

Bolsover District Council

Planning Committee

27th November 2019

Adoption of 5 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self build.

Report of the Head of Planning

This report is public

Purpose of the Report

- To set out the reasons for adopting Local Development Orders granting planning permission for residential development on five Council-owned sites.
- The report recommends adoption of Local Development Orders for custom and self build on these five sites subject to conditions.

1 Report Details

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 (B @ Home 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 Councils 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 in terms of granting permission for serviced for custom and self-builders.

2 Conclusions and Reasons for Recommendation

2.1 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.

2.2 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.

2.3 An LDO would also allow the council to discharge its statutory duties under the Self Build and Custom Housebuilding Act 2015.

2.4 In this case, it is proposed to adopt LDOs for residential development on the following five sites:

- Hawthorne Avenue, Tibshelf (Appendix 1);
- Hazel Grove B, South Normanton (Appendix 2);
- Baker Street, Creswell (Appendix 3);
- Blind Lane, Bolsover (Appendix 4);
- 263A Creswell Road, Clowne (Appendix 5).

2.5 These sites have been chosen because they lie within the settlement framework where housing is acceptable in principle, have safe and suitable accesses and residential development on these sites is unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following standard conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development;
- The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide;
- Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans;
- Each dwelling must be provided with a minimum of two parking spaces and 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 house granted prior approval under this Order; **AND**
- site specific conditions set out in the detailed planning analysis of each site.

2.6 Appendices A-E to this report provide a further detailed planning analysis of each of these sites and these reports include any site-specific conditions and the reasons for those conditions.

2.7 The following condition should also be applied 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)

3 Consultation and Equality Impact

3.1 The current proposals for the adoption of multiple LDOs to support the redevelopment of garage sites and other council owned land have already been subject to formal consultation and where required, the draft LDOs have been amended with regard to relevant consultation responses.

3.2 In all other respects, the proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics because the proposals are designed to improve the quality of local communities for everybody.

3.3 In the alternative, accessible homes (which meet the needs of those with limited mobility or specific lifestyle needs) can be proposed under the LDO process and the LDO would make it easier and more affordable for those wishing to make an application in order to build an accessible home that meets the requirements of themselves or their family members.

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
- 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 sites onto the Brownfield Register. However, the minimum size requirements of at least 0.25 hectares 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.
- 4.5 If the council were to do nothing, the sites would become an increasing liability and continue to detract from the character and amenities of the local area.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 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.
- 5.1.2 Therefore, there would be a potential loss of income of c. £12,000 based on the loss of fee income from all 26 sites identified for disposal and suitable for residential development.
- 5.1.3 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.

5.2 Legal Implication including Data Protection

- 5.2.1 The LDO process is regulated through the planning acts and once and LDO is in place, the LDO would grant planning permission for residential development

subject to conditions. The Council's solicitors are satisfied that the process carried out by officers follows the legal process and that the LDOs subject of this report would grant lawful consents.

- 5.2.2 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).
- 5.2.3 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.

5.3 Human Resources Implications

- 5.3.1 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.

6 Recommendations

- 6.1 That Local Development Orders be adopted to grant planning permission for residential development on the following sites:
- Hawthorne Avenue, Tibshelf (Appendix 1);
 - Hazel Grove B, South Normanton (Appendix 2);
 - Baker Street, Creswell (Appendix 3);
 - Blind Lane, Bolsover (Appendix 4);
 - 263A Creswell Road, Clowne (Appendix 5)

SUBJECT TO the following standard conditions:

1. Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
2. The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans.
4. Any new build dwelling granted prior approval under this order must meet the statutory definition of custom and/or self-build housing as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

5. Each dwelling must be provided with a minimum of two parking spaces and 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 house granted prior approval under this Order; **and**
6. the site specific conditions set out in the detailed planning analysis of each site set out in appendices A-E to this report.

6.2 The reasons for the adoption of the Local Development Orders 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
- iii. to address the council's duties under the Self-build and Custom Housebuilding Act 2015; and
- iv. 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.

7 Decision Information

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| <p>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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No |
| <p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> | No |
| <p>Has the relevant Portfolio Holder been informed</p> | Yes |
| <p>District Wards Affected</p> | All |
| <p>Links to Corporate Plan priorities or Policy Framework</p> | All |

8 **Document Information**

| Appendix No | Title |
|--|--|
| 1 | 19/00398/OTHER: Hawthorne Avenue, Tibshelf |
| 2 | 19/00351/OTHER: Hazel Grove, South Normanton |
| 3 | 19/00390/OTHER: Baker Street, Creswell |
| 4 | 19/00370/OTHER: Blind Lane, Bolsover |
| 5 | 19/00552/OTHER: Creswell Road, Clowne |
| Background Papers | |
| Successful Places: Design Guide | |
| Report Authors | Contact Number |
| Chris Fridlington/ Amelia Carter | EXT2265 |