

Appendix 5: 19/00389/OTHER

PARISH Elmton with Creswell Parish

APPLICATION Local development order for residential development

LOCATION Land To The Rear Of 71, Duke Street, Creswell

APPLICATION NO. 19/00389/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 12/07/2019

SITE

Level site previously housing garages, which have now been demolished. To the north of the site is a detached single storey dwelling, to the east a two storey semidetached dwelling with a gable end window overlooking the site. To the south is another two storey semidetached dwelling with gable end ground floor and first floor windows overlooking the site. To the west of the site there is a public footpath which separates the rear gardens of 1930's terraced housing on Duke Street.



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

In 2008 a permission for a pair of semi-detached dwellings was granted conditionally on the site, application reference: 08/00263/FREG4

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- Awaiting comments

PUBLICITY

Site notice displayed and 9 neighbours individually notified. No representations have been received.

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 design of the proposed dwelling(s) should be informed by local character and proportions so that it becomes imbedded within its surroundings.

Residential amenity

There are two adjacent properties with first floor windows overlooking the site. Any proposals should take into consideration these windows when considering the design proposals in order to avoid reducing the daylight entering the windows or creating an unacceptable outlook for residents.

Site Access

The site has good access off Duke Street and appears sufficient size to accommodate adequate 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

None

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 Creswell 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 layout of any new dwelling house(s) and the final external appearance of any new dwelling house 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 19/00389/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 Rear Of 71, Duke Street, Creswell **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 layout of any new dwelling house(s) and the final external appearance of any new dwelling house 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)

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 Rear Of 71, Duke Street, Creswell

