

Bolsover District Council

Executive

23rd November 2020

Adoption of 3 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self-build.

Report of the Portfolio Holder – Corporate Governance

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 three Council-owned sites.
- The report recommends adoption of Local Development Orders for custom and self-build on three 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 Council's 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 fees 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 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 three sites:
 - Springfield Close, Clowne (Appendix 1);
 - Damsbrook Drive North, Clowne (Appendix 2); and
 - Damsbrook Drive South, Clowne (Appendix 3).
- 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 1-3 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 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, i.e. site notice and neighbour notifications, 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 characteristic 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 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 sites 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 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 an LDO is in place, the LDO would grant planning permission for residential development subject to conditions.
- 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 Executive consider the three sites proposed for LDO's, having regard to the consultation responses and representations, which have been received.

Subsequently, Local Development Orders be adopted to grant planning permission for residential development on the following sites:

- Springfield Close, Clowne (Appendix 1);
- Damsbrook Drive North, Clowne (Appendix 2); and
- Damsbrook Drive South, Clowne (Appendix 3).

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 1-3 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 to address the Council's duties under the Self-build and Custom Housebuilding Act 2015; and
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

<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>	Clowne West
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
1	20/00147/OTHER: Springfield Close, Clowne
2	20/00148/OTHER: Damsbrook Drive North, Clowne
3	20/00149/OTHER: Damsbrook Drive South, Clowne
Background Papers	
Successful Places: Design Guide	
Report Authors	Contact Number
Sarah Kay / Amelia Carter	2265 / 2294

APPENDIX 1 - 20/00147/OTHER: SPRINGFIELD CLOSE, CLOWNE

PARISH Clowne Parish

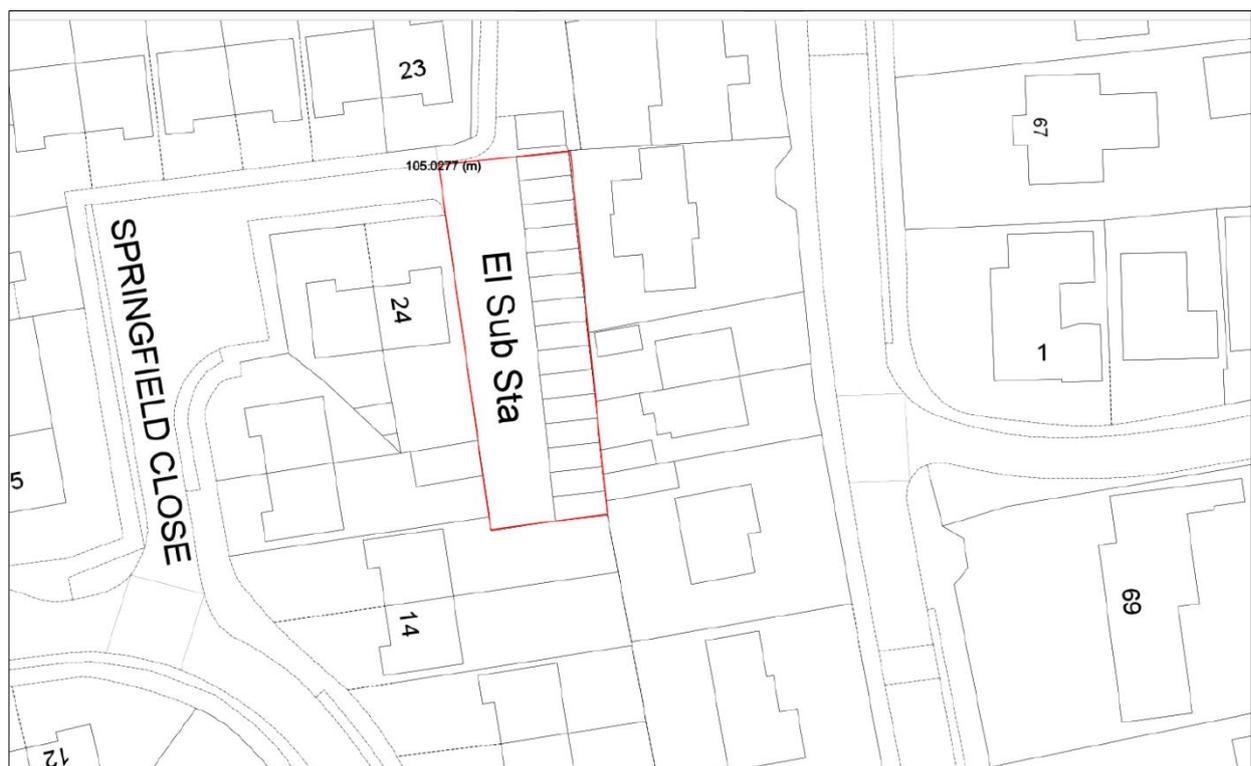
APPLICATION Local development order for residential development
LOCATION Garage Block Springfield Close Clowne
APPLICANT Bolsover District Council, The Arc, Clowne
APPLICATION NO. 20/00147/OTHER **FILE NO.**
CASE OFFICER Amelia Carter
DATE RECEIVED 6th April 2020

SUMMARY

This site is one of four garage sites positioned in the locality of Damsbrook Drive in Clowne. Three of the sites are recommended for a Local Development Order (an "LDO") and one, which is located off High Leys Road, is being retained by housing to create a fully occupied better quality garage court with the appropriate investment.

In respect of this report the garage site in question is located off Springfield Close.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00147

SITE & SURROUNDINGS

A level site currently used as a garage court which is located at the end of the cul-de-sac on Springfield Close. To the north of the site is an electric Sub-station and a footpath over an area of protected green space as designated in the local plan. The street is characterised by two storey semi-detached dwellings of a fairly uniform design.

PROPOSAL

A local development order for residential development.

Supporting Documents

An indicative layout has been drawn to determine how a dwelling could be accommodated on site whilst meeting the council's standards as set out in the supplementary planning document: Successful Places, see Figure 1.

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 26/06/2020

The highway authority have said that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Springfield Close, or its footways. They also recommend that an area for the standing of waste bins should be demonstrated adjacent to but not within the highway.

Full details of consultation responses can be found on the planning register.

PUBLICITY

The development has been advertised by way of a site notice and 9 neighbours have been individually notified. Two representations have been received 18/08/2020.

The first representation ask specific questions about the proposed development which were responded to directly via a phone call.

The second representation raises a range of questions about the proposals which were responded to directly via email.

Many of the points raised unfortunately cannot be considered through the planning process. One concern over the right to light in their property is a planning related matter. However, there is a 12m separation from their rear wall to the side gable of the proposed dwelling which falls within the standard separations distances set out in the council's supplementary planning document Successful Places. At a maximum height of two storeys, this is not considered to impact light entering their windows and would pass a daylight test.

POLICY

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material

considerations indicate otherwise. In this case, the most relevant saved 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)

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

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

Principle

The development is acceptable in principle as it lies within the development envelope of Clowne as set out in the Policies Map in the local plan (adopted March 2020).

Landscape and visual impact of the proposed development

The design of the future dwelling should be informed by local character and proportions so that it becomes imbedded within its surroundings. The garage site is not considered to have an amenity value on Springfield Close and the redevelopment of the site would be considered to have a positive impact on the site and its surroundings, although details on the appearance of the dwelling will need to be submitted to the local planning authority for prior approval.

Residential amenity

To the east of the site there are two storey dwellings whose first floor windows overlook the site. However, it is possible to achieve a separation distance of 12m from their rear window to the side of a new dwelling, which is in line with the councils separation distances set out in Successful Places. The dwelling to the south of the site and to the west (No.24) both have single windows overlooking the site, but these appear to be obscure glazed bathroom or stairwell windows not the principle window to a habitable room. Therefore less protection is given to these windows and it is considered that overall the impact on the amenity of the dwellings would be minimal. Similarly, as the windows do not appear to serve habitable rooms, there are no concerns of overlooking from their windows into the proposed dwelling or rear garden.

Access

The site has a safe and suitable access of Springfield Close and it has been demonstrated (see figure 1.) that two off street parking spaces can be accommodated in line with the parking standards set out in the local plan. It is acknowledged that the redevelopment of the garage court may result in some loss of parking. The highway authority have said that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Springfield Close, or its footways. However, it is considered unreasonable to demonstrate this as many of the dwellings on Springfield Close have sufficient space to accommodate off street parking on the frontages to their houses. The redevelopment of the site is therefore not considered to impact upon highway safety.

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.

RECOMMENDATION

The current Local Development Order 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 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.

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").

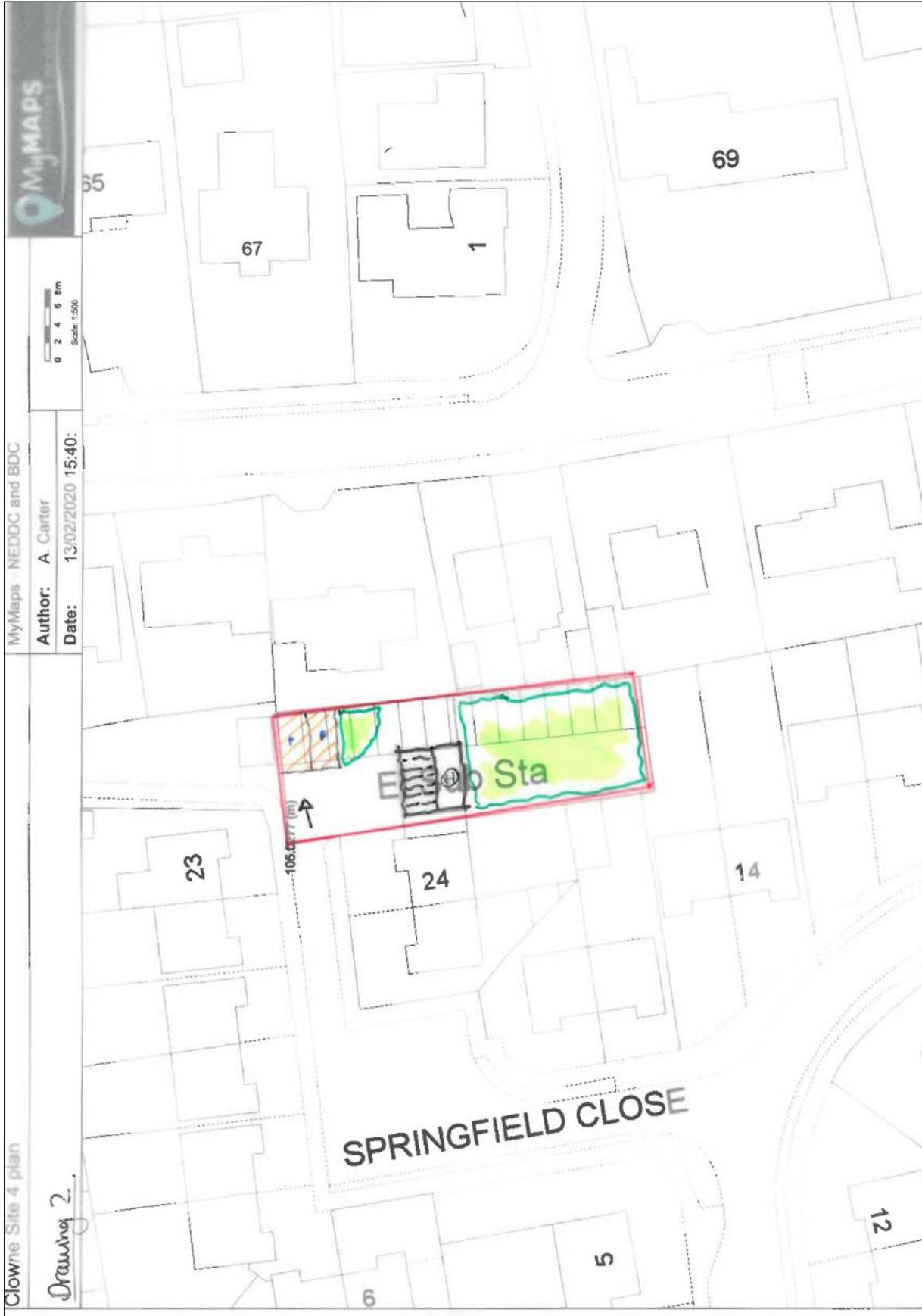
In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

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.



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

Notice of Decision on Application 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 2020 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land Garage Block Springfield Close Clowne **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 appearance must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of the proposed dwelling/s and the final external appearance of the proposed dwelling must be in accordance with the design principles set out in the Design Guide.
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans and substantially completed within five years of the date of the decision notice issued by the Council.
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.

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:

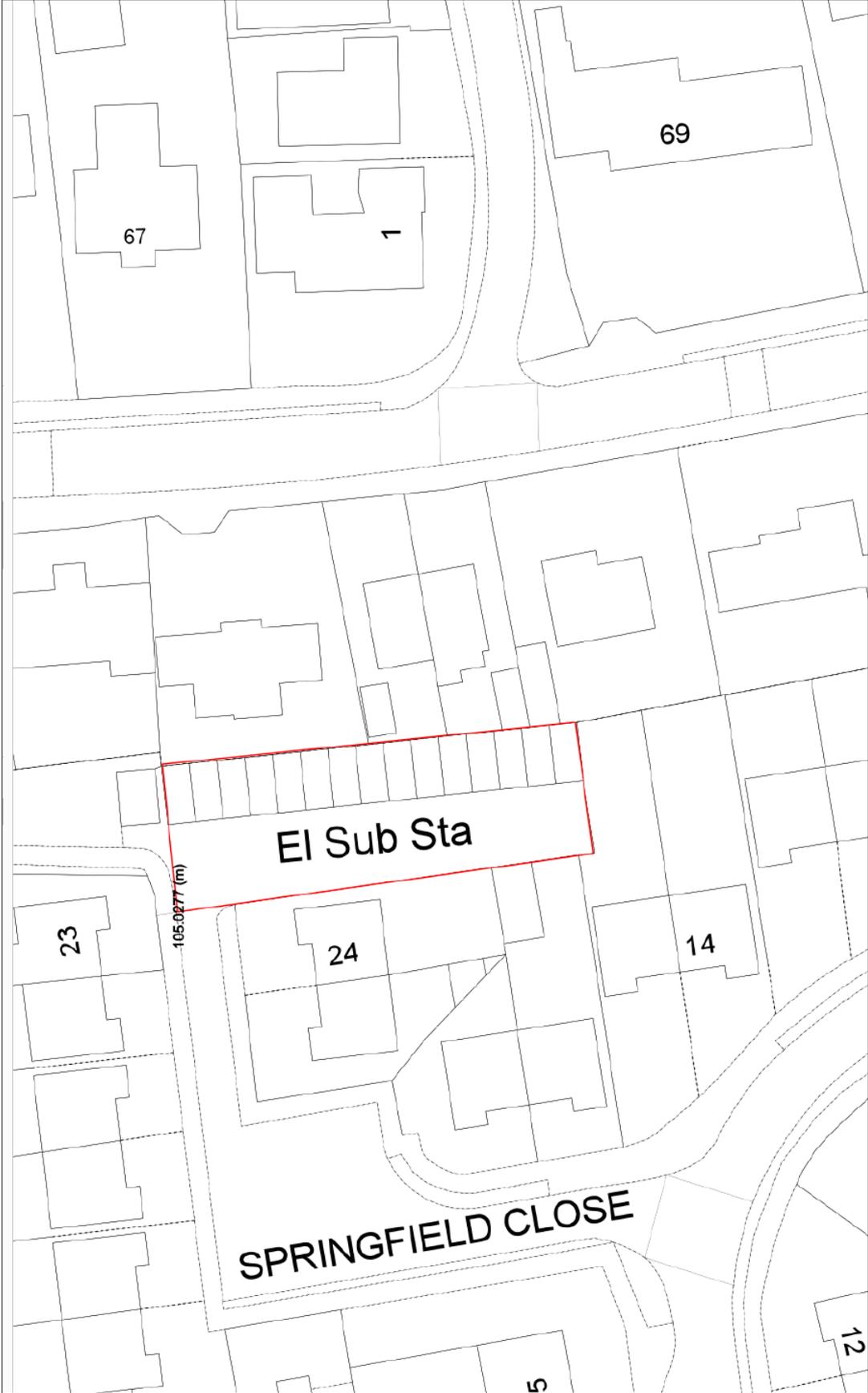
- Either a completed application form supplied by the Council or covering letter confirming that the applicant is registered on Bolsover District Council’s self-build and custom housebuilding register and a written statement setting out how any proposed dwelling(s) meet the statutory definition of custom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

Signed
Authorised Officer of the Council

Schedule 1: Springfield Close, Clowne



APPENDIX 2 - 20/00148/OTHER: DAMSBROOK DRIVE NORTH, CLOWNE

PARISH Clowne Parish

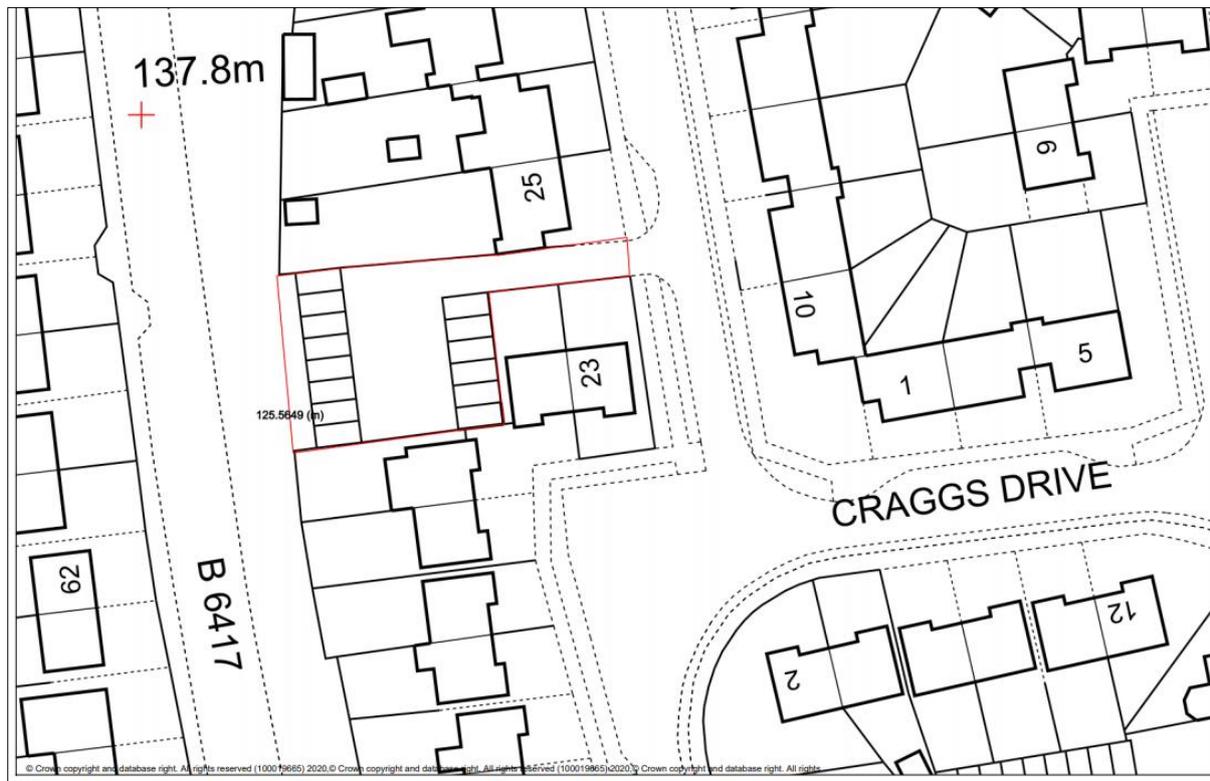
APPLICATION Local development order for residential development
LOCATION North Garage Block Damsbrook Drive Clowne
APPLICANT Bolsover District Council, The Arc, Clowne
APPLICATION NO. 20/00148/OTHER **FILE NO.**
CASE OFFICER Amelia Carter
DATE RECEIVED 6th April 2020

SUMMARY

This site is one of four garage sites positioned in the locality of Damsbrook Drive in Clowne. Three of the sites are recommended for a Local Development Order (an "LDO") and one, which is located off High Leys Road, is being retained by housing to create a fully occupied better quality garage court with the appropriate investment.

In respect of this report the garage site in question is located off Damsbrook Drive (North).

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00148

SITE & SURROUNDINGS

A level site currently used as a garage court which is located off Damsbrook Drive. To the north of the site there are semi-detached single storey dwellings and to the east and to the south there are semi-detached two storey dwellings. The dwelling to the south

(No.19) appears to have established a vehicular access from the garage site to their rear garden but the legal rights of access over the garage site are not known.

PROPOSAL

A local development order for residential development.

Supporting Documents

An indicative layout has been drawn (see Figure 1.) to determine how a dwelling could be accommodated on site whilst meeting the council's standards set out in the supplementary planning document: Successful Places.

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 26/06/2020

- The highway authority have said that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Damsbrook Drive, or it's footways. They have also recommended a turning facility suitable for a supermarket delivery vehicle to be provided within the site. They also recommend that an area for the standing of waste bins should be demonstrated adjacent to but not within the highway.

Full details of consultation responses can be found on the planning register.

PUBLICITY

The development has been advertised by way of a site notice and 10 neighbours have been individually notified. One representation has been received.

The objection is based on traffic hazard concerns, the objector highlights that the re-development of the site is likely to increase the number of vehicles parked on the street as many houses do not have provision for off street parking. Whilst the redevelopment of the site may result in some loss of parking for neighbouring dwellings there appears to be sufficient space for off street parking provision to be made on the frontages of most dwellings on Damsbrook Drive and this is considered to be a reasonable adjustment to be made.

POLICY

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

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

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

Principle

The development is acceptable in principle as it lies within the development envelope of Clowne as set out in the Policies Map of the Local Plan.

Landscape and visual impact of the proposed development

The garage site is located to the rear of existing houses on Damsbrook Drive and

therefore does not occupy a prominent position in the street scene. Any residential development that is kept to a single storey is not likely to have a negative impact on the street or on neighbouring properties. The indicative layout illustrates how the development of the site could have a positive relationship with Mansfield road by having an active frontage with the street.

Residential Amenity

There are gable end side facing window which overlook the site from two dwellings No 19 and No 21. No 19 has windows on ground floor and first floor level but these do not appear to be the principle window of a habitable room and therefore do not raise concerns of direct overlooking of the site. Similarly, No 21 has a single first floor window overlooking the site but this also appears to be a bathroom, stairwell or a secondary window and therefore is unlikely to pose an unacceptable risk of overlooking to the site.

Due to the height of development on the site being restricted to one storey, it is unlikely that the development on the site would negatively impact on the amenity of adjacent dwellings.

Access

The re-development of the site is unlikely to attract more traffic than its current use as a garage court. It has also been demonstrated that two off street car parking spaces can be accommodated on site in line with the Council's guidelines set out in the local plan. On this basis the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District.

It is acknowledged that the re-development of the garage court may result in some loss of parking. The highway authority have said that that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Damsbrook Drive, or it's footways. However, it is considered unreasonable to demonstrate this as many of the dwellings on Damsbrook Drive have sufficient space to accommodate off street parking on the frontages to their houses.

They have also recommended an area for the storage of waste bins on collection days and a turning facility be demonstrated for use by a typical supermarket delivery vehicle. These recommendations can be met at the prior approval stage when more detailed proposals are submitted to the local planning authority for approval.

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.

RECOMMENDATION

The current Local Development Order be APPROVED subject to the following conditions:

Condition(s)

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.

6. Any new dwelling house must not exceed a single storey and should be maintained as such thereafter.

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.



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

Notice of Decision on Application 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 2020 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land North Garage Block Damsbrook Drive Clowne **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 appearance must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of the proposed dwelling/s and the final external appearance of the proposed dwelling must be in accordance with the design principles set out in the Design Guide.
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans and substantially completed within five years of the date of the decision notice issued by the Council.
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.
6. Any new dwelling house must not exceed a single storey and should be maintained as such thereafter.

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 scale of dwelling, landscaping and parking etc.
- Floor plans at 1:100/1:50 to show the layout of the proposed dwelling/s
- Elevational drawings 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

Signed
Authorised Officer of the Council

Schedule 1: North Garage Block Damsbrook Drive Clowne



APPENDIX 3 - 20/00149/OTHER: DAMSBROOK DRIVE SOUTH, CLOWNE

PARISH Clowne Parish

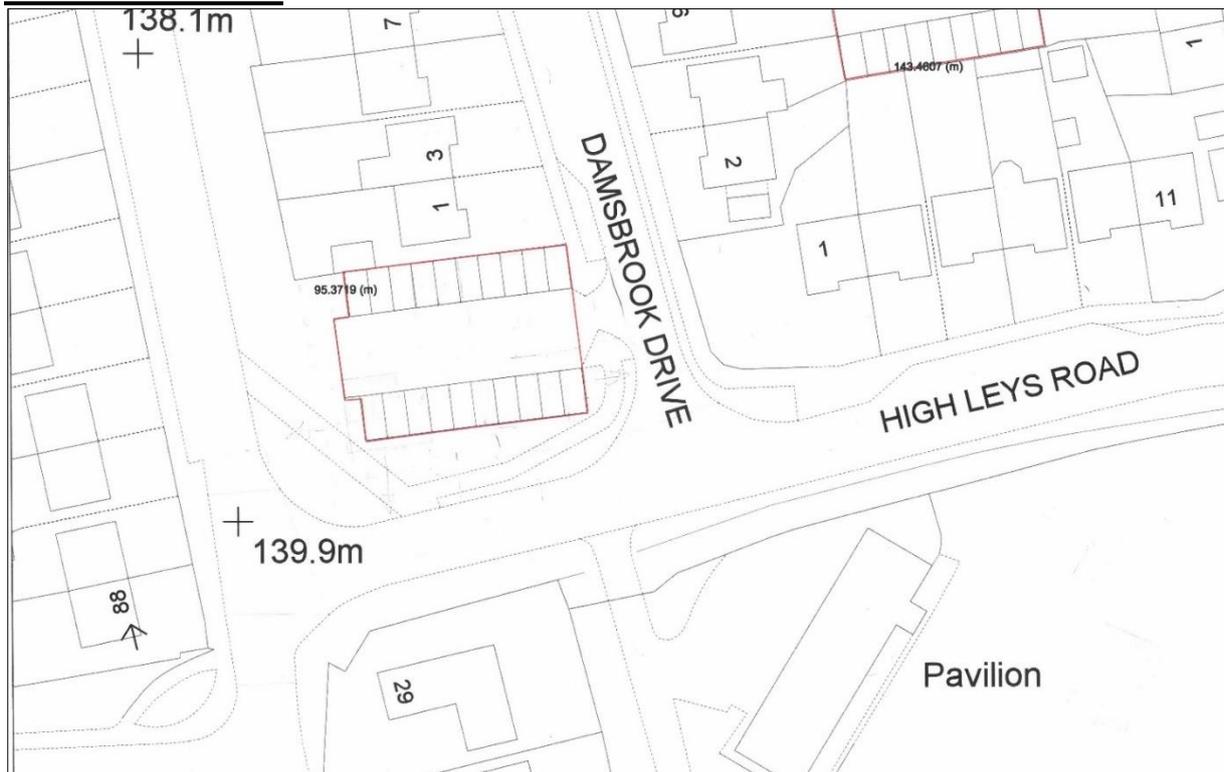
APPLICATION Local development order for residential development
LOCATION South Garage Block Damsbrook Drive Clowne
APPLICANT Bolsover District Council The Arc, Clowne
APPLICATION NO. 20/00149/OTHER **FILE NO.**
CASE OFFICER Amelia Carter
DATE RECEIVED 6th April 2020

SUMMARY

This site is one of four garage sites positioned in the locality of Damsbrook Drive in Clowne. Three of the sites are recommended for a Local Development Order (an "LDO") and one, which is located off High Leys Road, is being retained by housing to create a fully occupied better quality garage court with the appropriate investment.

In respect of this report the garage site in question is located off Damsbrook Drive (South).

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00149

SITE & SURROUNDINGS

A level garage court which occupies a prominent corner location on Mansfield Road and High Leys Road. Surrounding the garage court are mostly semi-detached two storey housing with some detached properties to the south along Mansfield Road. The land immediately surrounding the garage court is a grassed verge and pavement in Council

ownership where two mature silver birch trees are located.

PROPOSAL

A local development order for residential development.

Supporting Documents

An indicative layout has been drawn to determine how a dwelling could be accommodated on site whilst meeting the Council's standards set out in the supplementary planning document: Successful Places, see Figure 1.

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 26/06/2020

- The Highway Authority have said that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Damsbrook Drive, or it's footways. They have asked for parking provision to meet BDC standards to be provided on site. They also recommend that an area for the standing of waste bins should be demonstrated adjacent to but not within the highway.
- The highway authority highlight that part of the land included in the illustrative layout (Figure 1.) is within the existing highway boundary.

These comments will be addressed in the relevant section of this report.

PUBLICITY

The site has been advertised by way of a site notice and 8 neighbours have been individually notified. One representation has been received.

The objection is based on traffic hazard concerns, the objector highlights that the re-development of the site is likely to increase the number of vehicles parked on the street as many houses do not have provision for off street parking. Whilst the redevelopment of the site may result in some loss of parking for neighbouring dwellings there appears to be sufficient space for off street parking provision to be made on the frontages of most dwellings on Damsbrook Drive and this is considered to be a reasonable adjustment to be made.

POLICY

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material

considerations indicate otherwise. In this case, the most relevant saved 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)

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

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

Principle

The development is acceptable in principle as it lies within the development envelope of Clowne as set out in the Policies Map in the local plan (adopted March 2020).

Landscape and visual impact of the proposed development

This garage court occupies a prominent position as you enter the village of Clowne from Mansfield Road. The re-development of the site for residential uses has the potential to improve the street scene and create an attractive corner development. An indicative layout has been drawn to illustrate how development on the site may be accommodated to improve the amenity of the site and its surroundings.

Residential amenity

No 1 Damsbrook Drive has a gable end side facing window overlooking the site. However, this appears to be a bathroom, stairwell or secondary window serving a habitable room and therefore is not likely to contribute to direct overlooking of the site. It has also been demonstrated how two dwellings can be accommodated on site whilst meeting the council's standards as set out on Successful Places.

Access

The garage site has a safe and suitable access off Damsbrook Drive, which has been used for some time by the garage tenants. Any development of the site is likely to result in fewer vehicular movements from the site and is unlikely to negatively impact the safe use of the highway.

The layout in Figure 1 shows how two off street parking spaces can be accommodated per dwelling in line with the standards set out in the local plan. It also proposes a new access created off High Leys Road, (although it would be for the future occupiers to submit details for approval of how they want to develop the site).

It is acknowledged that the re-development of the garage court may result in some loss of parking. The highway authority have said that that it should be demonstrated that the loss of the existing garage/ parking provision within the site will be unlikely to result in over spill onto Damsbrook Drive, or it's footways. However, it is considered unreasonable to demonstrate this as many of the dwellings on Damsbrook Drive have sufficient space to accommodate off street parking on the frontages to their houses.

They have also recommended an area for the storage of waste bins on collection days which can be met at the prior approval stage when more detailed proposals are submitted to the local planning authority for approval.

With regards to the land outside of the red line shown on the plan and included within illustrative layout (Figure 1), whilst the land is within council ownership the highway authority have control over it by way of being adopted highway. Therefore a stooping up order would need to be pursued by the future buyers to realise the full development potential of the land. In planning terms, if the stooping up order was successful there would be no detriment to highway uses if the area referred to by the highway authority was removed from public use, as the footway could be redirected along the perimeter of the site.

If the stooping up order was unsuccessful for whatever reason the land within the red line shown in the plan (the developed area of the garage court) would still be suitable for residential development, albeit with a different layout to the one included in this report.

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.

RECOMMENDATION

The current Local Development Order be APPROVED subject to the following conditions:

Condition(s)

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

Statement of Decision Process

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

Note(s)

1. The applicant is advised that there is a public right of way which crosses or is adjacent to the application site. This permission does not grant the right to close, alter or build over a right of way. In order to realise the full development potential of the site a stopping up order under the Town and Country Planning Act 1990 would need to be pursued with the Derbyshire Country Council Highway Authority.

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.



BOLSOVER DISTRICT COUNCIL
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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 2020 adopting a

LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE

NOTICE is hereby given that on land South Garage Block Damsbrook Drive Clowne **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 appearance must be obtained from the Local Planning Authority prior to the commencement of any development.
2. The design of the proposed dwelling/s and the final external appearance of the proposed dwelling must be in accordance with the design principles set out in the Design Guide.
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans and substantially completed within five years of the date of the decision notice issued by the Council.
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.
6. This Order will expire and no longer take effect after 31 December 2022.

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 scale of dwelling, landscaping and parking etc.
- Floor plans at 1:100/1:50 to show the layout of the proposed dwelling/s
- Elevational drawings 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

Signed
Authorised Officer of the Council

Schedule 1: South Garage Block Damsbrook Drive Clowne

