to withdraw the recommendation for refusal.

### Amended Highway Authority comments 29/4/19

- With reference to the "further information from the applicant" submitted in respect of the above application, the comments do not alter the Highway Authority's objection on highway safety grounds to the creation of an access where visibility is substandard.
- Therefore, the previous comments continue to apply.

### Derbyshire Wildlife Trust Original comments dated 8/4/19

- There is no ecological information accompanying the planning application.
- Due to the renovation of the existing site building, including the addition of skylights to the roof, it is recommended as a minimum that a Preliminary Bat Roost Assessment is undertaken prior to determination by a suitably qualified ecologist.
- Evidence of nesting bird activity should also be recorded.
- The results of the assessment should be presented in accordance with current guidelines, such as Ecological Report Writing (CIEEM, 2017), British Standard BS 42020: 2013 and Bat Conservation Guidelines (Collins, 2016).
- The report should make clear the requirement for any further survey work and it should be noted that if further survey is required, this should be undertaken prior to determination of the planning application.
- The report should include any requirement for licensing and details of mitigation and enhancement measures appropriate to the site.

### Derbyshire Wildlife Trust amended comments dated 8/5/19

- Further to our response dated 8th April 2019, a Preliminary Bat Roost Assessment has been undertaken by ML-Ecology (March, 2019).
- The building was considered to display low potential to support roosting bats (Collins, 2016) and therefore a single nocturnal bat survey should be undertaken prior to determination, with the results submitted to the LPA.
- Aside from ascertaining whether there are any protected species constraints to development of the building, ecological enhancements should be incorporated within proposals to achieve a net biodiversity gain (NPPF 2019).

### Derbyshire Wildlife Trust amended comments dated 23/5/19

- The Preliminary Bat Roost Assessment assessed the building as low potential and therefore a minimum of one nocturnal bat survey is required to determine presence/absence of roosting bats (Collins, 2016).
- Until this is undertaken, it is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(3) of the Habitats Regulations 2017.
- In addition, you can quote Paragraph 99 and the duties under the NERC Act 2006 if necessary.
- Paragraph 99 of Circular 06/2005 states *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances"*.
- In addition, the local planning authority in implementing their duty under section 40 of the NERC Act 2006 need to have regard to the conservation of biodiversity in England when carrying out their normal functions.

### BDC Drainage

- Require two standard informative notes.

### Parish Council

- I write to advise you that there are no objections to the above planning application from the members of Blackwell Parish Council.
- The members fully support this application and the positive impact that bringing this long neglected building back to life will have on this area of Newton. The addition of two off-street parking spaces in front of the property is a positive feature, as this area of Main Street is already very congested with parked cars.

### **PUBLICITY**

The application has been publicised by way of a site notice and letters sent to 5 adjacent properties. There have been four letters of support received as a result of the publicity. There comments are summarised below:

- I understand that this well intentioned and universally supported - by both villagers and the Parish Council at any rate - application, may be rejected based upon traffic concerns.
- I'm not sufficiently knowledgeable to comment on the technicalities behind the recommendation to reject but, as a layperson who has lived on this site for 33 years, I feel that I'm in a good position to question the rationale.
- Accepting that there are too many cars using Main Street for parking - a situation exacerbated some 15 years ago by the creation of a rarely used Pedestrian Crossing - there must surely be an argument for the introduction of strategically placed speed humps. This appears to have been successfully achieved in Tibshelf, and with the removal of the aforementioned Crossing, would result in reduced speed of vehicles

passing through Newton thereby improving safety for all. Besides, for as long as I've lived in Newton, the space that is being designated for off-street parking has been used for just this very purpose and I have to ask, what is going to change?

- Whatever, a recommendation to reject what is generally regarded as a positive application that both benefits and enhances the village on what appear to be flimsy safety concerns, should be ignored.
- I have to say I am astonished at the objection being raised by the highways dept. I have lived in the village over 20 years and there are ALWAYS cars parked on the road, forcing all traffic to pass by slowly. There would be absolutely no additional hazard caused by 2 cars occasionally joining or leaving the road for the proposed new house.
- Yet if the building were to be used as a crèche or nursery there would be dozens of parents dropping off and picking up their children and this would apparently be acceptable, a stance which defies all logic. If this application is declined it is likely the building would remain derelict, blighting all neighbouring properties and the village as a whole.
- Overall I am very much in support of this application, it turns a long-standing eyesore into a much needed dwelling.
- I do however have a couple of concerns. The boundary wall on the southern edge includes the back wall of one of our outbuildings, the rest is fencing above a concrete base. I don't know if that requires any specific statement or consideration in the plans.
- Secondly, bats have lived in the existing chapel building for many years, I don't know if this causes any conservation issues.
- Having lived alongside an eyesore for 33 years, I welcome this initiative and hope and trust that the application is successful.
- With two off-street parking spaces as part of the proposed development, will this result in the removal of the current rarely used pedestrian crossing which will need to be crossed to gain access to the property? If so, this would be an additional benefit, which I'm sure would be welcomed by the vast majority of villagers.

## **POLICY**

### Bolsover District Local Plan (BDLP)

- GEN 1 - Minimum Requirements for Development
- GEN2 – Impacts of a development on the Environment
- GEN8 – Development boundary
- CLT1 - Protection of Existing Buildings Which Serve the Community
- ENV 5 - Nature Conservation Interests Throughout the District

### National Planning Policy Framework

- Paragraphs 8; 11; 38; 47; 48; 127; 197

### Bolsover District Emerging Local Plan Publication

- Policy SC1: Development within the Development Envelope
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC9: Biodiversity and Geodiversity
- Policy SC21 – Non-designated heritage assets
- Policy ITCR11: Parking Provision
- Policy SS1: Sustainable Development



## ASSESSMENT

### Visual Amenity and Design

- Saved Policy GEN2 of the Bolsover District Local Plan states that every development will give regard to *the visual appearance of the proposal. The appearance of the proposal will be assessed in relation to the appearance of the immediate locality and in relation to its setting in the general landscape*
- Emerging Policy SC2 of the Bolsover District Local Plan Publication identifies that *the Council will permit proposals for new development, where it promotes the efficient use of land, including developments, protects and enhances the distinctiveness, character, townscape and setting of settlements, and conserves and enhances heritage assets and their setting.*
- Emerging Policy SS1 of the same document states that *in order to contribute to sustainable development in Bolsover District, development proposals should: Protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed developments*
- Emerging Policy SC3 of the same document identifies that *proposals for development will be permitted provided that they create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; will respond positively to the context and contributes to local identity and heritage.*

This proposal would see a vacant building, with local and historic identity brought back into a viable use.

The Local Planning Authority have welcomed the principle of renovating this building, and worked in a pro-active manner with the applicant's representative during the processing of the application to ensure that elements of architectural value would be retained.

The conversion is considered to be of a high quality design, and the building, when viewed from the front of the site would remain predominantly unaltered.

In order to protect the original appearance and fabric of the building; if the application were to be granted planning permission, it would be considered appropriate and reasonable to remove permitted development rights relating to extensions and alterations to the building (including new windows and doors), other than any which may have been approved by way of the permission.

If the application was to be granted planning permission, the conversion would need to be carried out in accordance with any relevant planning conditions, and retained as such for the life of the development. The conversion and re-use of the building would improve visual amenity, would preserve the character and appearance of this historic building, and would enhance the local identity of this part of the settlement.

The development, if permitted would therefore comply with the planning policies identified

above.

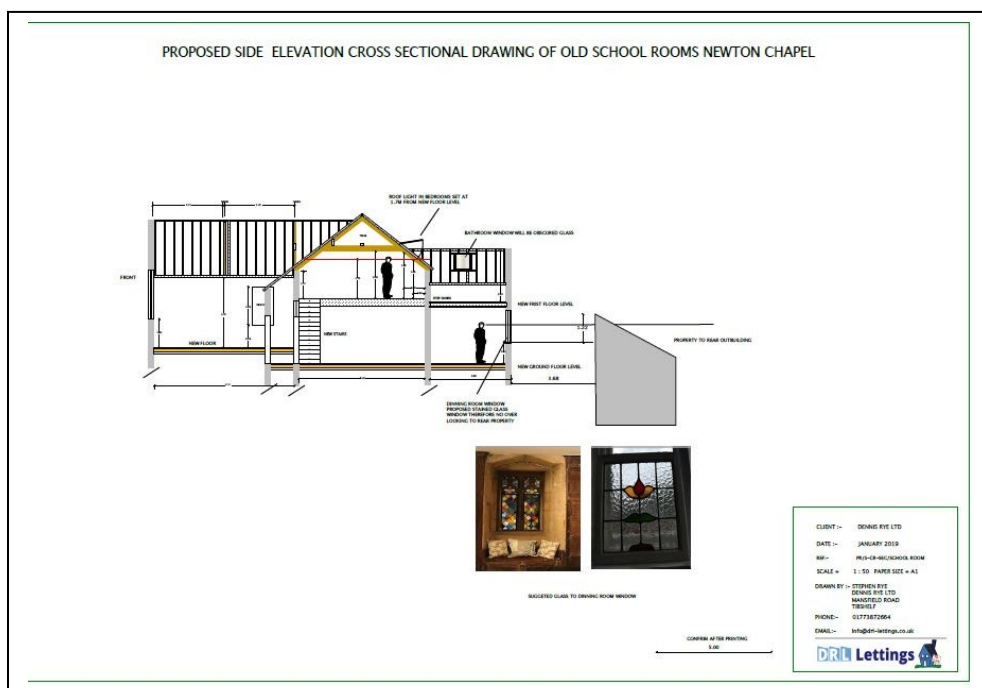
## Residential Amenity

- Saved Policy GEN2 states that development proposals *shall consider the extent of overlooking of adjoining nearby property and loss of privacy; and the effect on the daylight and sunlight received by adjoining land and buildings*
- Emerging policy SC3 identifies that *proposals for development will be permitted provided that they ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.*

The rear garden has an area of 108m<sup>2</sup> which is considered to be an adequate size for a three bedroom property.

There are no new window openings proposed in the front or side elevations of the conversion.

Newly created, or repaired (existing) windows which serve main living areas have been adequately designed to prevent any overlooking issues into adjacent gardens. Amended plans were submitted on the 23rd April 2019 to demonstrate internal floor to cill heights for the proposed rear facing roof lights, confirming that there would be no direct overlooking into the garden at the rear.



On the western elevation of the building is a large, existing window which would overlook into the adjacent garden at number 86. Upon conversion, this window would serve a WC; the applicant is proposing to repair and obscurely glaze the window, but cover it up on the inside as it would not be required for the development, and would overlap into the first floor bedroom. If the application was to be granted planning permission, a condition would be required for it to remain obscurely glazed for the life of the development, should it be opened

up in the future from the inside for the provision of additional light into the first floor bedroom.

Neighbouring properties have been consulted on the application, and raised no objections in terms of residential amenity. The property at the rear was visited to assess the potential impact of the development from within their amenity space. The location of their detached outbuilding, and obscurely glazed windows in the conversion will protect their amenity.

Should the application have been recommended for approval, the Local Planning Authority considers that there would be no detriment to residential amenity, subject to the full implementation of appropriately worded conditions; and the proposed development would therefore comply with the policies identified above.

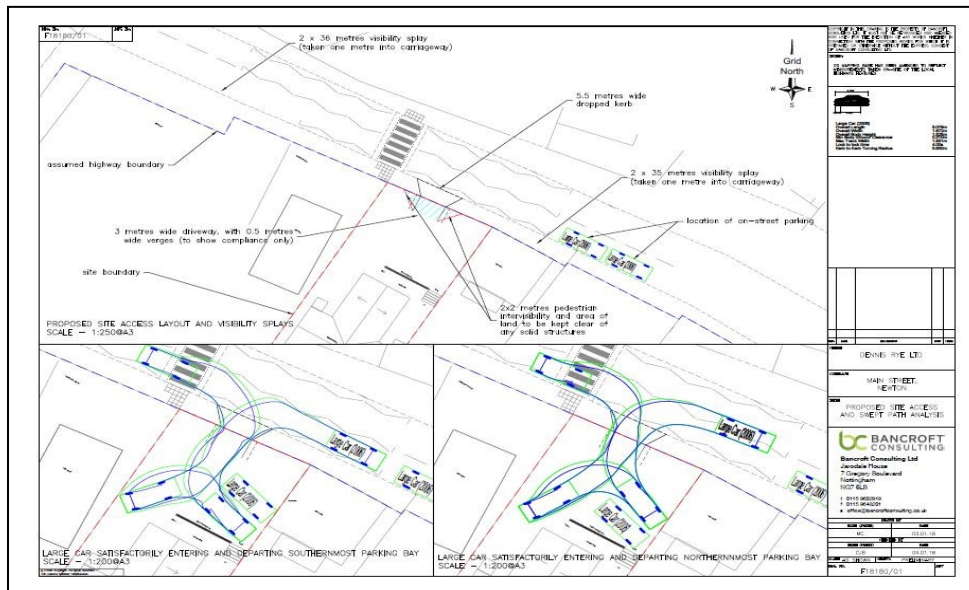
### Highway Issues

- **Saved Policy GEN1** of the Bolsover District Local Plan identifies *that development proposals will be required provide parking and manoeuvring space to satisfy the requirements of policies in the plan concerning parking provision; to provide safe access arrangements shall be made for pedestrians, cycles and vehicles (including service and emergency vehicles) entering and leaving the site; and that the local highway network shall be able to accommodate the vehicular, cycle and pedestrian traffic from the site without causing material harm to highway safety, or unacceptable congestion*
- **Saved Policy GEN2** states that, *in considering the environmental impact of every proposal for development regard will be given to the amount of road traffic generated by the proposal; the type and frequency of that traffic in relation to the quality and character of the proposed access and local highway system, and the extent and impact of parking facilities for that traffic*
- **Policy ITCR11** of the Emerging Local Plan publication *identifies that parking provision should provide a safe and secure environment and minimise conflict with pedestrians and / or cyclists.*

The submitted application includes the creation of a parking area within the site frontage of, and a vehicular access onto Main Street.

A pre-application enquiry was initially submitted to the Council; which the County Council Highway Authority were consulted on. They commented that there would need to be appropriate visibility provided from the new site access in both directions, onto Main Street; and that based on the 30 mph speed limit along Main Street within the vicinity of the site, appropriate visibility splays would need to be 2.4m x 43m (it is acknowledged that the combined proportion of HGV and bus traffic is less than 5% of the traffic flow).

A Transport Statement was submitted with the application, providing visibility splays of 2m x 35m and 36m; and stating that these would be suitable based on the results of a speed survey carried out on behalf of the applicant. The reduced 'y' distances of 35m and 36m have been accepted; however, the highway authority do not consider that a 2m set back (x) distance is appropriate on Main Street.



The transport statement referred to a paragraph in ‘Manual for Streets: Evidence and Research document’ (TRL, 2007) which states that, *“the Y-distance should be measured for vehicles at the following distances from the stop line on the minor arm of the junction: 2.0 m: for single dwellings or small groups of up to half a dozen dwellings or thereabouts.”*

The Highway Authority’ response to this was that *“the statement may be included in Manual for Streets: Evidence and Research but the original statement is taken from Places, Streets and Movements; a companion guide to DB32 which was superseded by Manual for Streets.*

*Therefore, the Transport Statement concluded that by using the aforementioned statement to justify the use of a 2m set back (x) distance is incorrect. Manual for Streets and Manual for Streets 2 both state that a 2m set back distance may be considered in some slow speed and lightly trafficked situations, whilst also considering the ability of drivers and cyclists to see an overhanging or encroaching vehicle and to manoeuvre around it without undue difficulty.”*

The highway authority consider that Main Street is not a slow speed and lightly trafficked highway, and as such the proposed access should be provided with the required visibility splays, and taken from a set-back (x) distance of 2.4m.

As the achievable visibility distances from 2.4m are only 30m and 26m, the highway authority consider the proposed access to be severely substandard and therefore not acceptable.

During the processing of the application, the Council had verbal discussions with the highway authority regarding the proposed parking situation, and whether there were alternative solutions, given the desirability to bring this building back into a viable use.

The existing building is considered to be ‘vacant’ rather than ‘abandoned’ and as such still has an authorised use, Class D2 – Non-residential institution; although it should be noted that there is no evidence to suggest that there has ever been any authorised parking on the front of the site. Whilst the existing kerb stones are low, they have not been ‘lowered’ to create a

vehicular access / parking area.

Should the building be brought back into its authorised use, it would have the potential to generate greater footfall and vehicular traffic within the vicinity of the site, than that of a residential dwelling. The highway authority were asked whether they would agree to on-street parking for the dwelling, given the fact that the building has a D2 Use, and could operate within a number of different uses within that Class, and they verbally confirmed that it is unlikely that they would be able to sustain a reason for refusal if street parking was proposed as an alternative.

The applicant was approached with the arrangement for on-street parking; and asked to amend the plans to remove the proposed access and area for parking. They refused this request, stating that they wanted to park within the site, and would not want to park on the road side. They considered that their Transport Statement was an accurate assessment of the site, and adjacent highway.

In response to highway authority comments, the applicant provided an updated Statement from Bancroft Consulting, dated 25<sup>th</sup> April 2019.

The Highway Authority were re-consulted on the updated statement and confirmed that the additional comments did not alter their objection on highway safety grounds for the creation of an access where visibility is substandard, and therefore their previous comments still applied.

The Council acknowledge the heritage and cultural value of allowing the building to be brought back into a viable use, but have also given due consideration to the County Council Highway Authority's objections regarding highway safety.

Due to the applicant's refusal to remove the on-site parking provision, and instead revert to parking within the adopted highway, it is considered that the development if permitted, would have the potential to present a danger and inconvenience to other highway users, and would interfere with the safe and efficient movement of traffic; all to the detriment of highway safety.

It is therefore considered that the proposed development is contrary to the policies identified above, and it is recommended that the application is refused on highway safety grounds.

### Community Use

- Saved Policy CLT1 states that *planning permission will only be granted for the change of use or redevelopment of buildings which have functions serving the community, if either appropriate alternative provision is made or it can be demonstrated that the facility is no longer required, or no longer economically viable*

The Local Planning Authority concur with the applicants planning statement that the building has not been in active use since the 1970's, and considers that a residential use on the site would be an appropriate, alternative provision, given the need to retain where possible the original condition and appearance of the building.

The development if permitted would therefore comply with the policy above.



## Heritage Issues

- Emerging Policy SC21 states that *development proposals which positively sustain or enhance the significance of any local heritage asset and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal.*
- Paragraph 197 of the NPPF states that *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The Derbyshire HER (No. 1824) identifies the building as a non-designated heritage asset under the heading of Primitive Methodist Chapel. The entry is as follows:-

*“School opened in former Newton Chapel. Prior to its use as a school between 1898 and 1908, and enlarged in 1889, it appears to have been superseded by the larger chapel constructed on the opposite side of Main Street in 1904. In 1938 the OS Map shows it in use as a hall”*

The works proposed are not considered to cause any substantial harm to the historic or architectural appearance of the building. The main alterations, in order to create usable internal space would comprise of new openings within the rear elevation, which would not be visible from within the public domain. Existing roof trusses, feature stones and circular window at first floor level on the front elevation would be retained as part of the scheme. The window openings would be retained within their original shape.



It is therefore considered that the proposed development has been sympathetically designed to retain and enhance original features where possible; and any contemporary additions

would be confined to the rear of the building.

The proposal if permitted would therefore comply with the policies provided above.

#### Biodiversity Issues

- Paragraph 99 of Circular 06/2005 states *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.*
- Policy ENV5 states that *when granting planning permission the local planning authority will require development to retain, wherever possible, habitats which are locally important for biodiversity, and protect them during construction work; and to make provision, wherever possible, for replacement habitats where the loss of existing wildlife habitats is unavoidable;*
- Policy SC9 identifies that *development proposals should seek to conserve and enhance the biodiversity and geodiversity of the District and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity*

Upon request, the applicant provided a Preliminary Bat Roost Assessment, which assessed the building as 'low potential'. Therefore, as requested by the Ecology officer in their amended comments, a minimum of one nocturnal bat survey would be required to determine the presence/absence of roosting bats.

The applicant was formally asked by the Local Planning Authority in an email dated the 8<sup>th</sup> May 2019 to arrange for a nocturnal survey to be carried out. The applicant's representative then confirmed in an email dated the 22<sup>nd</sup> May 2019 that they were not prepared to commission such a survey. There were no reasons given for this refusal.

The Local Planning Authority considers that until this survey is undertaken and reported upon, the application as submitted has not been accompanied by sufficient information in order to demonstrate the presence, or otherwise of protected species, and the extent that they may be affected by the proposed development. The development, if permitted would therefore be contrary to the policies identified above.

In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(3) of the Habitats Regulations 2017, and as such it is recommended that the application is refused planning permission.

#### Planning Balance / Conclusion

The Council has acknowledged and welcomed the conversion of this heritage asset into a viable use, working proactively with the applicant's representative throughout the processing

of the application.

The design and layout has given regard to visual and residential amenity, and has presented a form of development which is sympathetic to the character and appearance of the building whilst ensuring that privacy, light and amenity levels are maintained for existing and future residents.

With regards to the highway safety issues, the Council has acknowledged the applicants desire to park vehicles within the site frontage, however the Highway Authority has maintained their objection, on the grounds of poor visibility when exiting the site, and the potential danger to highway users.

Whilst the Council are aware that there is an existing vehicular access serving number 86, and an access into the church car park, both within the zebra crossing highway restrictions; this does not justify the creation of another access onto a highway which has driver restrictions, and also presents unavoidable issues of poor visibility for vehicles exiting the site; due to obstructions within third party land preventing the achievement of the required visibility splays.

It should also be noted that the kerb stones across the site frontage have not been lowered, and approval from the County Highway Authority would be required for this, as Main Street is a 'B' Classified road.

The applicant was also approached and presented with the option to park their vehicles within the highway, but this suggestion was refused.

On balance, it is considered that the applicant has failed to adequately justify that the proposed access and parking would not present a danger to users of the highway and as such it is recommended that the application is refused on highway safety grounds.

With regards to biodiversity issues, there was no ecological information originally submitted with the application; however on request, a Preliminary Bat Roost Assessment was undertaken by ML-Ecology (March, 2019), and submitted for consideration.

Whilst the Derbyshire Wildlife Trust identified that the building had low roost potential, they required a single nocturnal bat survey to be undertaken 'prior to determination', with the results submitted to the Local Planning Authority. The applicant confirmed in an email dated the 22<sup>nd</sup> May 2019 that they are not prepared to carry out the survey.

As such, it is considered that the applicant has failed to provide adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity, and as such it is recommended that the application is refused on ecological grounds.

## **Other Matters**

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues identified but vacant buildings can encourage anti-social behaviour.

Equalities: N/A

Access for Disabled: Would be considered by Building Regulations

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: See report

Human Rights: N/A

## **RECOMMENDATION – Refuse planning permission**

1. The proposed development would involve the creation of a new vehicular access onto the B6026 Main Street, and an area within the site frontage for the parking and manoeuvring of residents' vehicles.

This, if permitted, would introduce traffic movements to and from the public highway at a point where emerging visibility is severely restricted, due to the narrow footway and proximity of neighbouring buildings/property, thereby leading to danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic, all to the detriment of highway safety.

The proposed development is therefore contrary to Saved Policies GEN1 and GEN2 of the Bolsover District Local Plan, Emerging Policy ITCR11 of the Bolsover District Local Plan Publication, and paragraph 127 of the National Planning Policy Framework 2019.

2. Insufficient information has been submitted to enable the Local Planning Authority to accurately assess the potential of the development to cause harm to protected bats which may use the vacant building; and as such it has not been possible to consider the extent of mitigation measures which may be required to protect or enhance protected habitats.

It is therefore considered that the applicant has failed to provide adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity; or to provide any ecological enhancements to be incorporated within the development, in order to achieve a net gain in biodiversity.

The proposed development is therefore contrary to Paragraph 99 of Circular 06/2005, Saved Policy ENV 5 of the Bolsover District Local Plan, Emerging Policy SC9 of the Bolsover District Local Plan Publication, and Paragraph 170 of the National Planning Policy Framework 2019.

## **Statement of Decision Process**

The Local Planning Authority has attempted to work in a proactive manner with the applicant during the processing of the application, to resolve the outstanding highway and ecology issues; however the applicant has refused to respond positively. It is therefore considered that any later amendments to the application, or the submission of a bat survey to support any forthcoming appeal would be deemed as unreasonable behaviour by the applicant.

The application currently proposed is clearly contrary to local planning policies which seek to protect ecological interests, and which ensure highway safety is not compromised; and as such the application in its current form fails to meet the objectives of the National Planning Policy Framework 2019.

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