

The Arc
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Clowne
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To: Chair & Members of the
Planning Committee

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Tuesday 13th February 2024

Dear Councillor

PLANNING COMMITTEE – WEDNESDAY, 14TH FEBRUARY, 2024 AT 10:00 HOURS

I refer to your recently circulated agenda for the above meeting and now enclose a copy of the supplementary update report in relation to the following items:

23/00538/FUL - Partial demolition of garden outbuilding and erection of five, two storey dwellings with associated infrastructure, private driveway, parking and gardens - Land to The Rear Of 44 Mitchell Street Clowne

23/00526/FUL - Conversion of stable block to amenity building - The Stables Featherbed Lane Bolsover Chesterfield

23/00609/FUL - Extension to Traveller site to create 4 additional pitches and revision of layout to Plot 3 of previously approved planning application 22/00425/FUL - The Stables Featherbed Lane Bolsover Chesterfield

23/00599/FUL - Change the use of a (C3a) dwelling to a children's home (C2) for a maximum of three children - 2 Castle View Palterton Chesterfield S44 6UQ

Yours faithfully



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

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- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

PLANNING COMMITTEE

*Wednesday, 14th February, 2024 at 10:00 in the Council Chamber,
The Arc, Clowne*

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COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

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

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 9th February 2024 commencing at 10:00 hours.

PRESENT:-

Cllr Tom Munro, Cllr Carol Wood, Cllr Phil Smith and Cllr John Ritchie. Cllr Rob Hiney Saunders

Officers: Peter Sawdon

SITES VISITED

1. 23/00526/FUL & 23/00609/FUL: The Stables, Featherbed Lane, Bolsover
2. 23/00599/FUL 2 Castle View, Palterton
3. 23/00538/FUL Land to The Rear Of 44 Mitchell Street, Clowne

The meeting concluded at 11:45 hrs.

AGENDA ITEM 5 – 23/00538/FUL: LAND TO THE REAR OF 44 MITCHELL STREET, CLOWNE

One additional letter of objection has been received which raises the following issues:

1. The application borders the Clowne Greenway, which is owned by Derbyshire County Council. Derbyshire County Council have been consulted. Given that three of the dwellings are within 10 meters of the Greenway which is an oversight.
2. The Bat Survey document is not properly formatted on the planning portal. A survey has been done but identified limited number of bat species. Given other planning applications (that are still to be determined) have identified significantly more species of bats the bat survey undertaken is not thorough enough.
3. The site is in an area with known flooding issues. The Environment Agency's flood maps show that Neal Street and Station Road are at high risk of surface water flooding. This is in addition to the known 'river and sea' flood maps that show the proposed development goes right up to high risk flooding areas from the brook that runs from Harleshtorpe Dam.
4. The high risk flooding effectively annexes Mitchell Street when in progress. Cars have three routes onto either Hollin Hill, A616 or Clowne Town Centre. The first is via Station Road. The second and third are via Neal Street and then either north to the A616 or onto Portland Street which then leads onto Hollin Hill – itself known to severely flood.
5. National Highways have identified a wider capacity issue for the settlement of Clowne. This is undergoing consultation with another developer and has not yet

been resolved. Derbyshire County Council Highways have previously mooted a 200 dwelling development cap for the area in respect of the required upgrades to the Treble Bob roundabout and the Junction 30 M1 Circular. Assuming the 200 dwelling cap is conditioned in the other planning application, this application likely takes 2.5% of the capacity that DCC Highways and likely National Highways are mandating. Given Strategic Site 5 is allocated in the Local Plan and the Council continues to meet and exceed its objectively assessed housing requirements the need for this proposed development is unclear.

6. Severn Trent are at capacity for their Hollin Hill treatment facility. Data shows that multiple tankers per day are required to remove the current excess. Further the Rivers Trust sewage spills data shows an average of 1 spill into the brook per week. As evidenced in the Councils underlying Evidence Base documents, it is unclear that the facility at Hollin Hill has capacity for treatment without requiring excess tanker removal.

Officer Comments:

With regard to notifying DCC as owners of The Greenway, the Development Management Procedure Order requires a Local Authority to publicise an application of this type by either a site notice or by notifying adjoining landowners or occupiers. In this instance the application was publicised by a site notice. In addition to this requirement, the council notifies adjoining property owners, residential or commercial where the property has a registered address. They do not notify owners of adjoining open space, fields etc. Not notifying DCC was therefore not an oversight, and the council has fulfilled its obligations to publicise the application. In addition DCC are consulted on the application as Highway Authority and if they have concerns about an application in relation to public rights of way (such as The Greenway,) they refer the application to their rights of way officer for comment. In this case no comments have been received in relation to the adjacent Greenway.

With regard to the bat survey, it has been carried out by a qualified ecologist and Derbyshire Wildlife Trust have been consulted and have not expressed concern about the thoroughness of the report.

With regard to flooding issues, the site is not within flood risk zones 2 or 3. A very small area at the southeastern tip of the site falls within an area identified as being a low risk for surface water flooding and as such there are no flood risk issues which would prejudice the development of the site.

Each application is considered on its individual merits. This is a minor application for five dwellings. The additional traffic generated by five dwellings is not considered to result in a severe impact on the road network in Clowne, even if that network is identified as being close to capacity. Given that the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, the proposal is considered to meet the requirements of Policy SC3 of the Local Plan and paragraph 115 of the NPPF. The highway safety issues regarding the proposal are also considered in the main report.

With regard to the capacity of Severn Trent's treatment facility, Water companies, including Severn Trent are not consulted on minor applications (under 10 dwellings.) This is because they do not wish to comment on small scale developments, as the foul sewage created doesn't create significant capacity issues over and above the existing situation. Drainage is an issue which is covered under Building Regulations and a developer requires consent from the Water Company to connect into sewers. If Severn Trent were to refuse access to the existing sewer, the developer would need to consider alternative arrangements such as a package treatment plant. This is an issue between the water company and the developer and would only require further input from the planning system if alternative provision was required and if that was the case there would need to be a separate planning application for the package treatment plant.

Recommendation

No change to the recommendation in the main report.

AGENDA ITEMS 6 & 7 - 23/00526/FUL & 23/00609/FUL – THE STABLES, FEATHERBED LANE, BOLSOVER

Six additional representations have been received which raise some issues which are already listed in the main report as well as the following issues:

1. Last year an application for 3 pitches and a stable was granted as under the LC5 legislation priority for the availability of traveller sites and superseded other legislation. At the time residents argued that:
 - The site is on a green field site.SS9 and developments should have a visual impact assessment LC5(e)To our knowledge this has not been completed.
 - The current access is denoted as a public footpath -Featherbed lane.
 - The site is isolated and therefore difficult for emergency services or enforcement teams to access.
 - Businesses are seemingly run from the site.
 - Impact of noise and the appearance of the site. LC5(g).
2. Residents are now facing two further applications for an amenity building and 4 further pitches.
3. We have established that the need for pitches by 2034 is 17 and currently there 21 pitches allocated under LC4.We are also aware that a new policy for the Traveller and gypsy community is due to be released at the end of February 2024 and are yet to see the content etc.
4. Old Bolsover Town council has objected to the applications.
5. Conditions have not been met for previous planning permissions.
6. Concerns have been raised about the suitability of the ground works i.e. materials etc.
7. There are concerns about the fabric of the footpath, the volume of traffic and as an unadopted road there are no speed restrictions.
8. It is requested that the application is suspended to allow for further review.
9. Any developments should have a visual impact assessment, but this has not been completed.
10. A number of businesses are being run from the site, with an increase in traffic on the lane, leading to its obvious deterioration.

11. The number of additional pitches to be provided as specified by Jon Hendy in his email dated 25 January 2024 based are based on the GTAA 2014. The number of pitches to be provided as at end 2024 is 28. The number of pitches to be provided as at end 2029 is 31. The number of pitches to be provided as at end 2034 is 34. The number of pitches provided to date is 17+7+8 =32no. As at end 2024 there will be a surplus of 4 pitches and as at end 2029 there will be surplus of 1 pitch. With regard to 225A Shuttlewood Road the additional pitch for which planning permission was previously granted should be counted in these figures. On this basis the surplus for end 2024 and end 2029 would be 5 pitches and 2 pitches respectively
12. Planning have never liaised with the residents and have bypassed their serious concerns and discounting any objections.
13. Featherbed lane and has blind entrance to the main road.
14. Environmental health concerns eg: burning materials.
15. The appearance of the expanding site should be correctly assessed for visual impact LC5(g). It is no longer in keeping with Now Conservation Status Oxcroft.
16. Concerns have been raised on the suitability of the groundworks ie: materials used and sewage / drainage etc.
17. There is a lack of clarity on the amenity block application. ie: Stables Block "Bungalow"? *Septic tank drainage?
18. The enforcement team are failing to enforce their own rules in planning objectives.

A representation has been received from Mark Fletcher MP on behalf of residents who have concerns about the suitability of this site, asking the council to give further consideration to the views of local residents, and to enquire whether a delay or suspension of this application is possible to provide additional time to review the application and to wait for the updated guidance from Derbyshire County Council, which he understands is due to be published shortly.

Officer comment:

Most of the issues raised in the above comments are covered in the assessment in the main report.

Bolsover Town Council have objected to the proposals and their comments are set out and addressed in the main report.

Most of the conditions on the original planning permission have been complied with. The Septic tank condition on the original permission has been superseded by the current applications which shows the septic tank in a different position to serve the amenity building and proposes a package treatment plant to serve the pitches.

The issue of a business being run from the site has not been considered as this has been the subject of an enforcement enquiry and the case has been closed because there was no evidence of a business operating from the site. There is also a suggested condition on the current proposal to prevent a business operating from the site.

The issue of the stable building being built as an amenity block is covered in the main report and is the reason the application was submitted to regularise this issue.

The issue of environmental health concerns and burning has not been covered as this issue is covered under environmental health legislation.

With regard to point 3 above, there are not 21 pitches solely allocated for gypsies and travellers under policy LC4. There just 7 pitches allocated for Gypsies and Travellers and 14 plots allocated for Travelling Showpeople. The issue of the new Gypsy and Traveller Accommodation Assessment GTAA is addressed below.

With regard to point 11 above, this representation appears to be saying that because the (GTAA) (September 2015) divides need into 5 year periods, the council should only consider that need within each 5 year period, and not until then. However, the 5 year tranches are only an estimation of future need. The first 5 year period includes the 'bulk' of the 20 year need period and the next three 5 year periods are an estimate from known information at the time. It is presented in this way to show how it has been calculated; i.e. it follows that particular methodology. It is highly unlikely that need will come forward exactly in line with these 5 year predictions / estimates. The council's policy does not say that it should respond to planning applications in line with these 5 year periods, nor does government Planning Policy for Traveller sites (PPTS) (2015) expect councils too. The reality is that the council are seeking to meet the need over the whole plan period. It is accepted that in reality, need coming forward cannot and should not have to conform to 5 year predictions, and the evidence of need is before us in the form of this planning application. The council's site allocations in policy LC5, for example, are not limited to a specific 5 year period – they have the whole plan period to come forward and it does not say within the policy that the council "will assess applications against the need in line with the four 5 year periods identified in the GTAA (2015)

With regard to 225A Shuttlewood Road the additional pitch for which planning permission was previously should be counted in these figures. The planning permission for one additional pitch at 225A Shuttlewood Road has now lapsed and therefore cannot be implemented, so we cannot include this anymore as evidence of need. It therefore cannot be counted in the figures. (The local plan allocation for 2 pitches at the same location can however still be counted.)

The request to defer the decision on the application is acknowledged but the applications have been the subject of neighbour consultation letters and a site notice in accordance with the council's procedures. The applications were received and publicised in November and December last year and as such there has been adequate time for representations to be made. Sufficient information is considered to be available to be able to determine the applications and as such the applications should be determined within their target dates. If they are not determined within this time frame the applicant can appeal to The Planning Inspectorate for non-determination of the applications with a potential cost to the council.

The council are in receipt of guidance from Derbyshire County Council and this tells us the following information -

Gypsies and Travellers (2020 – 2040)	Pitches
New GTAA requirement	14
Remaining allocated pitches in the Local Plan	2
<ul style="list-style-type: none"> 2 pitches at land adjacent 255A Shuttlewood Road. 	
Pitches with planning permission @ 31 st January 2024 <ul style="list-style-type: none"> 1 additional pitch at Hilcote Lane, Hilcote (lapses 29/09/24) 4 pitches at Brookhill Lane, Pinxton (lapses 13/06/25) 3 pitches at Featherbed Lane, Shuttlewood (lapses 1/03/26) 4 pitches at Featherbed Lane, Shuttlewood – if granted 	12
Remaining need	0

This table shows that the 4 pitches that are the subject of planning application 23/00609/FUL will be required to meet the new identified pitch requirement in the new GTAA (2020 – 2040) if members of Planning Committee choose to grant this. This will also mean there is no further need for further permissions outside development envelopes, unless existing permissions which have been granted lapse.

Recommendation

No change to the recommendation in the main report as a result of the additional comments raised.

However, it is suggested the wording of condition 1 in the recommendation for application 23/00526/FUL is amended to read:

“The amenity block hereby permitted must not be occupied at any time other than for purposes of an amenity block, ancillary to the use of the site as a traveller site (travellers as defined as defined in “Planning Policy for Traveller Sites (updated 19th December 2023) and must not provide any sleeping accommodation or include the installation of any beds.”

This adds more precision to the condition and ensures it is enforceable.

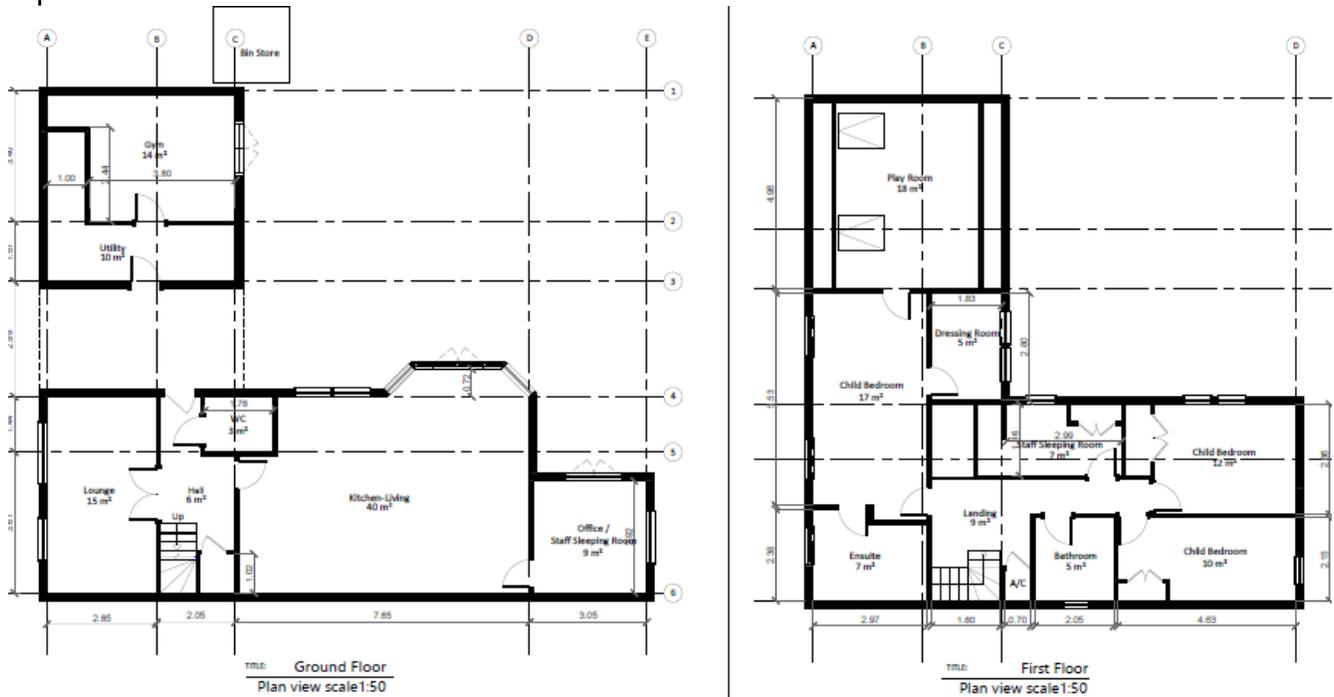
It is also recommended that the wording of condition 10 in the recommendation for application 23/00609/FUL is amended to read:

“Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B (permitted development for caravan sites) of the Order must be erected/constructed/undertaken without first obtaining planning permission”

This again gives clarity and precision to the wording of the condition because it advises anyone reading the condition what Part 5 Class B provides permitted development for.

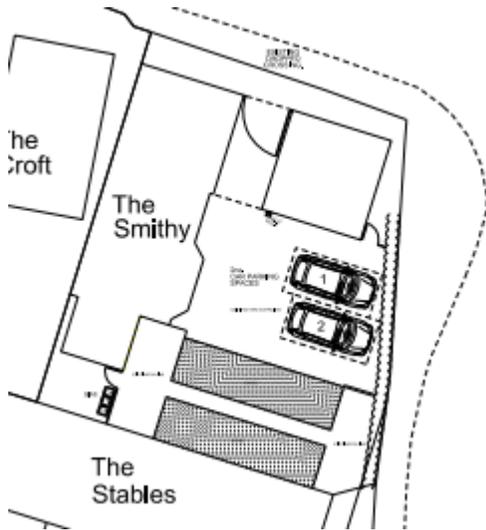
AGENDA ITEM 8 – 23/00599/FUL 2 CASTLE VIEW, PALTERTON

A revised internal layout plan has been submitted and is set out below. The amended layout plan reflects the amended proposal as described and referred to in the main report, but the plan was not received until after the main report was submitted and therefore could not be included in the main report. The amended plan shows the number of children's bedrooms reduced to three, as the proposal is now for a maximum of three children. It should however be noted that the internal layout could alter if the suggested layout does not meet Ofsted's requirements, and this would not require subsequent planning permission provided it did not alter the total number of residents or staff set out in the suggested conditions in the main report.



Amended Internal Layout Plan

The car parking layout referred to in the main report and in the suggested conditions in the main report is set out below:



Parking Layout

The consultation period for residents to comment on the development, as amended by reducing the number of residents proposed from 4 to 3 and the amendments to the internal layout did not expire until after the main report was produced. Additional representations have been received from residents and a local councillor, following that re-consultation. Most of these representations re-iterate the comments they have made already, which have all been included in the main report, and confirm that the amendments proposed do not address any of the concerns they have raised.

The new issues raised by residents which have not already been included in the main report are as follows:

1. The applicant has amended the application to 3 children because the previous 4th bedroom was too small to qualify as a bedroom using Housing Technical Standards guidelines. However, by giving a bedroom for a resident with an area more than 17sqm compared to the other two resident's bedrooms which are roughly half that size, would put residents on an uneven footing. Given that residents will be young people with emotional and/or behavioural challenges, this is less than ideal and is a desperate attempt to address the problems faced by the layout of this property. For this reason, the application should be for a maximum of only 2 children.
2. The room which was identified on the plan as a 'snug/TV' room is now marked as a day room. Changing the name of the room does not overcome the fact that this room cannot be used as common space because access can only be gained via a resident's personal bedroom.
3. The bedrooms will have locks fitted so that the residents have personal, safe space. This raises the issue of fire regulations. In a commercial setting such as a children's home, a room cannot have egress into another room. To use the 'Day Room' a fire exit door would have to be installed on the outside wall along with a fire escape stairway on the outside leading to ground level. Otherwise, a corridor with fire standard walls must be built linking directly onto the upstairs landing area. The Velux windows cannot be considered an exit route from the room. For this reason, the room above the garage cannot be used as a common space or a bedroom. The proposal shows a complete lack of understanding of the use of the property and a disregard for the safety of any

children living there in order to get as many children in as possible to make as much money as possible.

4. Locks will need to be on the inside of bedroom doors for the privacy of each child otherwise they can be locked in. The day room can only be used if the bedroom it is accessed through is not occupied to allow privacy. Additionally, how can the occupant of this bedroom securely lock away his/her possessions if the room is in effect a corridor? There is a real risk of children being locked in the day room. These are children who have been subjected to neglect, trauma and abuse. How does locking them in the day room protect those other children from harm? This does not offer stability and security and definitely doesn't replicate a regular family environment.
5. The information provided states "We are in the process of making links with the local police force who will undertake regular visits to liaise with staff and young people to detect any form of anti-social behaviour and risk assess this appropriately". This is inaccurate and will not happen. The police will attend but it will be in response to a call for service such as a child going missing, reports of ASB or criminality. We have an already overstretched police force. To state police will "drop in" for a visit is misleading and demonstrates the applicant has no understanding of the pressures facing the police.
6. The risk assessment states Bolsover has a major hospital 1.3 miles away. Bolsover has not had a hospital for years.
7. The application has unstable foundations. It is a residential property with a residential mortgage, and an owner who is letting the property out for business use in contravention of mortgage regulations. The property is currently advertised on Rightmove for let from the end of February 2024. How can the applicant have a long-term lease on this property if it is advertised for rent?
8. The applicant states that residents, people using the pop up post office and parents taking children to school already park on the corner of Castle View. This is untrue, they walk or use the village hall car park, which they have permission to do and do not park there because to do so would block access for residents and emergency vehicles.
9. The information submitted states there is a playground close to the site. This playground is more suited to children under 10 years old. If older children did hang around on the play equipment it could stop younger children wanting to play on there.
10. The Environmental Health Officer has suggested a 2 year trial period for the facility. From the professional statements given in association with this application there is a reasonable probability this would be 2 years of excessive nuisance for existing residents and this would not be supported.
11. The property is not secure. It has a low (approx. 3ft) wall which is lined with laurel. This wall provides the border to Back Lane and a partial border to 6 Castle View. The windows of the proposed lounge area have been used by successive occupants of 2 Castle View as a point of entry and egress, offering passage directly to and from the street outside of the property. These windows are large, wide opening and with a low sill, offering an easy path out of the property without passing through the main door and are unseen by the partially installed CCTV.
12. The plans show the bins stored under the windows of a neighbouring property which would cause smells and be a health nuisance for residents of that dwelling.
13. There is a right of access across the site to maintain the neighbouring property. Works are proposed to the neighbouring property which will require scaffolding installing within the boundary of the application site. It would be unreasonable to apply restrictions associated with commercial property and child safeguarding to the

occupants of the adjacent property or any contractor engaged by the same for these or any other domestic works.

14. The dwelling adjacent to the site is occupied by residents planning to retire and their daughter who is studying. The proposal will be a direct threat to the family's ability to enjoy life at home and to study in peaceful surroundings conducive to achieving educational goals. The proposal poses a threat to the mental health of families of adjacent dwellings and would most likely create an intolerable level of nuisance to any residents.
15. The damning report submitted by Mr John Mills (EHO Officer) raises a number of issues which are of serious concern based on his professional experience. The application property is only feet away from other dwellings, in a quiet, semi-rural location where there is NO anti-social behaviour. The applicant is trying to suggest that the children in the home "could be normal" and is miss representing the application. The application has been made for children with "Emotional and Behavioural needs". That's how it should be assessed. The EHO is not satisfied that the applicant has put robust controls in place to manage any of the above. Many of the queries he has previously raised haven't been answered correctly, if at all to his satisfaction.
16. The applicant has conceded that 3 cars cannot be parked on site. It is considered difficult to even park 2 cars and the scale drawing submitted still doesn't include turning space.
17. The layout of the building, including amendments to that layout prove that the building is not fit for purpose. It is designed as a residential dwelling not a children's home.
18. The bedroom which was proposed as a child's bedroom, but was removed as it wasn't large enough is now marked as a carers bedroom. If it isn't large enough for a child, it shouldn't be large enough for a carer.
19. The report states "The potential for anti-social behaviour and the fear of crime as a result of the development is acknowledged but equally the home may provide much needed accommodation for children who would benefit and thrive within a close knit community, and it is a matter for Ofsted to ensure that children are homed in an appropriate location to suit their needs where they can learn to be part of a community." This statement is agreed with but judging by the number of objections to this proposal it can be concluded that this community does not wish for it to be granted. If the applicant truly wanted these children to thrive and embed themselves in the community then they would have reached out and discussed plans with neighbours or responded to the numerous times they have been approached to try to discuss this proposal with them.
20. The suggested condition to restrict employees to no more than three members of staff on shift at the premises at any time is not practical and will not be managed, how can the home have no more than three members of staff at one time and be expected to do a thorough handover? There will therefore be at least four members of staff on site most days during the peak time when other members of the cul-de-sac will need to commute to work.
21. Concern is expressed that the children may be placed in Palterton school, possible taking places of other local children who have siblings in the school which is unfair. These children will but other children at risk which is unfair. If the proposal is approved it should be with a condition requiring the children residing there to be home schooled.
22. Accusations have been made that some of the letters of support are fake/falsified.
23. The property was granted planning permission for a first floor extension in 2004 subject to a condition that 3 parking spaces were provided and maintained on site to prevent

on-street parking. In 2015 an application was approved to reduce the garage from a double garage to a single garage. At this time the council said that the loss of one parking space was acceptable as two spaces remained outside the garage and one space remained in the garage so there were 3 spaces still available. The applicant went on to remove the garage altogether. The council did not catch this violation and there are now only two parking spaces on site not three. With the council unaware of this violation, when the consultations were carried out on this application, the bodies consulted believed there to be three spaces which is incorrect. A reinvestigation needs to be carried out and their consultations updated. In both of these earlier applications 3 spaces were required “to avoid on-street parking and it’s attendant dangers.” On street parking is still dangerous and this proposal will result in on-street parking.

Comments from Scarcliffe Parish Council

The Parish Council would like to draw attention to the steps being taken locally to discourage on street parking around the confluence of Steel’s Lane, Back Lane, and Castle View. Partial obstruction of these narrow roadways has the potential to cause a hazard, including preventing buses turning and restricting access to dwellings, and several measures are in place to prevent this:

- the hall car park has recently been resurfaced and redesigned to provide better parking facilities for users, including Post Office customers for the two hours each week that it is open.
- parking is also permitted for parents dropping off and picking up at Palterton Primary School.
- Sports Clubs using the pitch at the Village Hall are warned that they should not park on the street.

The Council has no arrangements to provide parking facilities for organisations unless they offer a clear benefit to the local community and is unlikely to agree to any. The admission parking daily will have the effect of negating efforts to avoid causing access issues in the area. As far as the Parish Council are aware, residents of Castle View avoid on-street parking out of respect for their neighbours and an awareness that do so would compromise access. In addition, whilst children may be placed in the home requiring a staff ratio of 1:2 at the outset, subsequent assessments may well conclude that the ratio must be increased to reflect the changed needs of individual children. In such a situation extra staffing would be required. The statement that “the problem will never arise” is clearly misleading.

Consultation Response from DCC Highways

The alterations to the application do not alter the highway authorities original stated position on the acceptability of the application.

Concerns have been raised about additional roadside parking being generated which could restrict access on Castle View, in particular access for emergency service vehicles. The number of on-site parking spaces may lead to some roadside parking, which is the case with most if not all proposed development. Whilst roadside parking may be inconvenient to some other road users, again which is the case with all roadside parking, the extent of the publicly maintainable highway immediately adjacent to the site access does allow larger emergency service vehicles e.g. fire tender to pass a parked vehicle(s).

In addition, roadside parking in the vicinity of the application site could conceivably occur at the current time. All motorists must take responsibility for their actions and exercise due care and attention when using and parking on the public highway. There are no restrictions on parking on any other streets within the vicinity of the site which would require visitors to the site to park immediately outside the premises on Castle View and there is sufficient space to accommodate roadside parking on Back Lane. Essentially the application does not fundamentally alter the current situation with regards to parking on Castle View.

As you will be aware, the highway authority must consider development in accordance with the National Planning Policy Framework particularly paragraph 115 which states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The application is not considered to present an unacceptable impact on highway safety and as such an objection to the application on those grounds is not considered something which could be sustained.

Given the alteration to the number of parking spaces to be provided, it is recommended that the original highway related condition is revised to require 2 parking spaces to be maintained.

Officer Comment:

Most of the issues raised have already been covered in the main report.

The issues of the suitability of the internal layout, potential issues for residents having differing size accommodation/facilities, amendments needed to the internal layout, door locks, site security etc cannot be covered by the planning legislation. These are issues which will be covered by Ofsted in their determination of the suitability of the property and may be subject to change if required to do so by Ofsted.

The issue of fire regulations cannot be considered under planning legislation. This is a matter covered under building regulations and may also be covered as part of Ofsted's inspection.

The issue of misrepresentations relating to police liaison, reference to Bolsover hospital and comments relating to the applicant's knowledge and ability to manage the site have not been considered as these are not covered under the planning legislation. Any planning permission relates to the use of the property not the person/s applying. The ability of the applicant to run the home is a matter for decision and monitoring by Ofsted.

The issue of location of the bins has not been considered as the wheelie bins for the property could be stored anywhere on the site regardless of whether the building is in use as a dwelling or a care home.

The issue of rights of access for maintenance cannot be considered because this is a private legal matter between the parties concerned.

The issue of the smallest bedroom being removed as a child's bedroom but is now a carer's bedroom has not been considered because, whilst a carer may sleep there whilst on shift it is not their permanent bedroom and as such, provided Ofsted consider the accommodation provided is acceptable, this is considered to be sufficient.

The issue of the lack of public consultation and engagement with the neighbours by the applicant is acknowledged and is regrettable. The applicant has missed an opportunity to engage positively with residents and it would be preferable if this had been done prior to the submission of the application. However, there is no requirement under planning legislation for applicants to carry out public consultation on an application of this scale and as such, an application cannot be refused on this basis.

The request for a condition that children be home schooled is acknowledged but cannot be implemented because this is outside the remit of the planning legislation and wouldn't be reasonable. Such a condition would therefore not meet the tests for conditions.

The accusations that some of the letters of support are falsified has not been considered further. This has not been backed by specific evidence, but nevertheless, these letters of support have not been given any significant weight as part of the consideration of the application. The report assessment is made on the planning merits of the case and the recommendation is not affected nor based on the letters of support, such that there would be no planning merit to pursuing this issue further.

With regard to the condition on the 2004 application and the reference to three spaces being available in 2015, these applications were considered against policies in the Local Plan and the Parking standards supplementary planning document which were adopted at the time as well as the National Planning Policy Framework (NPPF) 2012. Both the Local Plan and the parking standards have been replaced since then and the NPPF has been updated. The current application must be considered under the Policies and guidance which are currently adopted. The NPPF now contains a paragraph which states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Derbyshire County Council are the Highway Authority and they advise the council on highway safety matters. The Highway Authority were re-consulted when the application was amended and are aware that there are only two on-site parking spaces. Their consultation response is set out above. They advise that they are aware that the proposal will result in on street parking but do not consider this to result in an unacceptable impact on highway safety.

Recommendation

No change to the recommendation in the main report.