

**PARISH**

Scarcliffe Parish

**APPLICATION** 21m long x 2m wide x 2m high ground mounted solar array. single row of 18 panels in portrait, roughly south facing along line of garden fence, back edge 3m from fence. 2m from existing shed. 6m from bottom boundary

**LOCATION** 18 West View Hillstown Bolsover Chesterfield

**APPLICANT** Ms Carol Wood, 18 West View, Hillstown, Bolsover, S44 6LJ

**APPLICATION NO.** 23/00356/FUL **FILE NO.** PP-12288446

**CASE OFFICER** Mr Mitchel Smith

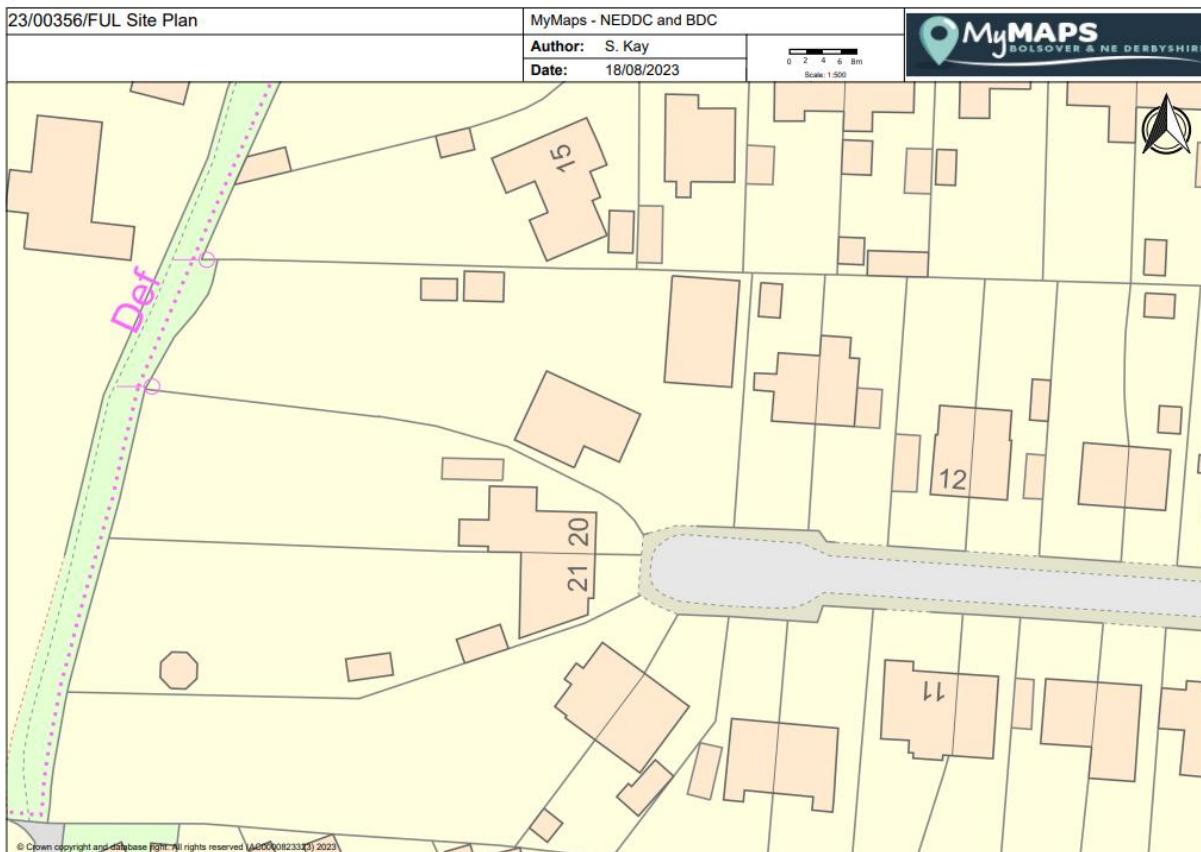
**DATE RECEIVED** 5th July 2023

**SUMMARY**

A householder application for the erection of a ground mounted solar array consisting of eighteen panels. The main issues for consideration are the principle of the development, the visual appearance, and any impacts on the residential amenity and highway safety.

The application is to be determined at planning committee due to the applicant being a Councillor for Bolsover District Council.

**Location Plan**



## **OFFICER REPORT ON APPLICATION NO. 23/00356/FUL**

### **SITE & SURROUNDINGS**

The site is located at the western end of a cul-de-sac which is predominantly made up of semi-detached dwellings.

The application site comprises a detached dwelling finished in brick. Fronting the dwelling is a hardstanding and gravelled area, to the north-east of the property is a detached outbuilding. The rear of the dwelling consists of a large, soft landscaped garden space and two additional timber outbuildings. The rear amenity space is contained by timber fencing and hedgerows.



### **BACKGROUND**

None.

### **PROPOSAL**

The proposal includes a ground mounted solar array, consisting of eighteen panels which measure 2.06m in height and 2m in width. The cumulative length of the array is 21m and will be located toward the northern boundary of the rear amenity space. The panels will have a 30° tilt facing the south of the site.

### **AMENDMENTS**

None.

### **EIA SCREENING OPINION**

The proposals that are the subject of this application are not Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposals are

not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

## **HISTORY**

99/00505/FUL	Granted Conditionally	Two storey rear extension and extension and pitched roof to existing garage
10/00404/FUL	Granted Conditionally	Extension to existing garage and new garden store
BLA/1969/0107	Granted Conditionally	Extension
BLA/1963/0009	Granted Unconditionally	Extension

## **CONSULTATIONS**

Derbyshire County Council Highways  
Standing Advice applies.

### Scarcliffe Parish Council

The Parish Council will not be meeting prior to the consultation deadline of this application, as no Scarcliffe Parish Councillors requested a meeting to discuss the application or requested any objections be submitted there have been no comments or objections raised.

## **PUBLICITY**

The application has been advertised through a site notice and six neighbours have been individually notified. No comments or objections have been received.

## **POLICY**

### Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- Policy SS1 (Sustainable Development)
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 High Quality Development
- SC11 (Environmental Quality (Amenity))
- ITCR11 (Parking Provision)

## National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraphs 126-132 and 134: Achieving well-designed places

## Supplementary Planning Documents

Successful Places: A guide to Sustainable Housing Layout and Design, adopted 2013: The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

## **ASSESSMENT**

### **Key issues**

It is considered that the key issues in the determination of this application are:

- the principle of the development
- the landscape and visual impact of the proposed development
- whether the development would be provided with a safe and suitable access;
- the impact of the development on the local road network; and
- the ‘over-provision’ of public open space vs the under-provision of formal sports facilities.

These issues are addressed in turn in the following sections of this report.

### Principle

The development is acceptable in principle given that it is situated within the development envelope of Bolsover as set out in the Policies Map of the Local Plan for Bolsover District therefore the proposal is compliant with policy SC1 (Development within the Development Envelope).

### Landscape and visual impact of the proposed development

The streetscene of West View is predominantly made up of semi-detached dwellings which vary in design and appearance. Similar developments as that of this application are not common within the locality however, the proposed ground mounted solar panels are located to the rear of the property and therefore will not be visible from public spaces. On this basis,

the impact on the character and appearance of the streetscene will be minimal and the proposal is considered compliant with policy SC2 (Sustainable Design and Construction) of the Local Plan and the 'Achieving well-designed places' section of the Framework.

### Residential Amenity

To the west of the application site is a property named Polyfields, to the north are nos. 11, 11A and 15 Sutton View and to the east is no.16 West View. Located to the south of the site is no.20 West View.

The proposed solar array is located closely to the boundary of no.15 to the north, notwithstanding this, the amenity impact on the respective property will be minimal as a result of the existing boundary treatments which will screen the majority of the development. No.20, to the south, have a relatively open outlook into the amenity space of the application site but given the distance between the development and this dwelling the impact on the amenity is minimal. As a result of the location of the solar panel array, the differing land levels surrounding the site and the existing boundary treatments, no other properties will be in-view of the development and therefore the impact on the amenity is minimal and acceptable.

On this basis, it is considered that a harmful relationship between the solar array and the neighbouring properties will not be introduced with regard to potential overshadowing and overbearing impacts and therefore the proposal is compliant with policy SC3 (High Quality Development) and SC11 (Environmental Quality (Amenity)) of the Local Plan.

### Access/Highways

The proposed development is situated to the rear of the dwelling and therefore will not impact on the safety and access to the highway. Given the nature of the proposal no alterations to the parking provision are required. As such the proposal is compliant with the provisions of the highways' Standing Advice and policy ITCR11 (Parking Provision) of the Local Plan.

## **CONCLUSION**

The development is acceptable in principle due to its location within the development envelope of Bolsover. The development will not cause undue visual harm to the character and appearance of the streetscene and the impact on the neighbouring amenity will be acceptable. Therefore, the application should be considered for approval taking into account its compliance with the required policies and provisions of the Local Plan and Framework.

## **RECOMMENDATION**

**The current application be APPROVED subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the plans ('new plan' & 1199-RWA-001) received on the 6<sup>th</sup> July 2023.

## **Statement of Decision Process**

1. The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

## **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

## **Human Rights Statement**

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.