

## **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 29 July 2022 commencing at 10:00 hours.

#### PRESENT:-

Councillors: D Adams; A Bailey; J Clifton.

Officers: Steve Phillipson

#### APOLOGIES

Apologies were received from Councillors T Munro; C Kane; D McGregor.

#### SITES VISITED

1. 21/00404/FUL – Land south of No 5 Sycamore Lane, Barlborough
2. 22/00168/FUL – Barn off Deep Lane / Farm Lane, Hardstoft
3. 22/00197/OUT – Land rear of 172 Shuttlewood Road, Shuttlewood

The meeting concluded at 11:30 hours.

#### **Updates:**

##### **Agenda Item 5**

22/00168/FUL – Land off Farm Lane, rear of Barn Cottages, Hardstoft

##### Environmental Health

The Environmental Health Officer has commented that there are no objections to the proposal subject to the inclusion of a phased contamination condition, to enable the investigation of any contamination and if present, means to mitigate it. In the event that permission is granted for the development it is recommended that this condition be included.

##### Further representations

Four additional representations have been received from local residents. Their comments are provided below with a response from the Local Planning Authority:

##### Representation 1 – received 1<sup>st</sup> August - object

The project amendments do not satisfy concerns

- 1 Coal mining high risk area – requires further investigation
- 2 Increased traffic will contribute to wear and tear on road – will the Council contribute to the upkeep?

3 Undersized car parking spaces. The revised application shows true position of boundaries, there is no way highways can support the proposal with the new information. Could be up to three couples with 3 vehicles at any time.

4 Against Hardstoft conservation appraisal - "On approach to Hardstoft from the East along Deep Lane and from the South along Chesterfield Road the views across the open fields towards the cluster of mainly stone buildings around The Green and Farm Lane make an important contribution to the rural character and appearance of the conservation area" As such the alteration of this agricultural property to a holiday home cannot take place. Its not proposed to be done sympathetically and will alter both these documented views.

5 The design acknowledges the red clay pantile roof slates but ignores completely the requirement for all windows to be made of wood and of a specific colour as we learned when submitting our own application for new windows. The use of "Crittall style fine-line steel/aluminium framed windows / doors" cannot be allowed to happen and should be sufficient to reject this plan on its own merit.

6 The Conservation plan references that "views across to Hardwick from Farm Lane and Chesterfield Road are particularly impressive and also serve as a reminder of the historical connection between the Hamlet and the Hardwick estate". As such the barn is central to these views and very important to the conservation area. This means any alteration to it for both purpose and design needs to comply completely with the conservation plan which it clearly does not.

7 The concept of change of purpose from agricultural building to domestic property is undesirable. This application goes a stage further to create a holiday let including 'hot tub'. Whilst this addition would be logical for a holiday home it increases the impact the change of purpose will have on the environment, surrounding area and the inhabitants of the local buildings whose lives will be directly impacted by likely noise pollution from the people staying in the barn and the increase in traffic on the single track Farm Lane.

8. Concerned that the submitted bat survey assessments are not sufficient, 4 surveys are now seen as the benchmark.

9. Concerns over the 'boiler room'. Ground source heating is currently not a commercially viable solution and its clear the intension is now to introduce a standard boiler. Assuming this to be oil fired where is the oil tank to be situated? More importantly how is the oil tank to be filled? There is no space to park and access is required at all times

10. An effluent tank is to be provided but how can this be emptied? There is nowhere to park a vehicle to do this.

11. As points 9 and 10 there will be nowhere for any contractor to park when working on the property. Gardening will be a weekly requirement. We have already seen gardeners attend the site and initially they blocked access to barn 3. When they were asked to move they then parked on land belonging to barn 2.

To conclude - Minimal consideration has been given to the Hardwick Conservation Plan. The plan acknowledges the third bedroom is not suitable for use by adults, how can this possibly be included? And if it is it will lead to conflict with neighbours should a third car attend the property. The plans are impractical with insufficient access to parking. The risk from undocumented mining is significant. The building of a temporary road cannot be allowed as this impacts green open spaces even if temporarily. There is no viable method to empty the cess pit. The vehicle would be parked restricting access. Similar lack of access applies to contractors, gardeners and the theoretical delivery of oil to the site. This proposal should not go ahead. I firmly advocate to reject this planning application.

Response to comments: The Local Planning Authority considers that these concerns have been addressed in the Committee Report.

In addition, matters relating to access and parking of contractors (cess pit emptying, potential oil tank filling etc) are not a material planning consideration as the installation of services falls within Building regulations.

The Local Planning Authority considers that sufficient parking has been provided in accordance with the requirements of policy ITCR11 and Appendix 8.2 of the Local Plan, where it relates to parking standards.

The Council's Conservation officer and the National Trust have given full consideration to the Hardstoft Conservation Area appraisal when making their comments, and have no objections subject to conditions.

Coal mining has been considered by the Coal Authority as a statutory consultee, and they have recommended conditions. Further coal mining investigations will be carried out through the Building Regulations process.

The Local Planning Authority considers that the comments made do not raise any new issues which would change the recommendation in the main committee report.

Representation 2 – received 1<sup>st</sup> August 2022 – object

1. Having moved to the area 30 years ago we have seen bats every year flying around the hamlet of Hardstoft. Not long after we moved in we put up a bat box on our buildings to allow the bats an extra spot in which to roost.

Under the Wildlife and countryside Act and the Conservation of Habitats and Species Regulations "a bat roost should not be damaged or destroyed (even if bats are not occupying the roost at the time)". Although a bat survey has been carried out on the property and found no activity or occupation it does not mean that bats could not shelter in the barn at other times. We have seen bats flying around and into the building so the possibility of there being bats roosting in the building is far higher than the survey suggests.

Concerns that insufficient assessments have been carried out and that they do not meet current guidelines.

If the new guidelines are used, evidence of the presence of bats will be found. I wish to ask the committee to reject the planned proposal to convert the barn to a dwelling and allow the bats to use the structure to roost when they see fit.

2. Regarding the removal of hedge on the Farm Lane frontage - The Hardstoft Village Conservation Area Appraisal advises that mature hedges should not be removed.

Any reinstatement of hedgerow species would take many years before the hedgerow would again appear mature.

3. The boundary line to the south of the building and west of the proposed car parking bays shows a planned change from the current hedge boundary, encroaching into the adjacent field and destroying part of a mature hawthorn hedge. This goes against the Hardstoft Conservation Area Appraisal. I therefore suggest that the hedgerow should be retained in its entirety.

4. The planning proposal also states that a temporary access road be built across the adjacent field which runs alongside Farm Lane. At no point in the planning proposal were the construction manner and the materials used in the construction of this access road submitted

but appear in the council summary as weed block matting membrane over which a minimum of 100mm of hard core laid over. Construction site traffic would disturb the soil and crumb structure of the field and the digging of a trench across the field to carry an electricity supply to the building and presumably a water supply would leave a scar across the field. The proposed temporary road would definitely significantly detrimentally affect the nature of the important field and alter the landscape of the ancient hamlet and goes against The Conservation Area Appraisal. The conservation manager is concerned about the construction of the road but has yet to comment upon the digging of a trench.

Further to this any digging of such a trench and a temporary road surface across the adjacent field would impact directly on the surface runoff of rainwater down the field towards properties 1, 2 and 3. I do understand that water runoff in "normal" circumstances is the responsibility of the owners of properties but the council have been alerted to possible problems that I feel will arise. Surely it would be negligent to allow planning for development which increases an existing problem.

5. It has been stated *'Should the building be left vacant, to fall into a state of decline, it would cause some visual detriment to the area'*. The proposed plan states that the building is sound. The building has not declined in over 30 years. It seems that 'decline' would happen if there was significant change to the structure.

6. In our house deeds it states *"Not to obstruct either by himself or with cars, caravans and commercial vehicles (parked or otherwise) in any way whatsoever (1) the said driveway coloured yellow on the said plan and (2) the side access road coloured brown on the said plan"*. This means that the access road from Farm Lane cannot be blocked, even for a short time, by vehicles parking, unloading or working on access road or the access road around the northern boundary of unit 3. Consequently there is no way the cess tank can be emptied by a vehicle on the access road as this would block the access road. Covenants are there to protect the ability to access properties

7 Given the current global concern over habitat loss, human intrusion into the natural world and its effect on biodiversity, we feel that the proposed development does not adequately represent a plan that is for a forward-thinking, sustainable and well balanced society. I am sure that the planning committee will look again at the planning proposal with fresh minds and take into account the valid points raised by local residents. You will, I am sure, look at the aesthetic, historical, environmental and conservation aspects of the proposal in the conservation area and hopefully come to the considered decision to reject the planning proposal.

#### Response to comments

The Local Planning Authority considers that the points made above have already been covered in the planning committee report and that they do not raise any new issues which would change the recommendation in the main committee report.

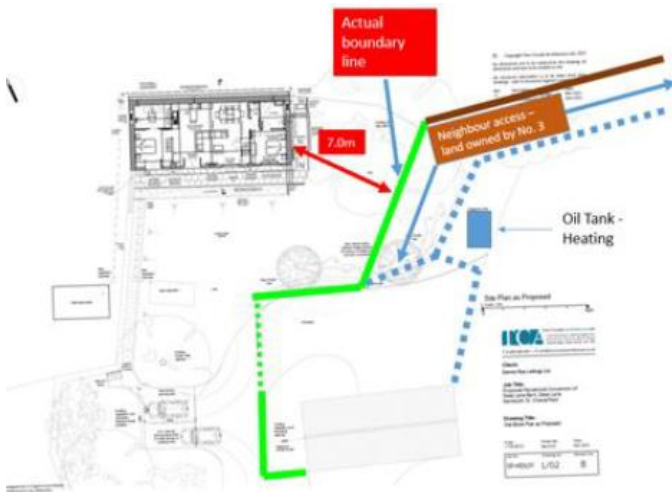
#### Representation 3 – received 1<sup>st</sup> August 2022 – object

Upon reviewing application 22/00168/FUL and the amendments the applicant has submitted on 21st June 2022, it remains the case that there are multiple reasons for the application to be rejected as listed below:

1. Error with use Deep Lane Barn – this is not the location of the Barn. It is off Farm Lane and it is misleading. There are inaccuracies throughout the application as a result of this fundamental error.

2. I acknowledge that the proposer has undertaken further survey on the issue of bats – however, I still feel this is inadequate and reference is made to viewing bats near the barn showing the presence in the area effectively proving my original objection.
3. The temporary road significantly impacts the existing Hardstoft Conservation Area Appraisal rules and important open spaces. While “essential” to the development this is not acceptable to ignore the conservation plan and I am surprised that this is even considered as acceptable by the planning manager given the nature of the conservation area. The conservation consultee, Kim Wyatt, comments that the temporary access road would be detrimental to the local area so should certainly not be approved which has been omitted from the planning manager’s overall comments on the case.
4. The creation of a temporary access across the adjacent field is also considered to be detrimental to the landscape setting and there are still some concerns about the treatment of the private amenity space to the front of the barn and the impact on setting. The road would breach the Conservation Plan. The applicant has also stated they wish to lay an electricity cable through the field – this would lead to future disruption to the land and further detrimental damage to an area that should be remaining undeveloped. Again, I am shocked that this element of the proposal is being seriously considered.
5. The applicant has also stated in their application that they do not wish to use the existing driveway as access for the development due to safety concerns around the constrictive nature of the driveway. This is the reason that the applicant has stated that they wish to use the proposed unsupportable temporary road through the adjacent field. The reality of the driveway is that while there are indeed safety concerns there are also restrictive covenants on the driveway which would make it impossible for this to be used for the proposed development. The applicant is not able to use the driveway as they would be breaching the restrictive covenants and if the application was to be approved with knowledge of this fact it would be negligent and lack in responsibility for the civil liberties the restrictive covenants are there to protect. The conservation manager has also stated above “there are still some concerns about the treatment of the private amenity space to the front of the barn and the impact on setting” - this indicate this could not be used as a building site for vehicles as it would destroy this area completely and due to the newly proposed wall from the applicant it would mean no vehicles could turn in this area.
6. The area suffers with surface water issues and the application will cause a high risk to the adjacent properties of flooding as a result of increased hard standing and car parking spaces. This is highlighted in the structural report as to the “waterlogged field behind the barn”. It would be erroneous to ignore this objection out of hand as the development does not just include one property. The creation of the temporary road will increase the flood risk. I note this part of the project alone is approximately 70 metres and would be seen as a substantial development in its own right.
7. The coal authority has put forward a fundamental concern to the proposed development. Prior to development boreholes are required to a depth of 30m. Precise locations of the boreholes needs to be confirmed as there is a dispute on the boundaries of the development. Access for drilling is not granted on adjacent properties.
8. Boundary lines are incorrect and inconsistent throughout the application on the existing boundaries and also extended boundaries impacted the local Conservation Plan. The applicant states the “neighbour has access over this area” which is incorrect as it is owned by barn number 3. I have included below a copy of the actual boundary line against title deeds held. It demonstrates that the applicant has made incorrect provision to the Eastern boundary of the development. This encroaches on to land owned by barn number 3 and is neglectful by the applicant as it makes the proposed windows not viable given the distances detailed by the

planning manager. A boundary dispute has been sent to the applicant by the owner of Barn number 3. I have also included photos below that correspond to the boundary on the title deeds (note the location of the private driveway and also start of the strip owned by Barn 3 but access for barns 1&2 in line with the garage as per the plans and designated by a cone)



The “pitching hole style window” to the East gable end would be directly overlooking the private garden of number 3 Barn Cottages. – This is commented upon in the planning manager’s summary of the proposal. It details the measurements from the barn to the boundary. This is incorrect as the boundary line is incorrect on the applicant’s plans. The actual boundary is only 7m meters from the barn and therefore the windows are not suitable and should be rejected as such. The photo (top right) shows the actual boundary and the fact the property is only 7.0m from the boundary, designated by cones.

9. There is no provision for waste management in the plan. The proposed cess tank for human waste will have issues preventing the emptying which would cause an environmental issue for the local conservation area. This is not able to be emptied due to the restrictive covenants on the site. This is a serious issue and something that should result in the application being rejected as the property is unable to remove waste. I feel the council needs to be aware of factors such as this as it causes potential severe detriment to the conservation area. Given the location of the cess tank any vehicles emptying would have to park on the driveway which would block access for Barns 1, 2 and 3.

10. The parking spaces are below current accepted sizes which will cause issues to the shared driveway, if the occupants choose to ignore the notices then the prior point on the restrictive covenants comes into effect once again. If there was an emergency and the drive way was block causing injury or worse this would lead to potential further action. Also to note that the property is advertised as 3 bedrooms – if 3 couples were to rent the property then what provision is there for a third car?

11. There is a lack of turning available in the site as well as in the parking spaces. The incorrect boundaries are misleading making something achievable which is not, the pictures of the driveway above show a single track driveway. As the plans have been revised since Highways reviewed the project originally but I question why the council has not sent this back to the highways for further comment?

12. Hedgerows are also impacted – this goes against the conservation plan.

13. It remains the case that the third bedroom appears unfit for consumption by adult occupants. The planning manager has stated that this is a build regulations issue. While we can understand her points this is hard to accept as the applicant clearly states it is essential to the viability of the project. Building regulations approval should be sought prior to planning approval in this instance. Or a condition should be inserted that building regulations approval should be confirmed prior to works commencing and if proven that the third bedroom fails build regulations the case should be brought back to planning.

14. The applicant has removed the small lean to structure. While we are happy to see the curtilage of the important open space being retained it does raise questions as the applicant stated that it “ultimately underpins the financial viability of the project” I am struggling to understand how the project now works with this removed. We have also noted that the applicant has enlarged the structure to the side of the property, yet there is no mention of why this has changed in size. They have also removed the air source heat pump and replaced with a standard boiler. This structure extends the curtilage of the property from the existing foot print and any such extension would serve to only make the gap to the boundary smaller. So this is an extension to the property and should be refused as it extends the existing curtilage.

15. The applicant has stated that the proposed site conversion forms part of an “important view” in the area. However, the proposed site is not listed in the Conservation Plan as an important building or view. The new plan also details planting of trees along the driveway bordering Barn number 3. This would block the important view of Hardwick Hall from the field

and counters the previous comments of how important the views and conservation area is to the applicants.

16. The proposed development is for holiday let therefore encouraging multiple cars and different parties to a private driveway. This will impact the wear and tear of the shared driveway and also will impact the wear and tear on the privately owned access for the Farm House. These future costs should be paid for the by the owner of the proposed barn.

17. The planning officer on behalf of the council states "Should the building be left vacant, to fall into a state of decline, it would cause some visual detriment to the area". I perceive this comment to be based on a negative scenario and should be removed as it is only one persons' opinion. The barn itself has been untouched for a period of over 30 years with the structural report stating minimum works needed. If the barn was to remain vacant then there is no evidence to suggest it would decline as it has not done so far. Also, the owner could maintain in current form at minimal cost (and the council could enforce this).

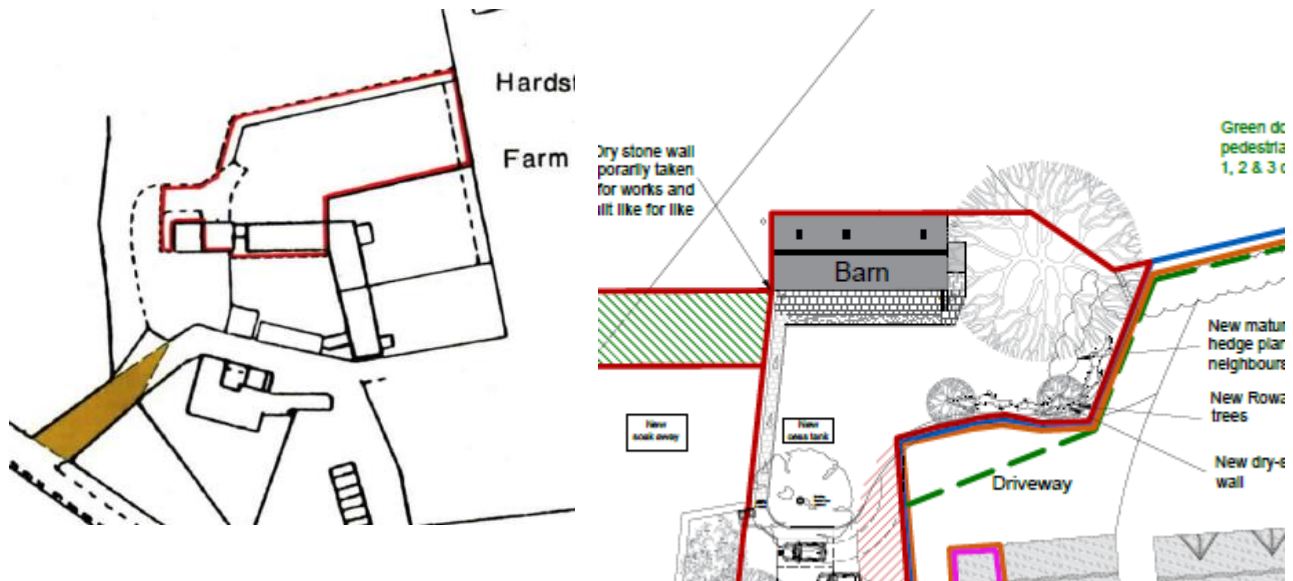
18. To conclude - The points made previously on the application remain pertinent and have not been satisfied. The application falls outside of the rules set out by the conservation plan. I believe that the proposal gives sufficient reasons to reject: Significant alteration to the important open area in the local conservation plan; Impact on the privacy of the local residents (windows and overlooked); Inadequate waste management due to the nature of the restrictive covenants on the driveway; Enhanced surface water flood risk; Local nature concerns (bats roosting); Coal mining risk evident; The plans are neglectful on existing boundaries and which is misleading for the readers; The plans acknowledge that they cannot be used by adult occupants. On this basis I put forward that the plan is rejected in full.

#### Response to comments

With regards to point 8 above, the Local Planning Authority has visited the site and measured a distance of 12m from the proposed first floor, side facing bedroom window onto the stone wall boundary and private garden behind, serving Barn 1. This is in excess of the 10.5m recommended in the Successful Places Design Document. Whilst the stone wall is low on this boundary, there is substantial planting along the part of the boundary closest to the proposal, and there is also a mature tree within the application site that will screen views out of the window to some extent. Whilst the Local Planning Authority acknowledge and accept that Barn 1 owns and maintains a strip of land around the edge of the eastern boundary to provide access to the rear of Barns 1, 2 and 3, this strip of land is not included as part of Barn 1's domestic curtilage, which is clearly defined by the existing stone wall. The Local Planning Authority therefore considers that the proposed side facing bedroom window does not overlook the private amenity space serving Barn 1 sufficient to warrant a reason for refusal, or condition requiring the proposed window to be obscured glazed and non-opening.

Point 8 above also makes reference to the strip of land required for access to barns 1, 2 and 3. It is disputed that Barn 1 owns additional land within this area, which has been included in the application site boundary, and within ownership of the applicant. The Local Planning authority carried out a Land Registry check on the 15<sup>th</sup> July for Barn 1 to establish where the boundaries are positioned. An extract from that plan is provided below (left image) along with an extract from the amended L/01 Rev E received on the 21<sup>st</sup> June.





The position of the red line boundary appears to have been drawn correctly on the plans submitted with the application, in comparison with the red line on the official title plan. Notwithstanding that, an advisory note is recommended for inclusion to remind the applicant that in the event a land ownership dispute results in the red line boundary being drawn incorrectly on this application, or a failure to formally notify other land owners within the application site, it could render the application invalid and a revised application be required. The applicant's representative was emailed on the 15<sup>th</sup> July to ask *"Given that there are some shared access provisions, and shared boundaries with other land owners, are you now confident that all land contained within the application site (red line) boundary is within the sole ownership of the applicant, as stated on the signed Part A ownership certificate."* The applicant's representative responded with *"Yes, it is my understanding from the Client that the plans are accurate in that matter."* It is therefore considered that the Local Planning Authority has taken appropriate steps to confirm that the application site boundary is correct, and has informed the applicant of potential consequences if plans are inaccurate.

The Local Planning Authority considers that the points made above have predominantly been covered in the planning committee report, and officer consideration of point 8. It is recommended to Members that an additional advisory note is included reminding the applicant of their obligations to ensure that the submitted plans are accurate.

Representation 4 - received 22<sup>nd</sup> July 2022 – object

I am a little disappointed that no consideration of the view onto the north of the property ie from The Green or our property has been considered. The vast majority of concerns listed and mitigations address the area to the south and sides of the property.

As the property lies somewhat below our house we have a direct view of its roof. Red pantile roof tiles will be a significant and unsightly change in the character of the old barn roof in comparison to the current grey corrugated roof. A grey colour has been the established roof colour blending with the stonework for many decades and this colour should be preserved. We do not understand why a slate roof would not be considered. There are many examples of slate rooves within the conservation area. Vegetation will not fully obscure this appearance.

I have some photographic examples of the vista looking onto the north element but am disappointed that this has not been considered at all by the authorities and applicant.

Response: The Council's Conservation officer was asked to provide comment on the representation:

*"Please see extract below from the CAAMP regarding roofing materials. In our District the traditional hierarchy of materials used on farmsteads tends to be slate on the main farmhouse with pantiles used on all outbuildings used for agricultural use. This is the situation at the Farm in Hardstoft and given that there was a brickworks locally producing pantiles it is likely that pantiles were the cheaper local option and therefore used widely throughout the conservation area.*

*It is difficult to say what roofing material would have been on the building originally but given the prevalence of pantiles it is more likely to be pantiles than slate. However given its age (1949) it may well have been constructed with a corrugated sheet roof. I am not sure if further analysis of the roof structure may give some indication of what type of roof material would have been used. If we were minded to change the roofing material I personally think a corrugated type material as originally proposed would be the preferred option (slate seems too grand for this building).*

*Although we did not explicitly mention the impact on views from the North, great lengths were taken to protect the rural setting of the building to the north including the removal of the lean to extension. It is often very difficult to include an assessment of all views to the building. Apart from the change of roofing material there should be minimal impact on views from the north. It is fairly common in barn conversions for corrugated sheet roofing to be replaced with a more permanent roof covering and as outlined above pantiles are considered to be a traditional material which is prevalent on agricultural buildings in the conservation area."*

If Members consider that the use of pantiles would not be acceptable, the Conservation officer recommends that a corrugated roofing material would be preferred over a slate which is typically found on the main farmhouse within a complex, as it is with The Farm and Barn Cottages.

### Conclusions

The Local Planning Authority considers that the additional representations do not raise any new issues which would change the recommendation in the main committee report.

### Recommendation

**Given the comments of the Environmental Health Officer, it is recommended that the following condition be included in the event that it is resolved to grant planning permission for this development:**

***Before the commencement of the development hereby approved:***

- a) A Phase I contaminated land assessment (desk-study) must be undertaken and approved in writing by the local planning authority.***
- b) The contaminated land assessment must include a desk-study with details of the history of the site use including:***
  - the likely presence of potentially hazardous materials and substances,***
  - their likely nature, extent and scale,***
  - whether or not they originated from the site,***
  - a conceptual model of pollutant-receptor linkages,***

- ***an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,***
- ***details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy***

***The site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation must be submitted to the local planning authority for written approval.***

### **Agenda Item 6**

#### **21/00404/FUL – Land South of 5 Sycamore Lane Barlborough**

Two additional representation have been received from a local resident which raises the following issues:

1. Access to the site is via Sycamore Lane and the existing footpath which links Clowne Road via Sycamore Lane to Slayley View Road. Sycamore Lane currently provides vehicle and pedestrian access to residents at Sycamore Lane and vehicle / pedestrian access and roadside parking for residents at properties to the immediate south and east of Sycamore Lane. Sycamore Lane is only approximately 6m wide. It is often significantly congested but residents who park there ensure that the pedestrian footpaths on both sides of Sycamore Lane remain clear for pedestrians. The development will displace vehicles from Sycamore Lane onto Clowne Road. The displaced vehicles are likely to park close to the Clowne Road / Sycamore Lane junction. Clowne Road narrows significantly from around 150m to the south-east of Sycamore Lane to its confluence with the roundabout where it joins with the A619. Clowne Road bends to the right as it approaches the roundabout hence vehicles leaving the roundabout and accelerating onto Clowne Road have reduced visibility when approaching the hazard area around the Sycamore Lane / Clowne Road Junction. Clowne Road is a bus route and the main link road between Barlborough and Clowne. There is a bus stop on Clowne Road immediately to the north-west of Sycamore Lane. Pedestrians crossing Clowne Road close to the junction with Sycamore Lane will have reduced visibility due to vehicles parked on Clowne Road. Consequently, the displacement of vehicles from Sycamore Lane onto Clowne Road will increase the likelihood of vehicle – vehicle and vehicle – pedestrian collisions.
2. The footpath linking Slayley View Road with Sycamore Lane, together with the adjacent grassed area, is around 4m wide where it joins Sycamore Lane. The proposed development will cause this narrow access way to be shared between pedestrians and vehicles in an area where there will be a substantial need for vehicle reversing and manoeuvring over significant distances. This will introduce a significant likelihood of vehicle – pedestrian collision and crushing injuries. Although such collisions are likely to be low speed, the consequences are likely to be severe (ie. serious injury/fatality)

3. The likelihood of pedestrian collision will be substantially increased during the construction phase when a large number of vehicles including large goods vehicles will need to access the site.

4. Under normal conditions (i.e. following completion of construction) risks to pedestrians will be exacerbated by a number of factors including:

Lighting, ambient conditions / inclement weather, footpath user risk perception (especially young people who frequently use the footpath to access schools etc in Barlborough village) vehicle driver risk perception (eg. delivery drivers who are unaware that the access route is shared between vehicles and pedestrians) and physical barriers which limit pedestrian and vehicle driver visibility

5. The likelihood of property damage due to vehicle – stationary object collisions in the same areas will also be introduced. Risks during the construction phase would be increased as a result of the revised proposal to dispose of the land as two “self-build plots” if the plots were developed separately by different owners at different times using different construction teams which would necessarily increase likely hazardous event frequencies.

6. The footpath cannot be closed entirely during the construction phase as it provides direct access to one property.

7. the proposed development leads to increased risk of injury and property damage, increased risk of serious injury / fatality to pedestrians both on Clowne Road and when using an established footpath which will become shared with frequently reversing and manoeuvring vehicles. The increase in and/or introduction of these risks is disproportionate to the benefit gained (ie. the creation of only two dwellings) in an area where the development is not required to meet local housing needs and at the expense of the loss of local green / allotment space for which there is a need in the locality.

8. The new owner of a section of Sycamore Lane has submitted a plan identifying the section of the Lane within his ownership and querying how access can be obtained to the proposed developments without owner’s permission and confirming that he has allowed this section of road to be used for parking by the cottages on Sycamore Lane and those on Clowne Road as these currently don’t have parking at their property. Without this parking they will be forced to park on Clowne Road stating this is far from ideal and that this issue is further compounded by the presence of the bus stop adjacent to the entrance of Sycamore Lane.

Most of the issues raised do not raise new issues which have not already been considered. Neither the Highway Authority nor the Public Rights of Way officer raise objection to the proposal as amended and as such a highway/pedestrian safety reason for refusal could not be substantiated.

The developer will need to obtain permission from the owner/owners of the Lane if they do not have an existing right of access which allows this. This permission would need to be obtained

in addition to any planning permission that may be granted. The land could not be legally developed without both permissions.

### **Recommendation**

**In order to prevent a situation where development commences and then stalls (in advance of access rights being established) leading to negative conservation area impacts from unfinished development, then if committee members are minded to grant planning permission, a pre-commencement condition can be included to ensure development cannot commence without proportionate evidence being obtained of access rights for occupiers of the proposed dwellings. Such a condition could be as follows:-**

#### **Condition**

***Before any development whatsoever commences on site to implement this planning permission, reasonable evidence of a legal right of access to (and from) the proposed new dwellings from the public highway shall have been submitted to and approved in writing by the Local Planning Authority.***

#### **Reason**

*The legal right to access the application site from Sycamore Lane has been brought into question during the planning application process. The condition is imposed in order to avoid potentially abortive works or harms to the character of the conservation area and setting of heritage assets that could result from a long term building site if stalled, without the benefits forthcoming from completed development in beneficial use. In accordance with policies SC16 and SC17 of the local plan for Bolsover District.*

#### **New Representation**

A list of names of 8 households in the area who would be interested in renting the site as allotments has been received.

#### **Officer Comment:**

The site is not an allocated allotment in the Local Plan and as such is not protected. The fact that people would like to rent it as an allotment is therefore not a planning issue which can be taken into account as part of the determination of the current application.

#### **Response from Yorkshire Water**

A consultation response has been received from Yorkshire Water which raises objection to the amended layout as it shows a tree to be planted to the south of the site which is very close to the public combined sewers which cross the site and they require there to be no new trees planted within 5m of the centre line of the sewer. YW recommend that a drainage survey is undertaken to ascertain the exact positions of the sewers on site prior to any amended layout plan being submitted.

This can be addressed by amending the landscaping condition suggested on the report. A landscaping condition is required to reduce biodiversity loss but the proposed tree could be located elsewhere in the site and as such would still achieve the benefit for biodiversity without being within 5m of the sewer. The amended condition would read as follows:

### **Recommendation – Revised Condition 9**

***Notwithstanding plan number 127780-007E, before the dwellings hereby approved are first occupied, a revised landscaping scheme must be submitted which includes full details of the new trees and native hedgerows identified on plan number 127780-007E but replaces the new tree shown in the southeast corner of the site with a tree elsewhere on the site must be submitted to and approved in writing by the Local Planning Authority. The proposed landscaping must not include trees within 5m of the centre line of the public combined sewers crossing the site. The approved trees and hedgerows must be planted on site before the dwellings are first occupied.***

### **Recommendation - Revised Condition 2**

***The development must be carried out in accordance with the plan numbers 127780-007E (excluding the landscaping scheme, in particular the new tree in the southeast corner of the site)***

***127780-008***

***127780-009***

***127780-006***

***127780-006A***

### **Agenda Item 8**

**22/00197/OUT – Land rear of 172 Chesterfield Road, Shuttlewood**

Please Note for clarity that the Application Title should be amended to clarify the reserved matters submitted for approval. The Title should be:-

***“Proposed single storey dwelling with some matters reserved (access, layout & scale submitted for approval)”***

An additional representation has been received from a Local Resident which raises the following issues:

1. The access road between 162 and 164/166 Chesterfield Road needs to be kept clear at all times.
2. There would not be enough room for emergency vehicles to turn such as an ambulance or a fire engine.
3. The main road is a concern. There have been a number of fatalities on this road and the additional cars created by this proposal will increase that risk as will construction vehicles and there is nowhere for delivery vehicles, construction workers vehicles etc park as there is a lack of public parking and parking on the road isn't an option due to double white lines.
4. The drive and drains will not cope with the extra demand, the houses were not built with cars being considered
5. Shuttlewood has many new homes being built, does it really need anymore?

### **Office Comment**

Most of these issues have already been covered in the assessment in the main report. The issue of the access remaining clear at all times has not been covered and is a private matter between the parties concerned. Access rights to the new plot have now been established.

The issue of Shuttlewood having many new homes and whether another is required has not been considered as the Local Plan makes provision for windfall sites and the need for one additional dwelling does not need to be separately assessed in this instance.

The issue of deliveries and construction vehicles would only be a short term inconvenience during construction period and a construction management plan would not normally be required for a single plot. However, a condition could be added to any planning permission if it was considered necessary and met the tests for conditions set out in the National Planning Policy Guidance.

The comments made do not raise any new issues which would change the recommendation in the main committee report.