

PARISH Old Bolsover Parish

APPLICATION Change of use from C3 to 6 bedroomed assisted living property, single storey extension to front and 2 storey side and rear extension.

LOCATION 1 Elm Close Bolsover Chesterfield S44 6EA

APPLICANT Mr Benson Osejindu and Mrs Hope Osejindu 1 Elm Close Bolsover Derbyshire, S44 6EA

APPLICATION NO. 24/00480/FUL **FILE NO.** PP-13471825

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 15th October 2024

SUMMARY

The application has been referred to committee by Cllr Clarke due to concerns about insufficient parking spaces for the application leading to highway safety implications, the harmful impact on local residents and the impact on the drainage system. There have also been objections to the proposal from 27 households.

The application is for the change of use of the existing 4 bedroom dwelling to a 6 bedroom assisted living property. The proposal includes a single storey extension to the front and a 2 storey side and rear extension which to provide the additional accommodation. The proposal includes the loss of the existing garage but provides a replacement parking space on the site frontage such that there are three spaces in total on the site.

The application is recommended for approval, subject to conditions

Site Location Plan



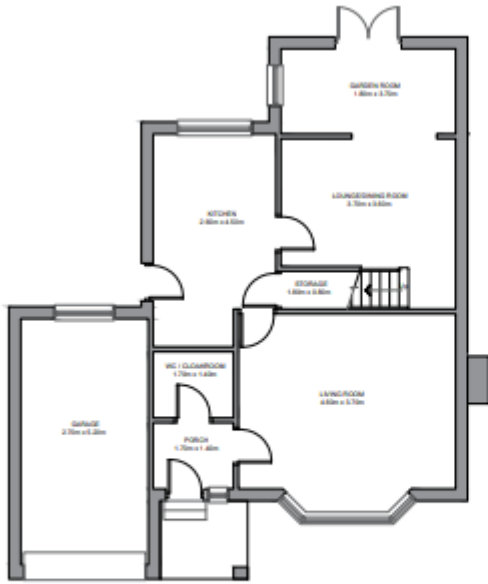
OFFICER REPORT ON APPLICATION NO. 24/00480/FUL

SITE & SURROUNDINGS

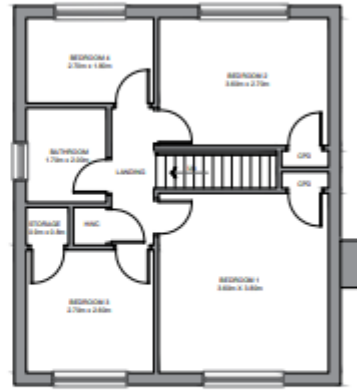
The application property is a two storey detached dwelling with an attached, pitched roof garage. There is an existing access to the front with two parking spaces side by side on the site frontage. To the rear of the property is a garden with a 1.8m high fence and 2.5m high conifer hedge along the northern side boundary with a two storey dwelling beyond which faces the site. On the rear (west) boundary is a 1.8m high fence with garden and two storey assisted living accommodation beyond. On the southern side boundary is a 1.8m high fence with two storey dwellings and gardens beyond.

PROPOSAL

The application is for the change of use of the existing 4 bedroom dwelling to a 6 bedroom assisted living property. The proposal includes a single storey extension to the front and a 2 storey side and rear extension which to provide the additional accommodation. The proposal includes the loss of the existing garage but provides a replacement parking space on the site frontage such that there are three spaces in total on the site.

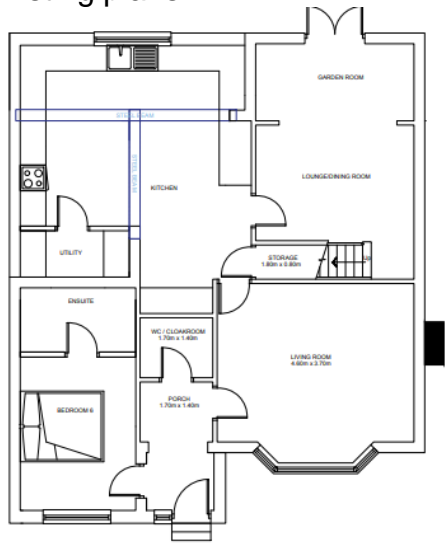


Ground floor
Scale 1:50

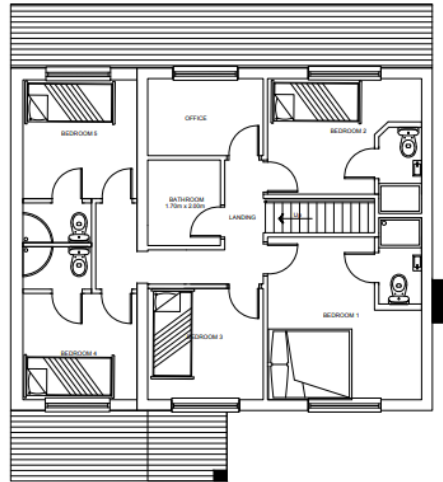


First floor
Scale 1:50

Existing plans



Ground floor
Scale 1:50



First floor
Scale 1:50

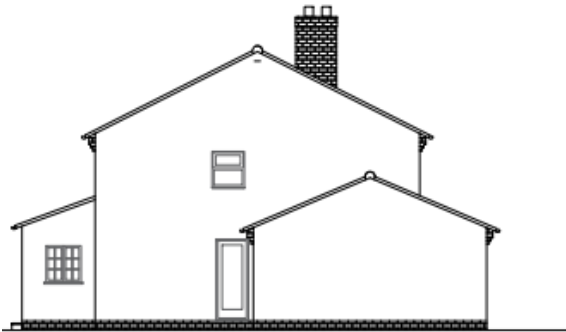
Proposed plans



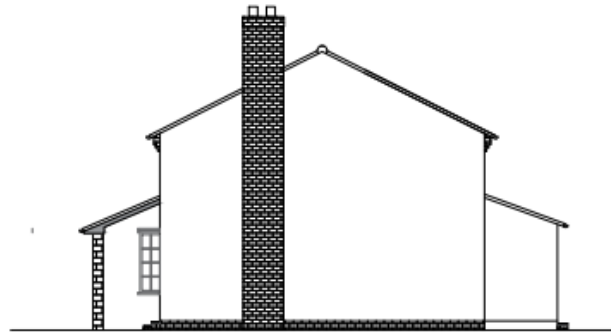
Front Elevation
Scale 1:50



Rear Elevation
Scale 1:50



Left Side Elevation
Scale 1:50



Right Side Elevation
Scale 1:50

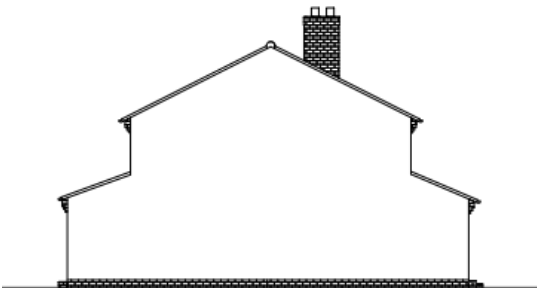
Existing elevations



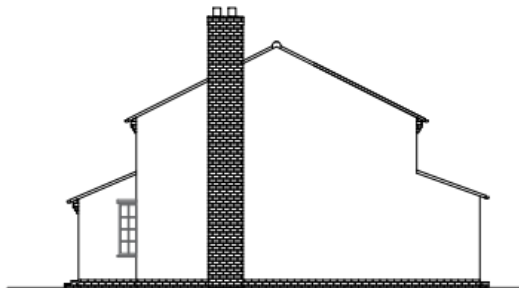
Front Elevation
Scale 1:50



Rear Elevation
Scale 1:50

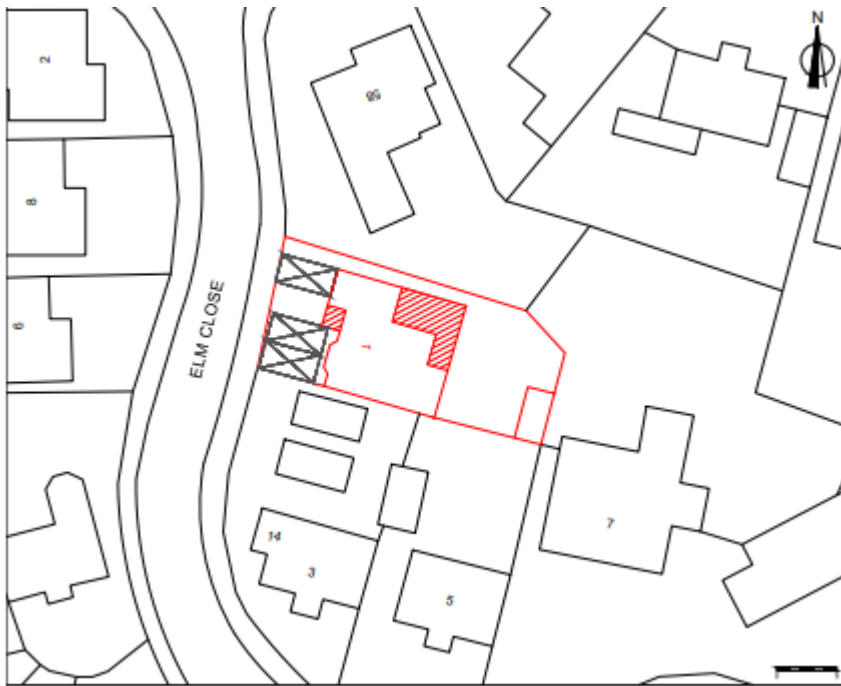


Left Side Elevation
Scale 1:50



Right Side Elevation
Scale 1:50

Proposed elevations



Proposed block plan

AMENDMENTS

The proposal has been amended to provide an additional parking space on the site frontage resulting in three spaces on site in total.

A noise management plan and a managing challenging behaviour and positive behaviour support policy and procedure for the accommodation has been provided.

EIA SCREENING OPINION

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

HISTORY

None

CONSULTATIONS

DCC Highways:

Advise checking that the proposal meets the councils parking standards. There would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no grounds on which an objection could be maintained. Recommends a condition requiring submission of a scheme for secure bicycle storage be submitted for approval and maintained on site thereafter. Recommends informative notes advising contractors are expected to be registered with the considerate contractors scheme, advising of the need to contact DCC if works are required within the highway and the need to obtain a section 184 licence from the Highway Authority and that drainage from the parking area shouldn't drain onto the highway.

DCC Adult Social Care:

Support the application

Senior Engineer:

The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.

All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

Force Designing Out Crime Officer:

There are no recorded issues relating to crime and disorder which would make this property unsuitable for the proposed use. Consequently, there is no objection to the application.

PUBLICITY

Site notice and neighbours notified. Objections received from 27 households.

The objections highlight several concerns regarding the transformation of residential properties into assisted living facilities. Primarily, there is significant unease about the impact on community life, with respondents noting that such developments alter the neighbourhood's character, resulting in increased traffic, noise, and potential antisocial behaviour, which may lower the quality of life. Safety concerns are prominent, particularly regarding the risks posed to children due to traffic and parking issues. There is anxiety about the possible decline in property values and the erosion of the neighbourhood's familial character. Respondents are also troubled by privacy invasions and shifts in social dynamics due to the arrival of non-residents and service vehicles. Furthermore, there are doubts about the local infrastructure's capacity to accommodate increased demands on resources like sewerage systems, parking, and traffic management. Finally, respondents express dissatisfaction with the planning and management processes, fearing that decisions might set a precedent for future developments that could further disrupt residential areas. The issues are summarised as follows:

- Community impact and residential discontent: - residents express significant concern over the transformation of residential properties into assisted living facilities within a quiet, suburban area. They believe such developments fundamentally alter the character of their neighbourhood, leading to increased traffic, noise, and potentially antisocial behaviour, which they fear could diminish their quality of life and undermine the area's suitability for family living.
- Safety and welfare considerations: - the safety of residents, especially children, is a predominant concern with the proposed changes leading to increased traffic and parking issues during construction and afterwards once the business is operating. Fear over dangerous driving, inadequate parking leading to obstructive street parking, and the potential for accidents are central to the objections raised, with a belief that these issues could create unsafe conditions for pedestrians and young residents.

- Property values and neighbourhood character: - there's widespread worry that the conversion of family homes into assisted living residences could adversely affect property values in the area, making any future sales unappealing. Residents feel that the introduction of commercial operations in a residential zone not only threatens the familial character of the neighbourhood but also risks creating a precedent for further non-residential development, thereby further eroding the area's residential appeal.
- Social dynamics and privacy concerns: - the potential influx of non-residents, including staff, visitors, and service vehicles, into what was previously a cohesive and quiet residential area raises issues of noise disturbance, privacy invasion and altered social dynamics. In particular, there's unease regarding the impact on privacy and light and the introduction of interactions that residents feel could disrupt the existing community spirit and cohesiveness.
- Infrastructure and environmental strain: - there are apprehensions regarding the adequacy of local infrastructure to support the additional demands that assisted living facilities place on resources such as parking, traffic management, and sewerage systems. Blocked drains and insufficient parking, compounded by an increase in vehicular movement, pose challenges to both the environment and the daily lives of existing residents.
- Planning, management, and future precedent: - criticisms have been voiced about the planning, consultation and decision-making process, with residents feeling left out of consultations, or concerned about the apparent inadequacy of existing restrictions to preserve the area's character. Additionally, there's a fear that approving such developments without considering the full range of potential impacts sets a troubling precedent for the future transformation of residential estates into mixed-use areas, without sufficient regard for long-standing community needs or the appropriateness of particular developments in specific local contexts.
- Business operation: - The proposal should be considered as an extension of the existing business at No 7. Given the close proximity of the two properties it gives rise to considerations of Operational Efficiencies, linking the properties via a gateway so that the staffing and other operational requirements will not be totally separate between premises, doubling the number of residents without the relative increase in operational costs.

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:

- SS1 – Sustainable Development
- SS3 – Spatial Strategy and Distribution of Development
- LC3 – Type and Mix of Housing
- SC1 – Development within the Development Envelope
- SC3 – High Quality Development

- SC9 – Biodiversity and Geodiversity
- 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 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 196 - 201: Ground conditions and pollution.

Supplementary Planning Documents and advice notes

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.

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

ASSESSMENT

Key issues

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

- The principle of the development
- The visual impact of the proposal
- The impact on residential amenity

- Whether the development would be provided with adequate parking and a safe
- and suitable access

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

Principle

Policy SS1 of the Local Plan for Bolsover (2020) at c), under the heading Sustainable Development, indicates that development proposals should 'locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport'. The site is with a reasonable walking distance of the town centre where most services and facilities and public transport can be accessed. Supported accommodation in this location would help to meet this objective.

Policy SS3 of the Local Plan sets out a spatial strategy for the distribution of development in accordance with a Settlement Hierarchy Study which has assessed the sustainability of the district's settlements and ranked them accordingly. Firstly, development is directed to the main towns of Bolsover & Shirebrook followed by the emerging towns of South Normanton and Clowne. These settlements are the most sustainable.

The site falls within the Bolsover East Ward and within the Parish of Old Bolsover. The site is located within the defined development envelope of Bolsover where the principle of development is acceptable as defined under Policy SC1. This is a small-scale development in planning terms which involves the change of use of an existing dwelling to provide assisted living accommodation within the development envelope of one of the district's main towns and, as such, the proposal meets the requirements of Policy SS3 of the Local Plan by distributing the proposed use to within the main towns and/or larger villages.

Recent government advice emphasises the provision set out in Paragraph 60 of the framework which states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Paragraph 63 of the framework states within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

Policy LC3 of the Local Plan for Bolsover District states that the council will support the provision of housing for older people and specialist housing provision across all tenures including extra care schemes in appropriate locations, close to services and facilities. Policy LC3 is therefore supportive of the proposed use. The County Council's Adult Social Care department has also confirmed that they support the application

In planning terms, whilst it is appreciated that the proposal is a materially different use to C3a, being a residential institution C2 use, the nature of the accommodation to be provided is such that the building would remain in residential use within a residential area. There are no planning policies which restrict, in principle, assisted living accommodation being provided within existing residential areas. Nor is there any planning mechanism to locate care facilities away from existing residents who might be opposed to them or to control the amount of assisted living accommodation in one area. Each planning application is required to be considered on its own merits.

The principle of development is therefore acceptable in principle subject to assessment of relevant local and national planning policy and consideration of any relevant material planning considerations.

Visual impact of the proposed development

The development utilises an existing dwelling within the development envelope. The proposal includes a two-storey side/ rear extension and a single storey extension to the front and rear of the dwellings and provides one additional parking space on the site frontage.

The proposal is considered to be in keeping with the existing dwelling in terms of character, scale, design and materials. The street scene is made up of two storey dwellings of various scale, design and materials such that the proposal is not considered to appear unduly prominent or out of character in the area in accordance with the requirements of policies SC2 and SC3 of the Local Plan for Bolsover District.

Residential Amenity

Impact on residential amenity for existing residents

The property is a detached, two storey dwelling with a rear garden positioned at the entrance of a small cul-de-sac. The rear garden is enclosed by the existing fence and hedge. The site is surrounded by two storey dwellings which means that although the property is detached, it is very close to neighbouring properties.

The proposal does not include any new side facing windows and the windows proposed in the rear elevation and in the front elevation at first floor level are no closer to the dwellings/gardens to the front and rear of the site than those in the existing dwelling. The proposal introduces ground floor windows in the front elevation which are closer to the dwellings to the front of the site than the existing windows, but they face across the public highway and as such privacy to these windows is limited anyway.

The proposal is therefore not considered to result in any additional overlooking of adjacent dwellings over and above the existing situation and as such the proposal is not considered to result in a loss of privacy for adjacent residents. The proposal introduces a two storey extension to the side which is closer to the dwelling to the north of the site than the existing two storey element of the property. However, the single storey part of the dwelling to the north of the site does not have a window facing the site and the windows in the main part of this dwelling are set away from the boundary and are angled away from the proposal. The proposed extension meets the council's housing layout and design guidance in terms of the impact on the daylight to these windows and the proposal is not considered to have a material, harmful impact on the daylight to or outlook from that dwelling.

The proposed use of the site is assisted living accommodation for adults (over 18) who have specific care needs as a result of learning disabilities, autism or mental health needs etc. These adults could need homing for many reasons and would be allocated to the home by the placing authority based on the provision available and the suitability for the property/location for that person. If planning permission was to be granted for the change of use of the property, the people living there now or in the future could not be controlled by planning condition. As such the use of the property as assisted living accommodation needs to be considered in general terms, rather than trying to focus on the specific problems suffered by the potential future occupiers as this would be controlled by the placing authority.

As a worst case scenario, the property could be occupied by 6 people, all of whom could have challenging behavioural issues, if the placing authority deemed that this was an appropriate placement of these people. If this was the case, there is potential for noise and disturbance from the property and for antisocial behaviour. This would potentially be detrimental to the amenity of local residents.

However, if the residents of the accommodation cause noise and disturbance for adjacent residents this can be investigated and controlled by an abatement notice. This is a protracted process, but the Environmental Health Department do have the statutory powers to control this issue. In addition, if residents are showing aggressive or anti-social behaviour, this is a matter to be controlled by the police, not by planning legislation. Furthermore, such disturbances at the property would be an indication that the placement is not suitable and may not be in the best interest of that person. This would be a matter for the placing / local authority (responsible for adult social care) to resolve.

That said, policy SC11 of the Local Plan for Bolsover District states that development likely to cause a loss of residential amenity as a result of, amongst other things, noise, must be supported by a relevant assessment. In addition, paragraph 191 of the NPPF states that planning decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The existing property can continue to be used as dwellinghouse without the need for planning permission. The occupants of the property as it exists, or post enlargement could cause noise nuisance and undertake activity that could result in incidents of antisocial behaviour. On this basis, it could be argued that the use of the property as assisted living accommodation may not be significantly different from its occupation as a dwelling in this respect, and it is not considered to be a reason to justify refusal of the proposal. However, the probability of this happening is less likely in a single household environment, and whilst the two uses are similar, they are not the same and it is therefore considered reasonable and necessary to condition the implementation of the noise management plan (as amended) which has been submitted as part of the application process. This noise management plan has addressed how the potential for noise issues arising from the site are to be managed should the application be approved. This should ensure that any potential adverse impact are minimised.

As set out above, the use of the property for assisted living could increase the potential for anti-social/aggressive behaviour in the area. Policy SC3 of the Local Plan for Bolsover District requires development to take account of the need to reduce the opportunities for crime and

the fear of crime, disorder and anti-social behaviour, and promote safe living environments. In addition, paragraph 96 of the NPPF states planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which, amongst other things, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst this policy is aimed primarily at larger, new built development, it is clear that these issues are considered to be material planning issues which need to be taken into account.

The details of the people who are potentially occupying the property are not known, nor is their reason for being in care and as such the challenges presented by the residents is unknown because this is a matter for the placing authority who allocate people needing care to suitable homes. Even if the details of the residents were known, the residents occupying the property could change at any time without any need for planning permission. There is therefore no evidence that the use of this property will result in an increase in anti-social behaviour and whilst there is potential for this to happen in some cases there are also many cases where small scale assisted living homes operate successfully in residential areas with residents settling into community life. The operators of the home have a managing challenging behaviour and positive behaviour support policy and procedure which covers how any such situations are managed. In addition, there is always the possibility for the property to be occupied as a dwelling by residents who may bring crime and/or anti-social behaviour to the area and again this cannot be controlled by planning legislation. For this reason, the proposal is not considered to represent a use which would result in an unsafe living environment for existing residents. The success of the home's residents to integrate into the community will, to a large extent, depend on the people living there at the time and the management of the home itself and both of these matters are controlled by the placing authority.

The issue of the impact of the home in terms of noise and disturbance for residents is not restricted to noise and disturbance from residents of the home. It could also be as result from the comings and goings associated with the use of the property as assisted living accommodation in terms of staff, visitors etc. Information has been submitted with the application which details how the home will operate in terms of staff, visitors etc. The assessment of the impact of these comings and goings is difficult because this will partly be dependent on the needs and requirements of the residents and their families at the time of occupation and the staff who are employed at any one time and each of these things can vary. For example, some residents would have more visitors than others, residents will have different needs in terms of care and assessment, for example the need for medical attention or psychologist/health and well-being support. Most staff are likely to travel to work individually by car but on occasion may walk, or travel by bus or taxi. Residents may be taken to appointments in cars or by ambulance or taxi or bus or may walk. The precise details of the number and timings of these movements therefore cannot be quantified or qualified and are likely to vary on a regular basis. The impact of any noise and disturbance from such comings and goings would also therefore vary.

It is considered likely that the comings and goings from the property as a result of its use as assisted living could be greater than if the property was a single dwelling. However, if the dwelling was occupied by a family with grown up children/dependant relatives/occupiers working shift patterns etc or as a small house in multiple occupation, this would require no planning permission at all. Such occupation would also result in numerous comings and

comings and would also have visits from friends/relatives/carers/support workers etc. Such that the comings and goings would also be difficult to quantify. On this basis it is considered that the proposed use would not result in such an increase in comings and goings from the site over and above what could be reasonable expected in a residential area that it would result in noise and disturbance to residents of adjacent dwelling of a level that would cause harm to their residential amenity.

Residential amenity for future residents

The home is proposed to accommodate up to six residents over 18 years old. The dwelling is within walking distance of Bolsover Town Centre and the facilities it offers. The dwelling on site has an enclosed private garden which is considered to provide adequate open space to meet the need of its occupiers and room sizes are above minimum space standards. In planning terms, the proposal is therefore considered to provide an adequate standard of amenity for future occupiers of the property.

Access/Parking/Highways

As set out earlier in the report, in terms of staff change over patterns, visitors to the home, vehicular movements to and from the home etc is not wholly quantifiable or predictable and will be dependent upon the needs of individual residents in occupation at any one time.

The site is capable of accommodating two cars on the site frontage on existing parking spaces. The proposal results in the loss of the existing garage as a parking space but proposes a replacement parking space on the site frontage such that there would be three parking spaces on site. These spaces could be required to be provided and maintained by condition. The details provided with the application refer to one staff member on site at all times plus a cleaner on site two days per week. This could mean a requirement for three spaces for a short period of time during staff shift change if the cleaner was on site at that time and each of them had driven to work. This would mean any visitors to the site would need to park on the road.

This is not an ideal situation, particularly given the narrowness of the cul-de-sac and the density of the development. However, the existing dwelling could feasibly be occupied by two parents with three grown up children who all drive, resulting in the need for three cars to park on-street on a regular basis, not counting any visitors that dwelling may attract. For this reason, subject to a condition requiring no more than six residents with no more than three staff members on site, the proposal is not considered to have a materially greater impact on street parking or highway safety than its occupation as a dwelling. On this basis the proposal is not considered to be harmful to highway safety and is considered to comply with the requirements of Policy SC3 of the Local Plan for Bolsover District and paragraph 115 of the NPPF in this respect.

The highway Authority have asked for a condition requiring submission of details of covered, secure bicycle parking to be provided on site. Given that this is an existing dwelling and will remain in a form of residential use, albeit operating as a business, such a condition is considered to be unnecessary and is not considered to meet the tests for conditions.

Ecology and Biodiversity Considerations

Reason if exempt from the biodiversity gain plan condition	The proposal falls below the threshold of needing to provide the mandatory 10% net gain for biodiversity because it doesn't impact on a priority habitat and impacts on less than 25 square metres (5m by 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows.
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Issues raised by residents

Most of the issues raised by residents are covered in the above assessment.

The issue of property values and saleability have not been considered as these are not material planning issues which could be taken into account.

The issue of setting a precedent for more development of this nature in the future has not been considered as each application should be taken on its individual merits.

The issue of the proposal being considered as commercial not residential has also not been considered because, although the proposal is clearly a business, that business is the provision of assisted living accommodation for people with special needs which is a residential use of the building. Residential accommodation should be provided for all tenures including people in need of assistance and to consider the use to be anything other than a form of residential use could be considered discriminatory.

The issue of capacity of existing sewerage systems and blocked drains have not been considered as this would be a consideration for the public drainage body concerned.

The operation of the business in connection with an existing assisted living property on the same cul-de-sac has not been considered as the way the business operates is covered by other governing bodies and legislation and is not an issue covered under planning legislation.

CONCLUSION / PLANNING BALANCE

There is an identified need for the provision of care homes/assisted living accommodation for both adults and children within the county. The site is within walking distance of the town centre and as such is considered to be a sustainable location for residential development. The proposed development is therefore considered to help contribute towards this need.

There is potential for the proposal to result in noise and disturbance for adjacent residents but, subject to appropriate management procedures being put in place, this impact is not considered to be materially greater than could occur from the continued use of the site as a dwelling.

The potential for anti-social behaviour and the fear of crime as a result of the development is acknowledged but equally the home may provide much needed accommodation for residents with extra care needs who would benefit and thrive within a community, and it is a matter for the placing authority to ensure that residents are homed in an appropriate location to suit their needs and where they can be part of a community.

The proposal may result in some on street parking, but this is not considered to be significantly greater than if the property remains a dwelling, or if it was used as a small HMO which would not require planning permission. Subject to a condition requiring the parking to be provided prior to the use commencing and being maintained as such thereafter, the proposal is not considered to be detrimental to highway safety and there are no objections to the proposal from the Local Highway Authority.

RECOMMENDATION

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 noise management plan submitted to the Local Planning Authority via email on the 28th March 2025 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 in perpetuity thereafter.
3. Before the development hereby approved is first implemented, the three parking spaces shown on amended parking plan received by the Local Planning Authority via email dated 2nd January 2025 must be provided on site in accordance with that plan and must be maintained available for parking at all times thereafter.
4. 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 assisted living accommodation for up to 6 adults and for no other purpose (including any other use falling within Class C2 of the Order).
5. 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 cleaner 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.

However, future occupiers of the property may have protected characteristics and if these protected characteristics were not considered and housing provided across all tenures, including extra care schemes in accordance with Policy LC3 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.
