

To: Chair & Members of the Executive

The Arc
High Street
Clowne
S43 4JY

Thursday, 13 May 2021

Contact: Amy Bryan
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Email: amy.bryan@bolsover.gov.uk

Dear Councillor

EXECUTIVE

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Monday, 24th May, 2021 at 10:00 hours.

Whilst social distancing is in place Members and officers are required to adhere to the protocol for attending meetings in the Council Chamber. When attending in person you will be deemed to have accepted the following disclaimer as applying.

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 3 onwards.

Yours faithfully

A handwritten signature in black ink, reading "Sarah Sheuberg". The signature is written in a cursive style with a large, looped 'S' at the beginning and a long, sweeping tail on the 'g'.

Solicitor to the Council & Monitoring Officer

EXECUTIVE AGENDA

***Monday, 24 May 2021 at 10:00 hours taking place in the Council Chamber, The Arc,
Clowne***

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 26 April 2021. <u>MATTERS REFERRED FROM SCRUTINY</u> None <u>BUDGET & POLICY FRAMEWORK ITEMS</u> None <u>NON KEY DECISIONS</u>	5 - 8
5.	Local Development Order - Creswell Road <u>KEY DECISIONS</u> None	9 - 24
6.	Exclusion of the public To move:-	

“That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.” [The category of exempt information is stated after each item].

PART 2 - EXEMPT ITEMS

NON KEY DECISIONS

- | | | |
|-----------|---|----------------|
| 7. | B.I.L.D (Building, Infrastructure and Leisure Development) Programme | 25 - 32 |
|-----------|---|----------------|

(Paragraph 3)

KEY DECISIONS

- | | | |
|-----------|----------------------------------|----------------|
| 8. | Bramley Vale Improvements | 33 - 37 |
|-----------|----------------------------------|----------------|

(Paragraph 3)

- | | | |
|-----------|------------------------------------|----------------|
| 9. | Discretionary Grant Funding | 38 - 64 |
|-----------|------------------------------------|----------------|

(Paragraph 3)

- | | | |
|------------|---|----------------|
| 10. | Commercial Property Developments | 65 - 89 |
|------------|---|----------------|

(Paragraph 3)

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held as a hybrid meeting in the Council Chamber, The Arc, Clowne, and virtually on Monday, 26 April 2021 at 10:00 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Duncan McGregor (Vice-Chair), Nick Clarke, Mary Dooley, Clive Moesby, Liz Smyth and Deborah Watson.

Officers:- Lee Hickin (Director of Corporate Resources & Head of Paid Service), Karen Hanson (Director of Environment and Enforcement), Grant Galloway (Director of Development), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Theresa Fletcher (Head of Finance and Resources & Section 151 Officer), Ian Barber (Head of Property Services & Housing Repairs), Pam Brown (Head of Leader's Executive and Partnerships), Diane Bonsor (Housing Needs Manager), Nicola Calver (Governance Manager), and Amy Bryan (Senior Governance Officer) .

Also in attendance at the meeting was Councillor Tricia Clough.

EX103-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sandra Peake.

EX104-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

EX105-20/21 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor Clive Moesby declared an interest in Item 9 – Independent Living Service as he was a Member of Derbyshire County Council and the report was regarding a contract extension from Derbyshire County Council.

EX106-20/21 MINUTES

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED that the minutes of a meeting of the Executive held on 22 March 2021 be approved as a true and correct record.

EXECUTIVE

NON KEY DECISIONS

EX107-20/21 THE FUTURE OF VIRTUAL MEETINGS - OUTCOME OF THE HIGH COURT CASE

The Head of Corporate Governance and Monitoring Officer reported that there had been no judgement yet from the High Court regarding the future of virtual meetings so a briefing note would be provided once the outcome was known.

EX108-20/21 AGILE WORKING/NEW WAYS OF WORKING

The Joint Director of Corporate Resources and Head of Paid Service gave a presentation on agile working and new ways of working.

The presentation covered the Council's Transformation Programme, which had five aims: service transformation; transforming finances; transforming our environment; organisational transformation; and digital transformation. Details were given of the Council's Covid-19 Recovery Plan and the set out the work that had taken place so far. This included developing an Agile Working Policy, which had recently been adopted by Council. The key aims of the policy were detailed, one of which was to promote a culture of agile working that met organisational need and supported employee wellbeing. The expected outcomes of the Agile Working Policy were also set out, along with the next steps.

The Joint Director of Corporate Resources and Head of Paid Service concluded that during all this work it was important not to lose the excellent culture that had been built at the Council.

Councillor McGregor stated that the role of Councillors was to provide services to the public. He added that the Council had a good workforce and he was proud of what had been achieved so far through working together.

RESOLVED that the updated be noted.

EX109-20/21 ADAPTED ACCOMMODATION - BOLSOVER DISTRICT COUNCIL STOCK

Executive considered the report of Portfolio Holder – Housing which provided information to Members regarding the supply, management and allocation of Council owned adapted accommodation.

The report stated that the Council had recently been approached by applicants seeking very specific accommodation as a result of having younger family members with disabilities. Although these applications were relatively rare, they had raised the issue of the supply of family sized adapted accommodation. The report provided information regarding the supply, management and allocation of Council owned adapted accommodation. The report also recommended a scrutiny review of the service area be carried out.

EXECUTIVE

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley
RESOLVED that:

- 1) the report be noted
- 2) the Healthy, Safe, Clean and Green Scrutiny Committee include a review on Council owned adapted accommodation within their work programme.

(Director of Environment and Enforcement)

REASON FOR DECISION:

The report was for information regarding the supply, allocation and management of Council owned adapted properties. It sought to inform members and to recommend that scrutiny review the process and prepare recommendations to Executive to further support families with needs for adapted properties within the District.

OTHER OPTIONS CONSIDERED:

Not applicable as this report was for information only.

EX110-20/21 ENVIRONMENTAL HEALTH UPDATE

This item had been withdrawn.

KEY DECISIONS

EX111-20/21 INDEPENDENT LIVING SERVICE

Executive considered a report of Portfolio Holder – Housing which set out an offer of an extension of contract from Derbyshire County Council to provide an Independent Living Services (known as the Care Line Service) to older people, and recommended that this offer should be accepted.

The report set out that the current contract was due to expire in October 2021 however, Derbyshire County Council had offered the Council a contract extension, for an additional five months, until March 2022.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor
RESOLVED that -

- 1) the Council accept the offer of a 5 month contract extension to continue to provide an Independent Living Service to older people within the District
- 2) officers prepare for future tender opportunities to provide similar services within the District.

(Director of Environment and Enforcement)

REASON FOR DECISION:

EXECUTIVE

The service was well regarded by residents and the Council were a trusted provider. Accepting the offer of a contract extension was a positive outcome for customers and for the Council.

OTHER OPTIONS CONSIDERED:

Not to accept the contract extension. This was rejected as it would have a detrimental impact on vulnerable customers.

The meeting concluded at 10:38 hours.

Bolsover District Council

Executive

24th May 2021

Local Development Order – Creswell Road

Report of the Portfolio Holder – Corporate Governance

Classification: This report is public

Report By: Sarah Kay – Planning Manager

Contact Officer: Sarah Kay 01246 242265 / Amelia Carter 01246 242294

PURPOSE / SUMMARY

- To set out the reasons for adopting a Local Development Order granting planning permission for residential development on a Council-owned site.
 - The report recommends adoption of a Local Development Order for custom and self-build on one site subject to conditions.
-

RECOMMENDATIONS

1. That a Local Development Order be adopted to grant planning permission for residential development on land at Creswell Road, Clowne subject to the conditions set out in para. 3.5 below.

Approved by the Portfolio Holder – **Corporate Governance**

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

If the Council were to accept applications of prior approval under the LDO without an application fee then there would be some loss of income. The normal fee for an application for full planning permission for a single dwelling would be £462. Therefore, there would be a potential loss of income as a result of approving the LDO's. There is an option to recover some of the costs of office time by setting a fee of the councils choosing, should it opt to do so.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

The LDO process is regulated through the planning acts and once an LDO is in place, the LDO would grant planning permission for residential development subject to conditions. The proposed LDO would not otherwise grant planning permission for EIA development because the sites are not in a sensitive area (as defined by the EIA regulations) and the types of development that would be granted planning permission by the LDO would be highly unlikely to have any significant effects on the environmental quality of the local area (from an EIA perspective). The LDO process does not give rise to any specific data protection issues other than the processing of personal details of any consultees responding to consultation on the LDOs, which have been dealt with in accordance with the Planning Service's existing privacy statement.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

These proposals do not give rise to any significant increase in existing workloads as the council has already employed additional resources to work on the disposal of the garage sites.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	Clowne East
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: The proposal to adopt an LDO has been publicised and the general public and parish council have all been given the opportunity to comment on the proposals.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All.

REPORT DETAILS

1 **Background** (reasons for bringing the report)

Introduction

- 1.1 It is government policy that local authorities should dispose of surplus and under-used land and property wherever possible. The Council also has fairly wide discretion to dispose of its assets (such as land or buildings) in any manner it wishes, subject to the provisions under sections 123 and 127 of the Local Government Act 1972 and section 87-89 of the Localism Act 2011.
- 1.2 In addition, the way the Council manages its land/property assets can have a significant impact both on the quality of services delivered to the public and

the local environment. For example, the redevelopment of the sites have the capacity to:

- reduce anti-social behaviour through eliminating poorly overlooked and poorly lit pieces of land
- reduce fly tipping and the potential for fly tipping
- improve safety and perceived safety around people's homes; and
- accommodate new homes in sustainable locations.

- 1.3 The disposal of sites can also help to reduce the council's expenditure on maintaining pieces of land that have become a liability or no longer provide viable streams of income for the council.
- 1.4 With these objectives in mind, officers have identified a list of sites owned by the council which are not suitable for retention and which have been approved for disposal by elected members.
- 1.5 In particular, the sites approved for disposal are not considered suitable for the councils own house building projects (Bolsover Homes or Dragon Fly) but a number of these sites are suitable for disposal.

Local Development Orders

- 1.6 Therefore, to assist with the disposal of these sites and subsequent redevelopment of garage sites (and other pieces of under-utilised) Council-owned land, officers consider a Local Development Order ("an LDO") could be made by the Council (in its capacity as the local planning authority) to give a grant of planning permission for residential development in line with a planning brief drafted for each site and subject to prior approval of what would normally be considered reserved matters (i.e. landscaping, external appearance, layout and scale).
- 1.7 This type of LDO would encourage prospective buyers by providing a guarantee that the site is suitable for residential development 'in principle' and therefore reduces the risk involved in buying land without a permission in place.
- 1.8 At the same time, the LDO would facilitate development by informing prospective buyers about the type of development likely to gain permission and reducing the costs for prospective buyers who can avoid the fess associated with submitting a planning application through the formal process.
- 1.9 The LDO has the benefit that it would allow the council to achieve best value for the sites with permissions in principle for residential development that would assist with regeneration across the District and help to address unmet housing demand across the district.

Custom and Self Build

- 1.10 In particular, the Council has not yet granted planning permission for a sufficient number of serviced plots to meet the demand for custom and self-build houses. National Planning Practice Guidance states that relevant

authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

1.11 Therefore, an LDO could be used to discharge the Council's duties under the Self Build & Custom Housebuilding Act 2015 by only making the LDO route for residential development available to individuals registered on the custom and self-build register. For example:

- [Section 2\(1\) of the Self-build and Custom Housebuilding Act 2015](#) places a duty on [relevant bodies](#) to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.
- [Section 2A\(2\) of the revised Self-build and Custom Housebuilding Act 2015](#) places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

1.12 In these terms, an appropriately worded LDO (or LDOs) could be able to simultaneously address Government policy on disposal of surplus land, address the Council's own objectives in terms of addressing the issues associated with retention of un-used or under-utilised garage sites and other land in its ownership and help the Council meet its targets in terms of granting permission for serviced plots for custom and self-builders.

2. Details of Proposal or Information

- 2.1 A Local Development Order for residential development on land located to the rear of Creswell Road in Clowne is proposed.
- 2.2 A block plan has been drawn to show an indicative layout of how development could be accommodated on site, in line with the guidelines set out in the Council's adopted Supplementary Planning Document, Successful Places. A copy of this layout is attached at the end of Appendix 1 – labelled as Figure 1.

3 Reasons for Recommendation

- 3.1 In summary, an LDO would support the disposal of surplus land by providing more certainty to prospective buyers about the type of development suitable for the site and what is likely to be acceptable in planning terms.
- 3.2 An LDO would also be an effective tool to make the planning process easier and less costly, thereby encouraging the sale and development of the sites. In addition the LDO would encourage desirable improvement, within the scope of the Design Guide, on sites that are untidy and which don't contribute positively to the character or amenities of the local area.

- 3.3 An LDO would also allow the council to discharge its statutory duties under the Self Build and Custom Housebuilding Act 2015.
- 3.4 Therefore, the principle reasons for approval of an LDO for residential development on the site on land at Creswell Road, Clowne are:
- i. to allow the Council to obtain best value for underutilised pieces of land whilst improving the environmental quality of the District;
 - ii. to attract private investment in this land through a simplified and less costly planning process which provides a guarantee the land can be developed to address the Council's duties under the Self-build and Custom Housebuilding Act 2015; and
 - iii. to ensure a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and add variation to the existing housing stock.
- 3.5 From a planning perspective, the site has been chosen because it lies within the settlement framework where housing is acceptable in principle, has safe and suitable accesses and residential development on the site is unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following conditions:
- 1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
 - 2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling house(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places - A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
 - 3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
 - 4. Any new dwelling house granted prior approval under this Order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
 - 5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new dwelling house granted prior approval under this Order.
 - 6. No existing hedgerow and trees on the perimeter of the site shall be removed, damaged or destroyed until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing

all trees and hedgerows to be retained and replacement planting for any trees or hedgerows to be removed.

- 3.6 Appendix 1 to this report provides a further detailed planning analysis of the site and the report includes any site-specific conditions and the reasons for those conditions.
- 3.7 The following condition should also be imposed to ensure that the LDOs are prioritised for custom and self-build in accordance with the principal reasons for their adoption:
Any new build dwelling granted prior approval under this order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

4 Alternative Options and Reasons for Rejection

- 4.1 Alternative options for the council to pursue could be to 'do nothing' or follow the more conventional routes of achieving a permission, which include:
- i. Applying for outline planning permission with reserved matters to follow
 - ii. Applying for full planning permission
 - iii. The Brownfield Register or an application for Permission in Principle.
- 4.2 The first option (i), provides certainty to prospective buyers but is more costly than the LDO route i.e. £462 x 0.1 hectare or part thereof and an additional £462 per dwelling to submit the reserved matters. In addition to the cost, there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.3 The second option (ii), also provides certainty but offers no flexibility to the buyer on the type and appearance of development and would therefore not tie into the Custom & Self Build objectives. It would also be costly for the council i.e. £462 per dwelling in addition to commissioning technical drawings. Apart from the cost and rigidity there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.4 The third option (iii), is to put the site onto the Brownfield Register. However, the minimum size requirements of at least 0.25 hectares for the Brownfield Register cannot be met by many of the garage sites or other pieces of council owned land. The process is also less well known and familiar to the market; as is the 'Permission in Principle' application route.
- 4.5 If the council were to do nothing, the site would become an increasing liability and continue to detract from the character and amenities of the local area.

DOCUMENT INFORMATION

Appendix No	Title
1.	21/00045/OTHER – Planning Report for land at Creswell Road, Clowne for an LDO

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Successful Places: Design Guide	

APPENDIX 1:
21/00045/OTHER – REPORT FOR LAND AT CRESWELL ROAD, CLOWNE

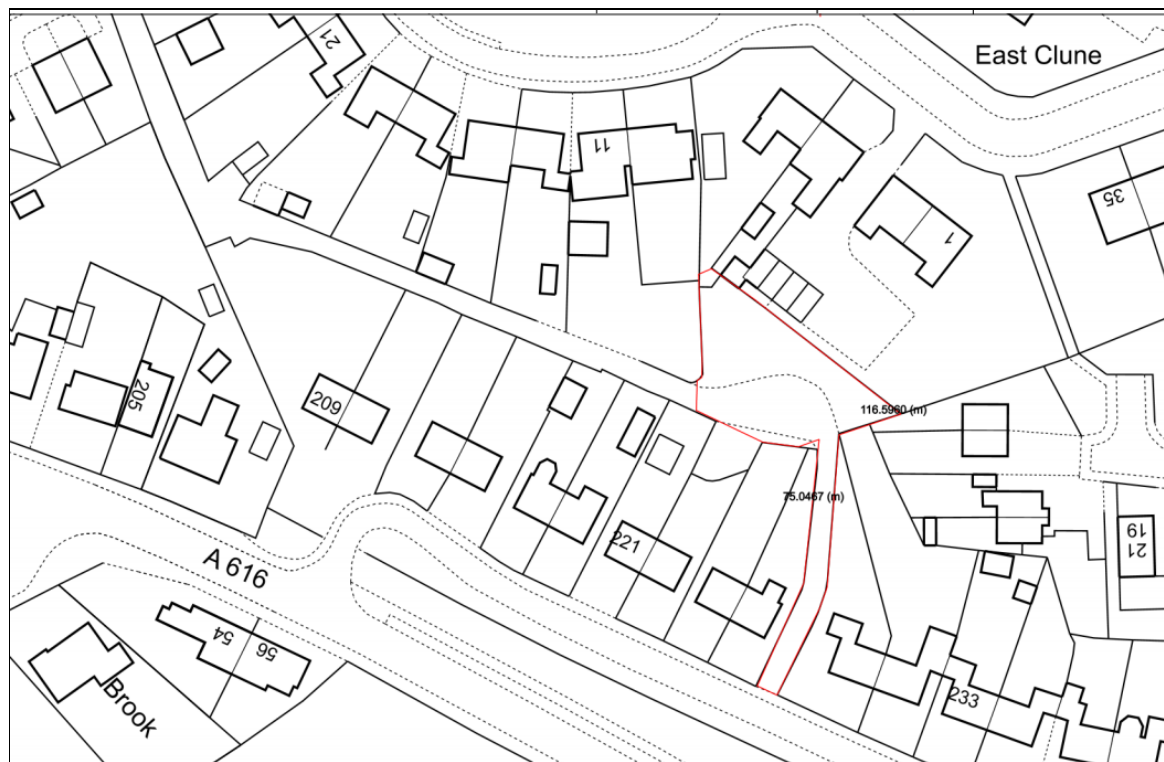
PARISH Clowne

APPLICATION	Local Development Order for Residential Development
LOCATION	Land rear of 221 Creswell Road, Clowne
APPLICANT	Bolsover District Council The Arc, High Street, Clowne
APPLICATION NO.	21/00045/OTHER FILE NO.
CASE OFFICER	Amelia Carter
DATE RECEIVED	26th January 2021

SUMMARY

An underutilised parcel of land within the development envelope of Clowne. The site is sufficient size to accommodate a single dwelling with associated private outdoor space and off street parking provision. It is considered a dwelling could be accommodated on site whilst maintaining access from Creswell Road to Wilson Avenue. It is being recommended for a Local Development Order for residential development in order to facilitate delivery of housing within a sustainable location within an existing settlement and close to local services.

Site Location Plan



SITE & SURROUNDINGS

A level and underutilised parcel of land located to the rear of dwellings on Creswell Road and Wilson Avenue. The site is accessed over a narrow track between No 227 and 229 Creswell Road and connects to Wilson Avenue over another narrow track. Numerous rear accesses have been created from the track although whether these access are legally acquired is unknown. To the north east boundary there is an overgrown hedgerow and a combination of some young multi-stem and established trees including some scrub which covers part of the site.



PROPOSAL

The application is for a Local Development Order for Residential Development.

Supporting Documents

A block plan has been drawn to show an indicative layout of how development could be accommodated on site, in line with the guidelines set out in the Council's adopted Supplementary Planning Document, Successful Places.

A copy is also attached at the end of this report (Figure 1.)

AMENDMENTS

This application has been re-publicised with an amended site boundary to exclude part of the site which is leased to a Council tenant for an extension to their existing rear garden.

EIA SCREENING OPINION

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposals are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2.

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

Therefore, the proposals are not EIA development.

CONSULTATIONS

Clowne Parish Council

- No comments received.

Derbyshire County Council Highway Authority

- The highway authority have confirmed they have no objections to the principle of residential development subject to an appropriate level of parking, manoeuvring, and bin storage space being accommodated on site.
11/02/2021
- No additional comments from previous consultation response. 11/04/2021

PUBLICITY

The development has been advertised through two rounds of consultation, which consisted of a site notice being erected and 15 neighbours being individually notified. During the first consultation 3 representations were received:

- Potential of a new dwelling to contribute to overlooking and loss of privacy to occupants at 223 Creswell Road. The red line boundary overlaps with an area of their rear garden for which they state they received permission from the council to incorporate into their existing garden.
- Inaccuracy of the red line boundary which shows an inaccurate representation of the physical and legal boundary on site.
- In the third representations the objector raised concerns over the access through the site and that it should be stipulated access must be retained. They also query the advertising for the development which wasn't advertised on Wilson Avenue.

The planning decision cannot stipulate though a condition that access must be required through the site as this would be considered a private legal matter between residents and the land owner (in this case the Council, rather than the Local Planning Authority). A note can be added to remind the applicant or any future applicant that third party rights of access across the site should be maintained if there is a legal reason to do so. In terms of publicity, all residents adjacent to the site boundary have been individually notified. There was no site notice erected on Wilson Avenue given the main access to the site is from Creswell Road. However, whilst not standard practice, since receiving this representation a site notice was also erected on Wilson Avenue in addition to Creswell Road to address these concerns during the second round of consultation.

During the second consultation period no representations were received.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

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

The Local Plan for Bolsover District (Adopted March 2020)

SS1 (Sustainable Development)
SS3 (Spatial Strategy and Distribution of Development)
SS11 (Environmental Quality (Amenity))
SC1 (Development within the Development Envelope)
SC2 (Sustainable Design and Construction)
SC3 (High Quality Development)
SC9 (Biodiversity and Geodiversity)

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:

Paragraphs 7-10: Achieving sustainable development
Paragraphs 47-48: Determining applications
Paragraphs 54-57: Planning conditions and obligations
Paragraphs 91, 92 and 94: Promoting healthy and safe communities
Paragraphs 108-111: Promoting sustainable transport
Paragraph 118: Making effective use of land
Paragraphs 124-128: Achieving well-designed places
Paragraph 153: Meeting the challenge of climate change

Supplementary Planning Documents (SPD)

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.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register. Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

ASSESSMENT

It is considered that the key issues in the determination of this application is the principle of the development, the landscape and visual impact of the proposed development the impact on residential amenity and whether the development would

be provided with a safe and suitable access.

Principle

The development is acceptable in principle given it is located within the development envelope of Clowne as set out in the Policies Map in the Local Plan for Bolsover District.

Street scene and visual impact

The site is located to the rear of existing dwellings such that it isn't prominent in the street scene and is mostly hidden from public view. That said, residential development on this site is likely to improve the visual amenity of the site and give use to a currently underutilised piece of land which could be at risk of fly tipping or antisocial behaviour. An appropriately designed dwelling has the potential to have a positive impact on the site and the surrounding area.

Residential Amenity

The site is located to the rear of existing dwellings on Creswell Road and Wilson Avenue and so there might be some visual impact as a result of residential development on site. However, existing dwellings have relatively long rear gardens (between 14-30m in length) such that development on the site should have a very minimal impact, particularly if the proposed dwelling is kept to a single storey or 1.5 storey. A layout has been designed to show how a single storey dwelling can be orientated on site which is located in excess of 28m to the rear of dwellings on Creswell Road. (The Council's SPD has a minimum guideline of 12m separation distance from the rear of existing dwellings to the side gable of proposed dwellings). Overall, residential development on site is considered to have a very minimal impact on neighbouring dwellings if designed appropriately and is therefore considered to be compliant with policy SC3 in the local plan.

An objection was raised from dwelling No. 223 Creswell Road based on the impact of development on overlooking and privacy to that dwelling. The indicative layout set out in Figure 1 shows how a dwelling could be orientated on site with a side gable located at least 28m from the rear of No. 223. As explained in this section of the report, this figure is well in excess of the 12m separation distance which is a guideline that is considered to be acceptable by the Council. On balance, an appropriately designed dwelling is not considered to contribute to overlooking or have an unreasonable impact on the occupants at 223 Creswell Road.

In the same representation, the occupiers have stated that part of the site which forms part of this application is in their control as private rear garden for which they had approval from the Council. This matter has been investigated and it has been found that they received permission to extend their garden and construct a fence in September 2014 and therefore the site boundary has been amended to exclude this part of the site which is now incorporated into their rear garden. Since the site boundary has been amended we re-consulted on the application and no further objections were submitted. The amended site boundary is considered to resolve this issues.

In a different objection, the occupiers of 221 Creswell Road have disputed the red line boundary publicised with the application. The Council's Legal department have investigated the Title on the Land Registry Search which they have found to

correspond with the My Maps mapping system used by the Council. The red line boundary has been changed to match that of the Title registered with the Land Registry. As mentioned previously, after the site boundary was amended the application has been re-publicised and no further objections were submitted. The amended site boundary is considered to resolve this issues.

Access and Highways

The site is accessed via a narrow single width track. Whilst this is a narrow track the creation of a single dwelling on site is not considered to significantly increase vehicular movements coming in and out of the site. It has also been demonstrated that two off street parking spaces can be accommodated on site in line with the Council's adopted parking standards which are set out in the local plan. On this basis, the proposals are not considered to have a detrimental impact on highway safety and are therefore in broad accordance with the objections set out in the framework and the local plan.

The highway authority have confirmed they have no objections to the principle of residential development subject to an appropriate level of parking, manoeuvring, and bin storage space being accommodated on site. In the second consultation period no further comments were made from the Highway Authority.

Self-Build & Custom Housebuilding

This site as an individual serviced plot would be suitable for an individual(s) who want to be involved in the design and/or construction of their own home.

Other Considerations

There are some existing hedgerows and trees adjacent to the north eastern boundary of the site which don't appear to have been maintained for some years. This vegetation is likely have some value for bio-diversity and ecology and whilst it is expected some of this vegetation will need to be cleared or pruned, hedgerows and trees should be retained where possible in line with policy SC10 in the local plan. Subject to a suitably worded condition which seeks to retain existing hedgerows and trees on site where possible, the development on site is not likely to have a significant detrimental impact on bio-diversity.

Conclusion

The development is acceptable in principle given it is located within the existing settlement of Clowne. The re-development of the site for a single dwelling has the potential to improve the visual amenity of the site. There are considered to be no significant impacts on residential amenity and a single dwelling on site could be situated and designed to meet the Council's adopted standards set out in the design SPD.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.

2. The layout of any new dwelling house(s) and the final external appearance of any new dwelling house(s) must be in accordance with the design principles set out in the supplementary planning document: Successful Places - A Guide to Sustainable Housing Layout and Design 2013 or any later editions of the design guide adopted by the Council.
3. Any new dwelling house granted prior approval under this Order must be built in complete accordance with the approved plans.
4. Any new dwelling house granted prior approval under this Order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
5. Any new dwelling house granted prior approval under this Order must be provided with a minimum of two parking spaces. Thereafter, any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new dwelling house granted prior approval under this Order.
6. No existing hedgerow and trees on the perimeter of the site shall be removed, damaged or destroyed until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing all trees and hedgerows to be retained and replacement planting for any trees or hedgerows to be removed.

Statement of Decision Process

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

Equalities Statement

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

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

Human Rights Statement

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

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

Figure 1.



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