

## Appendix 4: 19/00396/OTHER

**PARISH** Tibshelf Parish

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**APPLICATION** Local development order for residential development

**LOCATION** Garage Block, Meadow Close, Tibshelf

**APPLICATION NO.** 19/00396/OTHER      **FILE NO**

**CASE OFFICER** Amelia Carter

**DATE RECEIVED** 12/07/2019

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### **SITE**

Meadow close is characterised by semidetached single storey dwellings and the Garage site houses approx. 6 garages. To the east of the site is the M1 motorway which is screened by established trees, to the north is open countryside.



## **PROPOSAL**

Local development order for residential development

## **AMENDMENTS**

None

## **HISTORY (if relevant)**

None

## **CONSULTATIONS**

Derbyshire County Council Highways

- No objections in principle. Retention of adequate off-street parking or replacement parking should be taken into consideration.

Parish Council

- Awaiting comments

Coal Authority

- Their records indicate that the site is in an area of likely historic unrecorded coal mine workings at shallow depth. It is recommended that relevant condition/s are incorporated into the conditions list in order to ensure that the risks posed by past coal mining activity have been properly assessed, investigated and remediated, where necessary, and that the developer has demonstrated to the LPA that the site is safe and stable prior to commencement of development.

## **PUBLICITY**

Site notices displayed and 3 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 immediate street scene is made up of single 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 are no immediate concerns about residential amenity due to surrounding properties being single storey. There are no windows on the gable end of the adjacent property and the habitable room windows of properties opposite are approximately 24m in distance.

A noise survey, coal mining risk assessment and phase one contamination study and any appropriate mitigation or remediation would also be required to ensure this site is suitable for residential use.

Site Access

The site has good access with no visibility or accessibility concerns.

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 Consideration

The site is in close proximity to the M1 and so a noise survey will need to be carried out in order to assess the possible impact on future residents.

**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 (or an ordinary planning application) because it lies within the development envelope of Tibshelf 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 noise impact assessment and Phase 1 Desktop Study into 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 houses 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. No development shall take place until any risks posed by past coal mining activity have been properly assessed, investigated and remediated, and where

necessary, no development shall take place until the developer has demonstrated to the Local Planning Authority that the site is safe and stable prior to commencement of any development on the site.

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

***Notice of Decision on Application for 19/00396/OTHER Other Development***

Bolsover District Council  
The Arc  
High Street  
Clowne  
S43 4JY

**TOWN AND COUNTRY PLANNING ACT 1990**

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

**LOCAL DEVELOPMENT ORDER FOR REDEVELOPMENT OF GARAGE SITE**

NOTICE is hereby given that on the Garage Block, Meadow Close, Tibshelf **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 noise impact assessment and Phase 1 Desktop Study into 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 houses 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. No development shall take place until any risks posed by past coal mining activity have been properly assessed, investigated and remediated, and where necessary, no development shall take place until the developer has demonstrated to the Local Planning Authority that the site is safe and stable prior to commencement of any development on the site.

### **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)
- A Coal Mining Risk Assessment survey
- A noise impact assessment (in order to assess the impact of noise associated with the railway on future residents); and
- Phase 1 Desktop Study and Site Investigation (and any necessary supporting documents), which must:
  - i. identify and assess the level of risk from any potential contaminants including gas;
  - ii. demonstrate how any unacceptable risks will be managed to prevent an unacceptable risk to identified receptors such as human health or the environment

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

Council

Signed .....

Authorised Officer of the





# Schedule 1: Garage Block, Meadow Close, Tibshelf

