

PARISH

Whitwell Parish

APPLICATION	Demolition of existing garages and change of use from green space to extend existing car parking facility.		
LOCATION	Garage Site to The Rear Of 1 - 5 Worksop Road Whitwell Common		
APPLICANT	c/o Agent The Arc High Street Clowne Chesterfield S43 4JY		
APPLICATION NO.	25/00307/FREG3	FILE NO.	PP-14142026
CASE OFFICER	Mrs Karen Wake		
DATE RECEIVED	15th July 2025		

SUMMARY

The application is made pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992, which allows a local authority to grant itself planning permission for developments on its own land. The application has been referred to Planning Committee to enable full scrutiny of the proposals in this regard.

The application seeks permission to demolish 6 existing prefabricated garages, re-surface the existing parking area and extend it by 9.5 sqm, marking out the resulting parking area with 14 spaces, including one disabled parking space. The proposal also includes repairs to an existing low retaining wall and installation of a 12.6m long crash barrier at a height of 900mm along the front of one of the rows of parking spaces created.

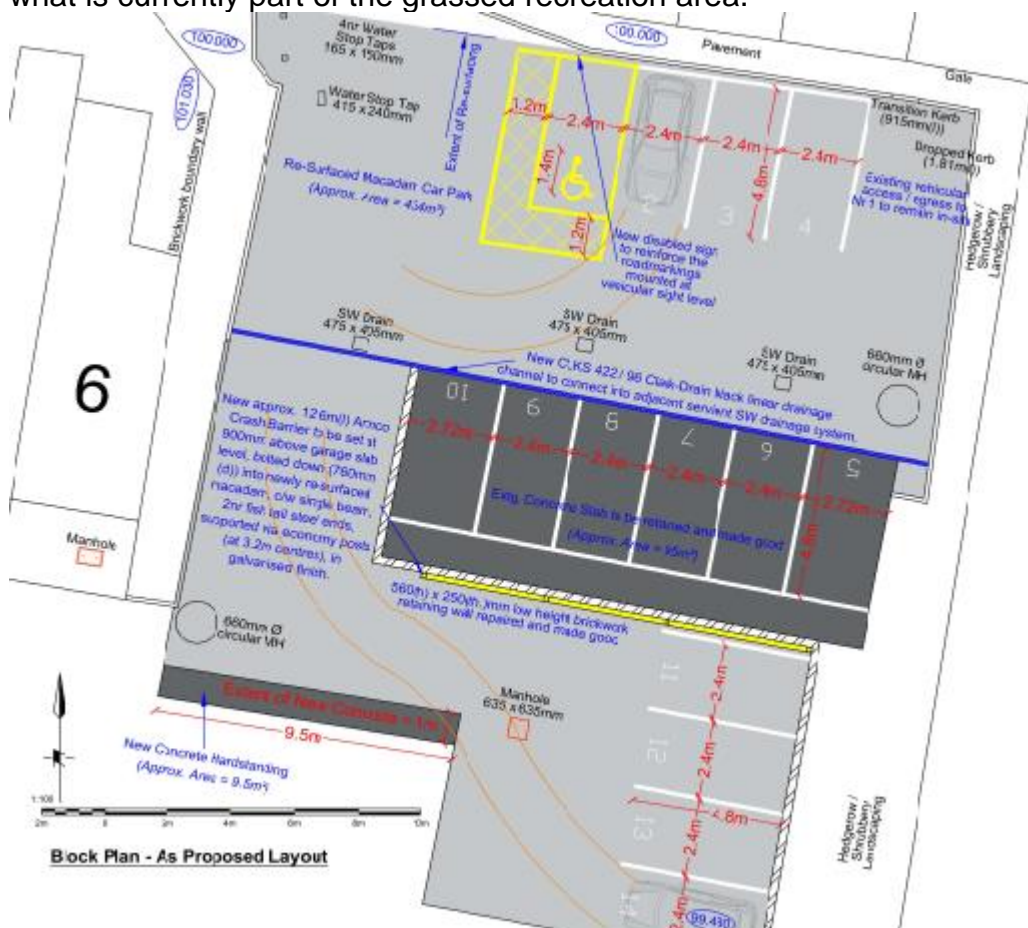
The application is recommended for approval, subject to conditions.

Site Location Plan

SITE & SURROUNDINGS

PROPOSAL

The works are to be carried out on the part of the site which is used for parking and contains the garages with a small 1m deep, 9.5m long extension of the parking/manoeuvring area into what is currently part of the grassed recreation area.



AMENDMENTS

None

EIA SCREENING OPINION

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

HISTORY

None

CONSULTATIONS

Parish Council: No comments received.

DCC Highways: Based on the analysis of the information submitted and a review of Local and National policy there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Advise condition requiring the development to not be brought into use until the parking and turning facilities have been provided as shown on the submitted drawings.

Environmental Health Officer: No comments to make.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

Site notice and 12 neighbours notified. Objections received from 3 residents which raise the following issues:

1. A disabled bay is not necessary.
2. Bays should have house numbers on. 1 for each household. As people may struggle to park if other households have visitors and it would give residents piece of mind to have a guaranteed parking bay.
3. The green belt land should be extended slightly more to allow more room for turning vehicles and if the area is extended further, it could create additional parking spaces.
4. Concerns is raised about where vehicles will be able to park while work is taking place.
5. A disabled parking space is being provided, an EV charging space should be considered.
6. The council needs to consider infrastructure for EV's. The plan put forward has not been thought through and someone from the council should come and speak to residents directly about the proposals.
7. Residents have paid for their garages for many years. When the price increased, residents were advised it was because new garages were being built but this is not the case.
8. Residents found out the garage are being demolished from workmen measuring them on site, they were not notified properly in advance.
9. If there is asbestos in the roofs of the garages it will need to be removed under correct legislation.

10. If there is asbestos in the garage the council will be taken to court.
11. Asbestos costs a lot to remove, that's why it is being done in September so it's safer as the kids are back at school. The council is doing this because they know the garages have asbestos roofs and residents have had no letters telling them of the findings of reports testing for asbestos.
12. The council opened one of the garages without the occupier's consent.
13. The council is doing all this for 1 more car parking space. It would be cheaper just to extend the concrete pad out the back behind the garages and gain more car parking spaces.

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
- SS9 – Development in the countryside
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of Use and Conversions in the Countryside
- SC9 – Biodiversity
- SC11 – Environmental quality (Amenity)
- ITCR6 – Protection of Green Space
- ITCR7 – Protected Playing Pitches
- 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 and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

Supplementary Planning Documents

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 landscape and visual impact of the proposed development
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access
- Biodiversity

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

Principle

The site is outside of any development envelope in an area of open countryside where Policy SS9 states that development proposals will only be granted planning permission where they fall within one of a list of certain criteria. One of these criteria is that the development involves the change of use or re-use of previously developed land. In this instance, all bar 9.5sqm of the development is located on previously developed land and does not involve the change of use from an existing parking area. The 9.5sqm extension to the car park is into an area of protected open space within the countryside which is not previously developed land. However, the development would secure an enhancement to the existing communal parking area and would constitute a modest and appropriate change of use of land in this respect so as to satisfy the requirements of Policy SS9 of the adopted local plan.

Policy SC5 requires conversions and changes of use within the countryside to meet a number of criteria. Of these criteria, only two are relevant to the current proposal and those are that the change of use is in keeping with the original character of the land/landscape character and that the development does not add to flood risk concerns. In this instance the small extension to the parking area is considered in keeping with the existing use of the site as a parking area and this part of the site is in flood risk zone 1 and is not within an area of flooding from surface water such that the proposal is considered to meet the requirements of Policy SC5 of the adopted local plan.

The extension to the parking area is on a part of the site which is allocated a protected green space. Policy ITCR6 requires development proposals to not result in a loss of existing green space or if green space is lost the development will need to provide a replacement facility unless the proposal is of greater overall benefit to the local community than the use as a green space.

In this instance, the proposal merely surfaces a 1m wide strip at the entrance to the green space. It does not result in a loss of useable green space or the playing pitch which is on part of the space and is considered to be of greater benefit to the local community by providing a better access and easier manoeuvring area to the car park. On this basis the proposal is not considered to be contrary to the requirements of Policy ITCR 6.

Given the development's compliance with the above policies, the proposal is considered to be acceptable in principle subject to compliance with the other relevant local plan policies.

Landscape and visual impact of the proposed development

The proposed works are considered to improve the appearance of the site. The garages appear to be in poor repair and the works proposed are considered to improve the appearance of the site and are not considered to have an urbanising impact on the rural character of the area.

Residential amenity

Once the development has been carried out, it is not considered to result in any additional noise or disturbance for residents of adjacent dwellings over and above the existing situation and is not considered to have any greater impact on their residential amenity. The proposal is therefore considered to be in accordance with policies SC3 and SC11 in this respect.

Access/highways

The proposal utilises the existing access and provides one additional parking space. The proposal formalises the existing parking spaces/areas and is considered to improve the accessibility/manoeuvring space within the site. Subject to a condition requiring the development to be carried out in accordance with the approved plans, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the adopted local plan and paragraphs 115 and 116 of the National Planning Policy Framework. It is not considered reasonable to require the parking to be maintained in accordance with the approved plans or maintained available for parking as there are no such restrictions on the existing parking area.

Ecology and Biodiversity Considerations

The proposal is exempt from the requirement to provide a 10% net gain for biodiversity as it affects less than 25sqm of habitat. The small extension to the existing car park results in the loss of 9.5sqm of grassland but this is mown grass which is considered to be of little biodiversity value such that the proposal is considered to meet the requirements of policy SC9 of the local plan for Bolsover District.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	De-minimis exemption, impacts on less than 25sqm habitat.

Issues raised by residents

Most of the issues raised by residents relate to the council as landowners of the site rather than being material planning issues which can be taken into account. For example, notification of residents, disposal of asbestos if it is found, the timing of the works, the need for a disabled space and the installation of EV charging points, provision for resident parking

during the works. The allocation of one space for each resident is also not a planning consideration and is a private matter between residents and the council as landowner. The car park also serves the recreation area to the rear of the car park. The extension of the car park by a greater area has also not been considered as that does not form part of the proposal and would result in a much greater loss of useable protected green space.

CONCLUSION / PLANNING BALANCE

The proposal improves the existing parking provision on site without having any urbanising impact on the rural character of the area. The proposal results in a very small area of protected green space but this is not useable green space and does not affect the use of the wider recreation area. The proposal is not considered harmful to residential amenity of highway safety.

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 plan number:
BDC-WCG-03A Proposed block plan

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.