

## Appendix 2: 19/00373/OTHER

**PARISH** Old Bolsover Parish

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**APPLICATION** Local development order for residential development

**LOCATION** Land To The North West Of 31, Adin Avenue, Shuttlewood

**APPLICATION NO.** 19/00373/OTHER **FILE NO**

**CASE OFFICER** Amelia Carter

**DATE RECEIVED** 03/07/2019

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### **SITE**

The first section of the site is made up of a level concrete surface with overgrown scrub land to the rear. There are a collection of existing trees which are growing across the middle of the site separating these two zones. The site is located at the end of Adin Avenue on a street that is characterised by semidetached two storey dwellings. To the west of the site are fields of open countryside.



### **PROPOSAL**

Local development order for residential development

### **AMENDMENTS**

None

## **HISTORY (if relevant)**

None

## **CONSULTATIONS**

Derbyshire County Council Highways

- No objections in principle

Parish Council

- Awaiting comments

## **PUBLICITY**

Site notices erected and 9 neighbours individually notified. There have been no representations.

## **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) and GEN 11 (Development adjoining the settlement framework boundary<sup>1</sup>).

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)

Supplementary Planning Document (SPD):

Successful Places a Guide to Sustainable Housing Layout and Design 2013

National Guidance:

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<sup>1</sup> The title of this policy is slightly unclear - it refers to development on the edge, but within, the settlement framework (which has now been replaced with the term 'development envelope' in the emerging plan 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 proposed development should follow similar character and/or proportions of neighbouring properties so that it becomes embedded within local surroundings.

### Residential amenity

There is a side window on the adjacent property, No. 31 which appears to be either a secondary window to a habitable room or a window to a stairwell or bathroom. In either case the impact of a development would have a minimal impact on the residents of the adjacent dwelling and therefore, does not provide much cause for concern. In addition, there are a couple of windows in the side elevation of the house adjacent to the rear of the plot which has windows on both the ground and first floor windows. If the new development follows a similar footprint to the pair of adjacent semi-detached dwellings a separation distance of 28(m) could be achieved from the rear window of the proposed dwelling(s) and the existing dwelling to the rear of the site. This distance significantly exceeds the minimum guidance of 12(m) separation distance from a rear wall to a side wall/gable, set out in the council's SPD 'Successful Places'. It is therefore considered there will be minimal impact on adjacent dwellings.

### Site Access

The site has a good access of Adin Avenue and appears large enough to accommodate sufficient off street parking.

### 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 Considerations

There are 3 Sycamore and 3 Willow of some sort (about 10-12m high) plus a few smaller trees around the edge. The site couldn't be developed without removing most of them. Whilst their loss weighs negatively in the planning balance they are not considered to be worthy of a TPO at present. We would require a Phase 1 ecology survey in order to assess the ecological impact of the site and any necessary mitigation to be incorporated into the final design.

**Other Matter**

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): Yes, detailed above.

SSSI Impacts: N/A

Biodiversity: To be investigated

Human Rights: N/A

**RECOMMENDATION**

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Shuttlewood 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 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 design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted ecology survey and the final layout and 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.
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**BOLSOVER DISTRICT COUNCIL**  
The Arc, High Street, Clowne, Derbyshire, S43 4JY

***Notice of Decision on Application 19/00373/OTHER for 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 to the North West of 31, Adin Avenue, Shuttlewood **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 houses(s) must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of any new dwelling house(s) must incorporate any necessary mitigation recommended in the submitted ecology survey and the final layout and 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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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.

### **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)
- Phase 1 Ecology Survey and Site Investigation (and any necessary supporting documents), which must:
  - i. Assess the potential for the presence of protected species and species of principal conservation importance within the site and its surroundings;
  - ii. demonstrate how any unacceptable risks will be managed to prevent an unacceptable risk to species of principal importance within the site.

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: Land to the North West of 3, Adin Avenue, Shuttlewood

