

## APPENDIX 1: 19/00398/OTHER

PARISH Tibshelf Parish

---

**APPLICATION** Local development order for residential development

**LOCATION** Garage Block, Hawthorne Avenue, Tibshelf

**APPLICATION NO.** 19/00398/OTHER **FILE NO**

**CASE OFFICER** Amelia Carter

**DATE RECEIVED** 15/07/2019

---

### SITE



The site is an existing garage site containing 3 pitched roof garages. The properties to the south of the site are a mixture of single and two storey semi-detached dwellings and to the west of the site a mixture of detached and semi-detached two storey dwellings. The northern side of the site borders the Tibshelf settlement framework boundary. Along this boundary is an overgrown hedgerow, including a mature and a multi-stem Ash tree, with views through the hedge of open countryside towards Hardwick Hall. No. 46 has vehicular access across the site to their garage, there is also a small pedestrian gate which provides access to the rear garden of 104, Chesterfield Road.

## **PROPOSAL**

Local development order for residential development

## **AMENDMENTS**

None

## **HISTORY (if relevant)**

None

## **CONSULTATIONS**

Derbyshire County Council Highways

- No objections

Tibshelf Parish Council

- Concerns over the close proximity of the access to a neighbouring dwelling

The Coal Authority

- The Coal Authority records indicate that the site is in an area of likely historic unrecorded coal mine workings at shallow depth and therefore a Coal Mining Risk Assessment or equivalent report should be required by condition if a Local Development Order is granted.

## **PUBLICITY**

Site notice displayed and neighbours notified. We have received two representation which are summarised below:

- One neighbour comment objecting to the proposal based on: constrained access to the site, highway safety, residential privacy, and vehicular and pedestrian noise associated with development.
- Another neighbour objection based on the increasing demand of parking, additional traffic and concerns over safety of children on the street.

## **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).

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

Policies SS3 (Spatial Strategy and Distribution of Development) SS11 (Development in Important Open Breaks).

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  
National Design Guide 2019

### **ASSESSMENT**

#### Principle of Development

The site is within the development envelope of the large village of Tibshelf as indicated in SS3 and in the Policies Map. It is within walking distance of the shops, community facilities and transportation links in Tibshelf providing transport to larger towns and villages. The site is therefore considered to be in a reasonably sustainable location for new housing as set out in the Local Plan for Bolsover and in 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 residential development should not appear unduly prominent or out of character in the street scene due to the fact the site is not visible from Hawthorne Avenue due to the position around the corner of the bend.

#### Residential amenity

The garage site appears to be a sufficient size to accommodate at least 1 two storey dwelling without harming the existing or future resident's amenity of their property. This is due to the distance and orientation of the site in relation to adjacent dwellings on both Hawthorne Avenue and Chesterfield Road and their respective gardens.

Local concerns and the Parish Council's comments on the proximity of the access to a neighbouring dwelling have also been noted but the site has a current use as a garage site and has a long history of vehicular movements. Residential development of the site is unlikely to increase vehicular movements from its original use as a garage site containing approximately 12 garages

The existing established trees around the perimeter of the site will also screen the development by providing a natural shield on 3 boundaries of the plot. There also appears to be adequate space for private outdoor amenity space, at least two car parking spaces and bin storage.

### Site Access

The site is accessed via a private drive at the end of Hawthorne Avenue off the existing residential no-through road. Any redevelopment would require removal of the 3 garages which are currently on site. All 3 of the garages are rented, however, due to the size and location of the site within the development envelope it is considered an underutilized piece of land at present. Most of the dwellings close to the site have off road parking and Hawthorne Avenue is a relatively quiet no-through road. Any car parking displaced by the loss of the garages is unlikely to result in significant harm to highway safety.

The site has the capacity to accommodate at least two parking spaces with good visibility onto the street. The redevelopment of the garage site is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN 1 and GEN 2 of the Bolsover District Local Plan and the requirements of the NPPF in this respect.

### Self Build & Custom Housebuilding

This site as an individual serviced plot could be ideal for an individual/s who want to be involved in the design and/or construction of their own home/s.

### Other Considerations

The northern edge of the site borders open countryside and so any development should be in accordance with GEN 1 in the Bolsover District Local Plan 2000. The existing trees and hedgerow is considered to provide a natural buffer to the open countryside and have environmental and amenity value. Residential development is not considered to be detrimental to the open countryside so long as the existing trees and hedgerow are maintained to a good standard and so this will be required by condition.

### Trees and Hedgerow

The site is capable of housing at least one dwelling but may be able to accommodate an additional dwelling, should a tree survey indicate that an additional dwelling will not disturb the root spread of the hedgerow and trees and subject to being acceptable in other planning terms.

### **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): Tree survey required

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 Tibshelf where housing is acceptable in principle. It has 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 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 Design Guide
- Any development must maintain the existing hedgerow and trees to the perimeter of the boundary.
- A tree survey will be required to determine the impact of development on tree roots, if the proposed development is planned to be in close proximity to the hedgerow and trees.

---

### Indicative Development Potential: Minimum of one 2-storey Dwelling

