

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 14<sup>th</sup> February 2024 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Justin Gilbody, Rob Hiney-Saunders, Chris Kane, Duncan McGregor, John Ritchie, Phil Smith, and Carol Wood.

Officers:- Jenny Owen (Chartered Legal Executive), Peter Sawdon (Principal Planner), Steve Phillipson (Principal Planner), Jon Hendy (Senior Planning Officer (Policy)), Neil Oxby (Principal Planning Policy Officer), Hannah Douthwaite (Governance and Civic Officer), and Matthew Kerry (Governance and Civic Officer).

### **PL51 – 23/24. APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor Janet Tait.

### **PL52 – 23/24. URGENT ITEM OF BUSINESS**

There were no urgent items of business to consider.

### **PL53 – 23/24. DECLARATIONS OF INTEREST**

<b>Minute Number</b>	<b>Member</b>	<b>Level of Interest</b>
PL55 – 23/24	Rob Hiney-Saunders	Having previously spoken to residents who were against the application.
PL59 – 23/24	John Ritchie	The application was within his ward and having previously spoken to residents who were in attendance at the meeting to speak against the application.

### **PL54 – 23/24. MINUTES – 17<sup>TH</sup> JANUARY 2024**

Moved by Councillor Justin Gilbody and seconded by Councillor Phil Smith  
**RESOLVED** that the Minutes of a Planning Committee held on 17<sup>th</sup> January 2024 be approved as a correct record.

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Having previously declared his interest in the following item of business, Councillor Rob Hiney-Saunders moved to the public gallery and did not partake in the discussion or the vote.

**PL55 – 23/24.                    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**

Committee considered a detailed report in relation to the above application.

The application had been referred to Planning Committee by Councillor David Bennett due to concerns raised regarding the impact the additional traffic resulting from five additional dwellings would have on an already overcrowded street.

The application sought approval for the partial demolition of garden outbuildings to facilitate the erection of five, two storey dwellings.

The site would utilise the existing access onto Mitchell Street and the proposal retained two parking spaces for the existing dwelling at 44 Mitchell Street. Each of the dwellings proposed had two parking spaces which met the Council's parking requirements which was set out in the Local Plan. The proposal included a shared on-site turning area which would allow vehicles to enter and leave the site in a forward facing direction and there would be a passing place on the driveway to prevent the need for vehicles to reverse onto or off from the highway should two vehicles need to pass.

The principle of residential development to the rear of dwellings which front Mitchell Street had already been established by development of the adjacent sites which had two storey dwellings constructed in what was originally back gardens.

The application was recommended for approval subject to conditions.

Letters of objection had been received from four neighbouring properties which were detailed in the report.

Further information was contained in the Supplementary Update Report, which advised of a further letter of objection received regarding the application, and that there was no change to the recommendation in the main report.

Charlotte Stainton (Agent) attended the meeting and spoke for the application.

Councillor David Bennett, District Councillor, not on the Planning Committee, attended the meeting and spoke against the application.

Pamela Hook attended the meeting and spoke against the application.

Dominic Webb attended the meeting to request the application be deferred to a later date to allow for further consideration on soakaways and boundary treatments.

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The Principal Planner addressed the issues raised in relation to soakaways and boundary treatments and stated that a number of points raised could already be undertaken through permitted development. As for the soakaway, building regulations would have to be followed and they would be tested to ensure they was fit for purpose.

Councillor Phil Smith raised concern over allowing the applicant to control the hours of operation of the site and queried if a condition could be added to control when deliveries etc could be made due to the congestion already on the street.

The Principal Planner advised that all conditions imposed needed to be reasonable for the size of the development and in this instance under other legislation there was sufficient control. If there were issues with the development then Environmental Health could investigate and take action when necessary.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the application be APPROVED subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with plan numbers:
  - 23-001 A(PL) 001 Site location plan
  - 23-001 A(PL) 003 Block plan
  - 23-001 A(PL) 005 Rev B Landscaping and Biodiversity measures
  - 23-001 A(PL) 006 Street scene context 3D
  - 23-001 A(PL) 007 Proposed Sections and street scene
  - 23-001 A(PL) 008 Proposed site compound layout
  - 23-001 A(PL) 009 Proposed site levels and gradients
  - 23-001 A(PL) 011 Proposed external lighting
  - 23-001 A(PL)-HTC Plans and elevations Plot 1
  - 23-001 A(PL)-HTA Plans and elevations Plots 2 and 3
  - 23-001 A(PL)-HTB Plans and elevations Plots 4 and 5
3. The external wall and roof materials must be Red Vandersanden Alexia Facing Brick and Marley modern dark grey roof tiles as set out in the application form unless otherwise agreed in writing by the Local Planning Authority.
4. Before the development hereby approved is first occupied, two parking spaces for the existing dwelling at 44 Mitchell Street must be provided on site in accordance with the approved plans and must be maintained available for parking thereafter.
5. Before the development hereby approved is first occupied, the access, passing place, turning area, parking spaces and cycle parking must be provided on site in accordance with the approved plans and must be maintained as such thereafter.
6. The first floor side facing windows serving the bathrooms in Plots 4 and 5 hereby approved must be obscurely glazed and must be maintained as such thereafter.

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7. Before the dwellings hereby approved are first occupied, the boundary treatment details shown on the approved plan must be provided on site in accordance with the approved plan and must be maintained as such thereafter.
8. Before construction commences on site, the site compound must be provided on site in accordance with plan no. 23-001 A(PL)008 and must be maintained on site in accordance with these details throughout the period of construction.
9. Before the dwellings hereby approved are first occupied, the landscaping and biodiversity enhancement measures shown on plan no. 23-001 A(PL)005 Rev B must be provided on site in accordance with the approved plans and must be maintained as such thereafter.
10. Before the dwellings hereby approved are first occupied, the external lighting scheme shown on plan no. 23-001 A(PL)0011 must be provided on site in accordance with the approved plans and must be maintained as such thereafter.

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the 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.

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### **PL56 – 23/24. 23/00526/FUL - CONVERSION OF STABLE BLOCK TO AMENITY BUILDING - THE STABLES FEATHERBED LANE BOLSOVER CHESTERFIELD**

Committee considered a detailed report in relation to the above application.

The application had been referred to Planning Committee by Councillor Donna Hales because the application was for an ancillary room for stables and there were no stables on the site and also because other conditions of previous applications had not been met, i.e. replacement hedgerows. There were also concerns that the gateway to the stables was not in keeping with the countryside.

The application was for the retention of the amenity block which had been constructed on site. The building was single storey and was finished in render with a tiled roof and upvc windows and doors. The building contained a dayroom with kitchen and dining area, a bathroom and a children's room.

The application did not involve the conversion of a stable block as described in the application and should be considered as a new building, albeit on the footprint of the stable block previously approved and utilising the walls of the stable block which had commenced construction.

The proposed use was not compliant with Policy SS9 (Development in the Countryside) but would provide ancillary facilities to support the approved use as a traveller site. Such facilities were identified as essential in the Designing Gypsy and Traveller Sites Good Practice Guide and as such were considered to be in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People.)

The application was recommended for approval subject to conditions.

Comments received from members of the public were detailed in the Supplementary Update Report but related mostly to application 23/00609/FUL which would be considered later in the meeting.

There was no change to the recommendation in the main report as a result of the additional comments detailed in the Supplementary Update Report. However, it was suggested that the wording of condition 1 be 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 added more precision to the condition and ensured that it was enforceable should the condition not be adhered to.

Councillor Donna Hales, District Councillor not on the Planning Committee, attended the meeting and spoke against the application on behalf of residents living on Shuttlewood Road, Bolsover.

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A Member queried if a condition could be added to ensure that no businesses were run from the site. The Principal Planner advised that it would not be considered a reasonable/necessary condition to attach to an amenity block because business use of the main site is restricted and this building would be ancillary to that use. Any concerns regarding the running of businesses would need to be taken to the Enforcement Team for investigation and for them to take any appropriate action if required.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** that the application be APPROVED subject to the following conditions:

1. 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.
2. Within 56 days of the date of this permission, full details of the septic tank and soakaway, together with the results of percolation tests which substantiate the soakaway design, must be submitted to the Local Planning Authority and approved in writing. The septic tank and soakaway must be installed as approved and must be maintained in accordance with the approved details. Final effluent from the septic tank must not connect directly to any watercourse or land drainage system and no part of the soakaway shall be sited within 10m of any ditch or watercourse.

### Advisory notes

1. Public Right of Way, Bolsover Footpath No.44, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

### Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the 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”).

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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.

However, if these protected characteristics were not taken into account and sufficient sites provided within the district to meet an identified need in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

### **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.

**PL57 – 23/24.                    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**

Committee considered a detailed report in relation to the above application.

The application had been referred to the Planning Committee by the Assistant Director of Planning and Planning Policy as the original application for the traveller site had been determined previously by Planning Committee.

The application sought approval for an extension to a previously approved traveller site to create an additional 4 pitches, each of which could contain a mobile home, one touring caravan and two parking spaces to facilitate the occupant's travelling lifestyle. The proposal included the hard surfacing of the site to facilitate year round access. The proposal also included amendments to the layout of pitch three (already approved). If the application was approved there would be 7 pitches on site in total.

The proposed use was not compliant with Policy SS9 (Development in the Countryside) but met an identified need for traveller sites within the district in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People).

Derbyshire County Council Highways Department had raised concern about potential conflict between additional vehicle movements on the public footpath and the users of the path, however, this was not considered sufficient to warrant an objection.

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Following on from the site notices and neighbour notification letters, objections had been received from two residents which were detailed in the report. Six additional representations had been raised including a representation from Mark Fletcher MP, on behalf of local residents for Bolsover, and these were detailed and addressed by the Planning Officer in the Supplementary Update Report.

It was suggested that condition 10 be 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 gave clarity and precision to the wording of the condition because it advised anyone reading the condition what Part 5 Class B provides permitted development for.

A Member raised concern that new guidance from Derbyshire County Council regarding traveller sites was not yet available. The Principal Planner advised that although the guidance had not yet been published the Council knew what was to be included so deferring the application and waiting for the document to be published would not have any benefit.

Councillor Ashley Taylor, District Councillor not on the Planning Committee, attended the meeting and spoke against the application on behalf of local residents.

The Senior Planning Officer (Policy) advised that if the application was to be approved the Council would have met its target for the number of Traveller Sites required until at least 2040.

It was moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane that the application be approved.

On being put to the vote it was:

for the motion 4

against the motion 4

The Chair exercised his right to use his casting vote and voted in favour of the application.

It was therefore **RESOLVED** that the application be APPROVED subject to the following conditions:

1. Before the pitches hereby approved are first occupied, the parking and turning area must be provided on site in accordance with the block plan no M.23.02a submitted via email to the Local Planning Authority on 01/12/2023 and must be maintained available for parking and turning thereafter.
2. The development hereby approved is for 4 additional pitches and revision of layout to Plot 3 of previously approved planning application 22/00425/FUL The



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pitches must be laid out in accordance with the block plan no M.23.02a submitted via email to the Local Planning Authority on 01/12/2023. Each pitch must only be used for the residential use of one mobile home, located as shown on the approved plan, and for the storage of one touring caravan. No residential occupation of any touring caravan is permitted within the site at any time.

3. The mobile homes on site must be single storey only.
4. The development hereby approved must solely be occupied by travellers as defined as defined in "Planning Policy for Traveller Sites (updated 19<sup>th</sup> December 2023)".
5. The development hereby approved is for residential occupation only and no trade or business must be carried out from the site.
6. Notwithstanding the submitted details, before the package treatment plant is installed on site and before the pitches hereby approved are first occupied, full details of the package treatment plant, including details of whether it is to ground via a soakaway or to a water course, with supporting detail in regard to the suitability of the proposed discharge method must be submitted to the Local Planning Authority and approved in writing. The package treatment plant must be installed as approved and must be maintained in accordance with the approved details thereafter.
7. Before the pitches hereby approved are first occupied full details of the hedge proposed to be planted around the edge of the site as shown on the approved plans, must be submitted to and approved in writing by the Local Planning Authority. The hedge must be planted in accordance with the approved details in the first available planting season after the details are approved and must be maintained as such thereafter.
8. Notwithstanding the submitted details, before the pitches hereby approved are first occupied, details of the 1.2m high fences proposed to divide the pitches hereby approved must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments must be provided on site in accordance with approved details before the pitches hereby approved are first occupied and must be maintained as such thereafter.
9. Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new accesses or boundary treatments must be installed on site unless authorised by an express grant of planning permission.
10. 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.
11. There must be no external lighting installed on the site without the prior submission of a detailed lighting strategy for the site having been first submitted

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to and approved in writing by the Local Planning Authority.

### Advisory notes

1. In legislation 'mobile home' and 'caravan' are synonymous and defined as 'any structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed, or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted'.  
The definition excludes railway stock on rails forming part of the railway system, and tents.  
The definition includes:
  - conventional caravans and mobile homes
  - dormobiles
  - touring caravanettes
  - adapted railway carriages
2. A large, twin-unit caravan may come within the definition if it is:
  - composed of not more than two separately made sections
  - physically capable of being transported by road when assembled (even if it cannot lawfully be transported)
  - does not exceed 65.616 feet (20 metres) in length, 22.309 feet (6.8 metres) in width, and 10.006 feet (3.05 metres) from the floor to the ceiling internally
3. Public Right of Way, Bolsover Footpath No.44, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
4. A caravan licence will need to be obtained from Bolsover District Council.

### **Statement of Decision Process**

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the 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").

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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.

However, if these protected characteristics were not taken into account and sufficient sites provided within the district to meet an identified need in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

### **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.

### **PL58 – 23/24. LUNCHTIME ADJOURNMENT**

As the time was approaching 1205 hours consideration was given as to whether the day's business could be concluded by 1330 hours. In view of the number of items remaining on the agenda, the meeting adjourned and reconvened at 1230 hours.

Having previously declared his interest in the following item of business, Councillor John Ritchie remained in the meeting but took no part in the discussion and did not vote on the item.

### **PL59 – 23/24. 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**

Committee considered a detailed report in relation to the above application.

The application had been referred to Planning Committee due to the number of objections received. The Council's Delegation Scheme required applications with more than 20 objections to be referred to Planning Committee for determination.

The application sought approval for the change of use from a dwelling (Use class C3) to a care home for children (Use Class C2.) It was intended to be a specialist care home for up to three children aged from 7 -18 years with emotional and/or behavioural difficulties. No physical external alterations were proposed to the property.

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Further information was contained in the Supplementary Update Report and showed that a revised internal layout plan had been submitted. The amended layout plan reflected 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 showed the number of children's bedrooms reduced to three, as the proposal was now for a maximum of three children. It should however be noted that the internal layout could alter if the suggested layout did 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.

Objections had been received from 42 households, two councillors and Palterton Residents Association, who had also prepared a briefing pack which had been circulated to Members prior to the meeting. A petition signed by 67 residents had been received and Mark Fletcher MP, had confirmed he had received a number of objections from residents and had asked that the legitimate concerns of the community be considered during the application process.

Letters of support had also been received for the application and these were detailed in the report.

Concerns regarding on street parking had been raised, however, Derbyshire County Council as the Highway Authority were aware that the proposal would result in on street parking but did not consider this to result in an unacceptable impact on highway safety.

As detailed within the report the Environmental Health Officer had raised concerns over potential noise complaints that may arise and had suggested that if the application was approved it be granted for a 2 year temporary period, so that the impacts of the proposals upon the community could be fully evaluated.

David Dozwa (Applicant) attended the meeting and spoke for the application.

In response to a Member's query, the Applicant confirmed that it wasn't standard practice for staff to use a taxi to travel to and from the site for their shift, however, this had been implemented to reduce the number of vehicles on site to minimise disturbance to neighbours. Further to this, the majority of meetings and visits would take place away from the home.

In response to another Member's query, the Applicant, advised that if the application was approved, it would be preferable for children to be from the local area, however, it would be subject to Ofsted to assess suitability for who would be best suited to what the home could provide.

Yasini Mfunda attended the meeting and spoke for the application.

In response to a Member's query, the speaker confirmed that Ofsted had, had little input, however, they would become heavily involved with the next stages if the application was approved.

Suzanne Barnicoat, Scarcliffe Parish Councillor, attended the meeting on behalf of Scarcliffe Parish Council and spoke against the application.

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Mark Ogden attended the meeting and spoke against the application.

Ian Burdis attended the meeting and spoke against the application.

Wendy McGee attended the meeting and spoke against the application.

Gillian Ogden attended the meeting and spoke against the application.

Ian Kennan attended the meeting and spoke against the application.

Nick Grey Cowley attended the meeting and spoke against the application.

Allison Rigby attended the meeting and spoke against the application.

Chris Cave attended the meeting and spoke against the application.

Jeff McGee attended the meeting and spoke against the application.

A Member queried if overlooking windows and privacy concerns fell into a material consideration. The Principal Planner advised that there was only a marginal difference as the property was still fundamentally classed as residential and there were no proposed changes to the external building so windows and privacy would be no different if it was occupied as a traditional family home or a care home.

Councillor Rob Hiney-Saunders requested it be noted in the Minutes, a point that had been raised by one of the speakers, that there had been a misrepresentation of the Derbyshire Childrens Homes assessment of the need as it did not appear on any objection that the Council had already received.

The Principal Officer advised that Planning Committee could not control who went into the care home if the application was approved – this would be up to Ofsted to decide who would do better in a quieter location. The Crime Prevention Officer had raised no objections. It would also be unreasonable to add a condition requiring staff to travel by taxi. The highways department also hadn't raised concern about access for emergency vehicles and therefore there was little to no ground to be able to refuse the application due to highway safety.

Members noted that they appreciated the application was an emotive one and that all information needed to be considered carefully.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith  
**RESOLVED** that the application be APPROVED for a temporary two year period following the recommendation of the Environmental Health Officer and subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The applicant must notify the local Planning Authority of the date of the commencement of the use hereby approved, within 7 days of the date of that commencement. The use hereby approved must cease within two years of the

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date of its commencement unless planning permission has been granted by the Local Planning Authority to retain that use.

3. Before the use hereby approved is first implemented, a noise management plan must be submitted to and approved in writing by the Local Planning Authority. The approved noise management plan must be implemented in full concurrent with the first occupation of the site and must continue to be implemented in accordance with the approved scheme thereafter.
4. Before the development hereby approved is first implemented, two parking spaces must be provided on site in accordance with the block plan no. 2CV-DRA-01 Rev A submitted to the Local Planning Authority via email on 23rd January 2024 and must be maintained available for parking thereafter.
5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises must be used only as a children's care home for up to 3 children and for no other purpose (including any other use falling within Class C2 of the Order).
6. There must be no more than three members of staff on shift at the premises at any time unless otherwise agreed in writing by the Local Planning Authority

### Notes

1. The three members of staff on shift must include the manager and carers on site.

### Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the 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

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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.

### **PL60 – 23/24.        REMAINING ITEMS OF BUSINESS ON THE AGENDA**

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** that due to the length of time taken for the meeting the remaining two items of business on the agenda; Appeal Decisions: July 2023 - December 2023 and Quarterly Update on S106 Agreement Monitoring, would be deferred to the next meeting of Planning Committee.

The meeting closed at 1411 hours.