

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

***Notice of Decision on Application for Full Planning Permission***

Mr Nick Grace  
GraceMachin Planning & Property  
2 Hollowstone  
The Lace Market  
Nottingham  
NG1 1JH

**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 your application received on 16th May 2023 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 16th May 2023 for the following development-*

Application No: 23/00262/FUL  
Proposal: Proposed Conversion of Existing Building to Single Dwelling  
Location: Barn To West Of Pipes Farm Huthwaite Lane Old Blackwell  
Applicant: Mr and Mrs McInnes

*NOTICE is hereby given that **Planning Permission** to carry out the proposed development is*

**GRANTED CONDITIONALLY**

**Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the plans submitted with the application, with the exception of the elevations and floor plans that must accord with the revised plan received 24th July 2023.
3. Prior to the application of all external materials, full details of all external materials to be used in the development must first be submitted and approved in writing by the Local Planning Authority. The approved materials must be implemented as approved by this condition and retained thereafter.
4. The materials used in the development must be the same as those detailed in the revised elevation drawing received 24th July 2023.

5. Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1, and Classes A and B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, or boundary treatments to the dwellinghouse hereby permitted and its curtilage shall take place, other than those approved under the terms of this permission, unless authorised by an express grant of planning permission.
6. The development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on the approved block plan Drawing number 2023/03R1.
7. Prior to the first occupation of the dwelling hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:
  - Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
  - Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
  - All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 10 times per night (2300 hrs - 0700 hrs)

Any outdoor amenity areas should achieve 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs).

The sound mitigation measures to achieve the specified noise levels must be implemented and retained thereafter. A verification report must be submitted to the Local Planning Authority and approved in writing to demonstrate the recommended measures have been implemented as recommended.

8. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
  - A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
  - A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  - A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

If during the investigation works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

9. Prior to occupation of the dwelling hereby approved a validation report detailing the proposed remediation works and quality assurance certificates to show that the recommended works have been carried out in full accordance with the approved methodology must be submitted and approved in writing by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria must be included, together with the necessary documentation detailing what waste materials have been removed from the site.
10. Prior to the start of works, a Biodiversity Enhancement Plan should be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall clearly show positions, specifications, and numbers of features, which will include the following:
  - - 1 Universal swift nest box in line with British Standard 42021:2022.
  - - 1 Bird nest box.
  - - 1 Integrated/external bat box.The boxes must be implemented and photographs of these features in the building must be submitted to and approved in writing by the Local Planning Authority.
11. A licenced bat worker, or accredited agent, must perform a search of the timber lintel for roosting bats using an endoscope immediately prior to the start of works. Should any evidence of roosting bats be found during this inspection or the subsequent demolition, works to the building must be delayed immediately and further advice sought from a licenced bat worker. A report setting out the investigation which has taken place must be submitted and approved in writing by the Local Planning Authority.
12. Prior to the installation of any lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved lighting scheme must be implemented and retained thereafter.

### **Reasons for Conditions**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of the proper planning of the local area.
3. To achieve a high-quality appearance appropriate to the rural setting in compliance with Policy SC3 and SS9 in the Local Plan for Bolsover District
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5. To achieve a high-quality appearance appropriate to the rural setting in compliance with Policy SC3 and SS9 in the Local Plan for Bolsover District
6. In the interests of highway safety and in accordance with policy SC3 (e) and policy ITCR11 in the Local plan for Bolsover District.
7. In order to ensure that the proposed use achieves a reasonable living environment for future occupiers in accordance with policy SC3 and SC11 in the Local Plan for Bolsover District.
8. In order to ensure that the proposed use does not result in unacceptable risks which would adversely impact upon human health or the environment in accordance with policy SC14 in the adopted Local Plan for Bolsover District.
9. In order to ensure that the proposed use does not result in unacceptable risks which would adversely impact upon human health or the environment in accordance with policy SC14 in the adopted Local Plan for Bolsover District.
10. In the interests of biodiversity and ecology in accordance with policy SC9 of the adopted Local Plan.
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### **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.

### **Notes to Applicant**

Attention is drawn to the attached notes in addition to any below:

1. The applicant is advised that the change of use application only relates to the red line of the location plan. Any extension to the curtilage of the dwelling would require a change of use application which is not likely to be viewed favourably.
2. The application site lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. The Coal Authority have recommended that information outlining how the former mining activities affect the site, along with any mitigation measures required (for example the need for gas protection measures within the building), be submitted alongside any subsequent application for Building

Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any suspected coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. The applicant is advised that the existing building may support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Therefore, no work on buildings or clearance of vegetation should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, these should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

Date **4th September 2023**

PP-12160884  
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Signed   
Authorised Officer of the Council

GCFULZ