

Appendix 1: 19/00408/OTHER

PARISH Scarcliffe Parish

APPLICATION Local development order for residential development

LOCATION Garage Block, Castle Green, Hillstown

APPLICATION NO. 19/00408/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 15/07/2019

SITE

Level garage site which currently houses approximately 6 garages. The surrounding area is characterised by mostly semidetached two storey dwellings and there are a couple of detached properties to the west of the site which are separated by a hedgerow and a public footpath. There is Valley View sheltered housing to the south west of the site.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- Awaiting comments

Derbyshire County Council Archaeologist

- Does not consider that the development of the site will have significant archaeological impact and it is unlikely that development of this site will have any impact on the former line of the Lancashire, Derbyshire and East Coast Railway, which is a non-designated heritage asset closed in 1950's.

PUBLICITY

Site notices erected and neighbours 6 neighbours individually notified. There has been two representations which have been summarised below.

1. One garage tenant objects to the LDO based on the loss of garage use on the site and the councils reasoning for choosing to redevelop the land, which are detailed in the document 'Statement of Reasons' on the planning register. The objectors raised a variety of points some of which are planning matters and these are briefly addressed below:
 - The management of the garage courts have shown for a number of years that the cost of maintenance of the garages is more than the income stream that is generated from them and for this reason they have been put forward as a planning application for alternative uses.
 - This garage court, like many others built around the same time are no longer compatible with modern building practices and large rear parking courts are viewed unfavourably in current planning applications due a reduced sense of ownership and the potential for crime and antisocial behaviour. This site is considered a poorly designed garage court which has discouraged its use over the years and has displaced parking onto the surrounding roads. The council's approach to rear parking courts of this nature are explained in the adopted supplementary planning document Successful Places 2013 (para. 3.8.23) and the redevelopment of this rear garage court is considered to have a positive impact on the appearance of the area and deliver much needed housing in sustainable locations in the district.
2. Another representation has queried existing access rights down the private drive. Any existing legal access rights down the private drive, including to the public footpath will not be affected by the redevelopment of the garage court.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

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.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF.

Impact on Street scene

The immediate street scene is made up of predominantly two storey, semi-detached dwellings. The plot is not visible from Castle Green road as it is concealed to the rear of neighbouring properties. However, the proposed development should be designed to relate well to neighbouring properties so that it becomes embedded within local surroundings.

Residential amenity

The site is sufficient distance from properties to the north and west of the site which is screened by existing hedgerow. No 19 and 21 Castle Green have first floor and gable end windows that overlook the site. However due to the length of the plot the site appears sufficient length to position the proposed development as not to impact on privacy of existing dwellings or appear overbearing.

Site Access

The site is accessed via a private drive off Castle Green, the drive is fairly narrow, however, the site is currently used as a garage site and any residential development is likely to have fewer vehicles making trips due to the small scale development

potential of the site.

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(s).

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Hillstown where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local area, subject to the following conditions:

Condition(s)

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling house(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 houses(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.

BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for 19/00408/OTHER Other Development

Bolsover District Council
The Arc
High Street
Clowne
S43 4JY

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Bolsover District Council as local planning authority under the above Act (as amended), and the relevant Orders and Regulations made under that Act, and with reference to the Local Planning Authority on xx Month 2019 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land Garage Block, Castle Green, Hillstown **PLANNING PERMISSION** is granted for residential development within the area edged red on the plan, attached as Schedule 1, subject to the following conditions:

Conditions

1. Prior approval of layout, scale, landscaping and the external appearance of any new dwelling house(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 houses(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.
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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.

Development not permitted

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no development shall take place within the curtilage of any new dwelling other than those expressly granted prior approval under this Order.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), no alterations, extensions or modifications shall be carried out to the exterior of any new dwelling granted prior approval under this Order following its substantial completion.

Footnotes

All applicants seeking prior approval under this Lawful Development Order must be registered on Bolsover District Council's self-build and custom housebuilding register.

All applications seeking prior approval under this Lawful Development Order must include:

- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council's self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom and or self-build.
- Block plan at 1:200 to illustrate the layout of the site, the scale of the proposed dwelling(s), landscaping proposals and parking and manoeuvring spaces within the site.
- Floor plans at 1:100/1:50 to show the internal layout of the proposed dwelling(s)
- Elevational drawings at 1:100/1:50 to illustrate the external appearance of the proposed dwelling(s)

There is no right of appeal against a decision to refuse prior approval for any application made under this Lawful Development Order

Date January 2020

Signed
Authorised Officer of the Council

Schedule 1: Garage Block, Castle Green, Hillstown

