

PARISH

Ault Hucknall Parish

APPLICATION

Variation of Condition 2 (relocation of temporary access road) of application 22/00168/FUL

LOCATION

Land North West Of 1 Barn Cottages Farm Lane Hardstoft

APPLICANT

Mr Rye Mansfield Road Tibshelf Derbyshire DE55 5NF

APPLICATION NO.

24/00144/VAR

FILE NO. PP-12848172

CASE OFFICER

Mrs Karen Wake

DATE RECEIVED

2nd April 2024

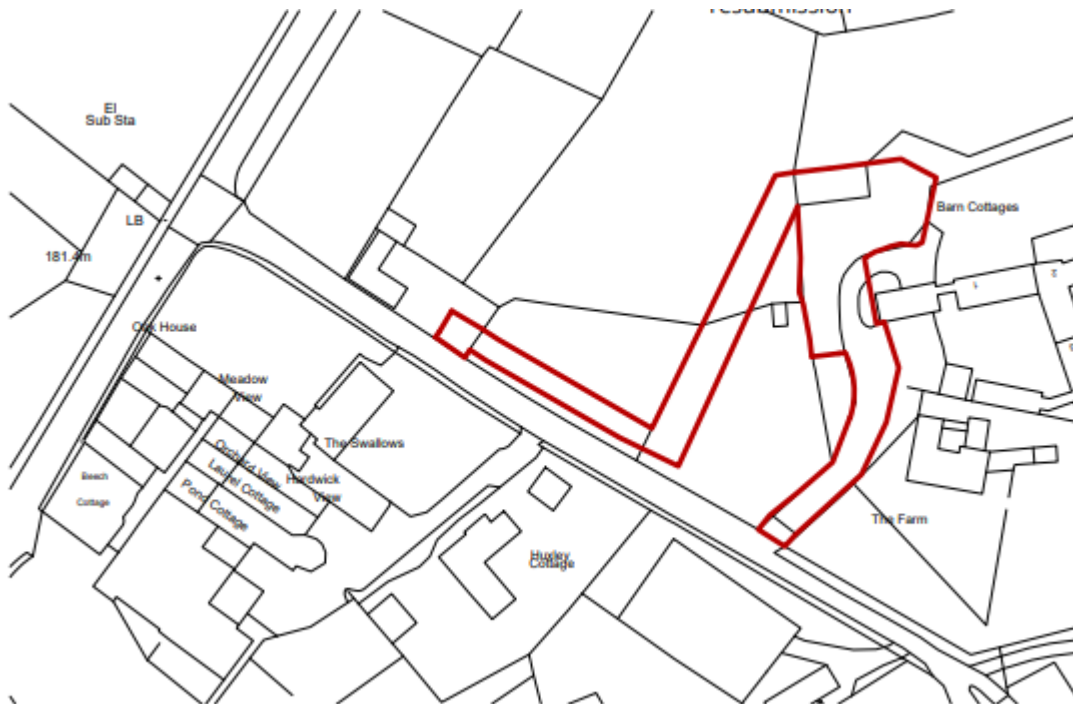
SUMMARY

The application has been referred to Planning Committee because the application proposes to vary a planning permission that was originally determined by Planning Committee and involves more than non-material minor amendments.

The original planning application included a temporary access for construction vehicles. The amendment which is being considered in this application is the line of the proposed temporary access within the site.

The application is recommended for approval subject to conditions.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 24/00144/VAR

SITE & SURROUNDINGS

The outbuilding proposed for conversion is sited in the north-west corner of a complex of three barn conversions (Barn Cottages) which were approved for conversion in the 1990's with original farmhouse retained fronting Farm Lane. The original farmhouse is an unlisted building of merit.

The outbuilding is constructed from random coursed Sandstone (gables and rear elevation) with a relatively modern corrugated sheet roof. There are 4 sets of double timber doors to the front elevation with a variety of timber / concrete and infill columns. The northern elevation of the building forms part of the rear boundary to the site.

The site is accessed from a shared private drive, leading from Farm Lane. The drive is used to access four residential properties. Three of which are part of a barn conversion development, arranged in a 'U' shape, with the original detached farmhouse to the south.

On the opposite side of Farm Lane are a row of residential dwellings, varying in their age and form, sited within spacious gardens. Directly opposite the entrance to the site is a menage. Both sides of Farm Lane are bound with established hedgerows.

To the side and front of the building, the land surface comprises unmanaged grass. Land levels drop to a hard surfaced driveway, used for parking and access to the rear of Barn 1. This driveway where it curves around the rear of the garage block is not part of the application site and is not within the red line boundary. Directly opposite the building is the rear elevation of the garage block serving two of the barn conversions. There are no windows in the rear of the garage block. To the southeast of the building is the rear elevation and private amenity space serving Barn 1. There is an existing 1.2m high stone wall along this boundary.

Within the application site, to the front of the building and adjacent to the driveway is an area of immature trees and shrubs.

To the west and southwest of the building is a paddock used for grazing of horses and is separated from the site by an established hedge and stone wall. There is an established hedge between the paddock and Farm Lane, and an existing gated access into the paddock.

BACKGROUND

The current application is for an amendment to a previously approved scheme. The original application was for full planning permission for the change of use and conversion of a redundant barn into a three-bedroom dwelling to use as a holiday let, including a lean-to timber extension for Plant on the side, and internal works to create habitable rooms and a first floor mezzanine for a third bedroom. External works included the formation of a landscaped garden and parking area to the front, with a lowering of land levels to create a paved outdoor amenity area, and construction of a stone wall.

A temporary access road for use during construction was also proposed across the existing paddock which used the existing access onto Farm Lane. This temporary access road was approved as part of the original scheme.

A subsequent application was submitted to vary the line of the temporary access road (application no. 23/00613/VAR.) In this application the temporary access track also included a new access onto Farm Lane which involved the removal of a large section of mature hedgerow. This application was refused for the following reason:

“The proposed access is not necessary to serve the development approved under application 22/00168/FUL. That planning permission includes the provision of a temporary access for construction traffic. The need to move some sections of temporary electric fence and posts to facilitate the approved access is not considered to be justification to approve an amended access when the amended access is harmful to the rural character of the area, causes harm (less than substantial) to heritage assets without any public benefits, and for which the impact on biodiversity cannot be fully assessed due to the lack of information provided. For these reasons the proposal, as amended is contrary to Policies SS9, SC16, SC21 and SC9 of the Local Plan for Bolsover District.”

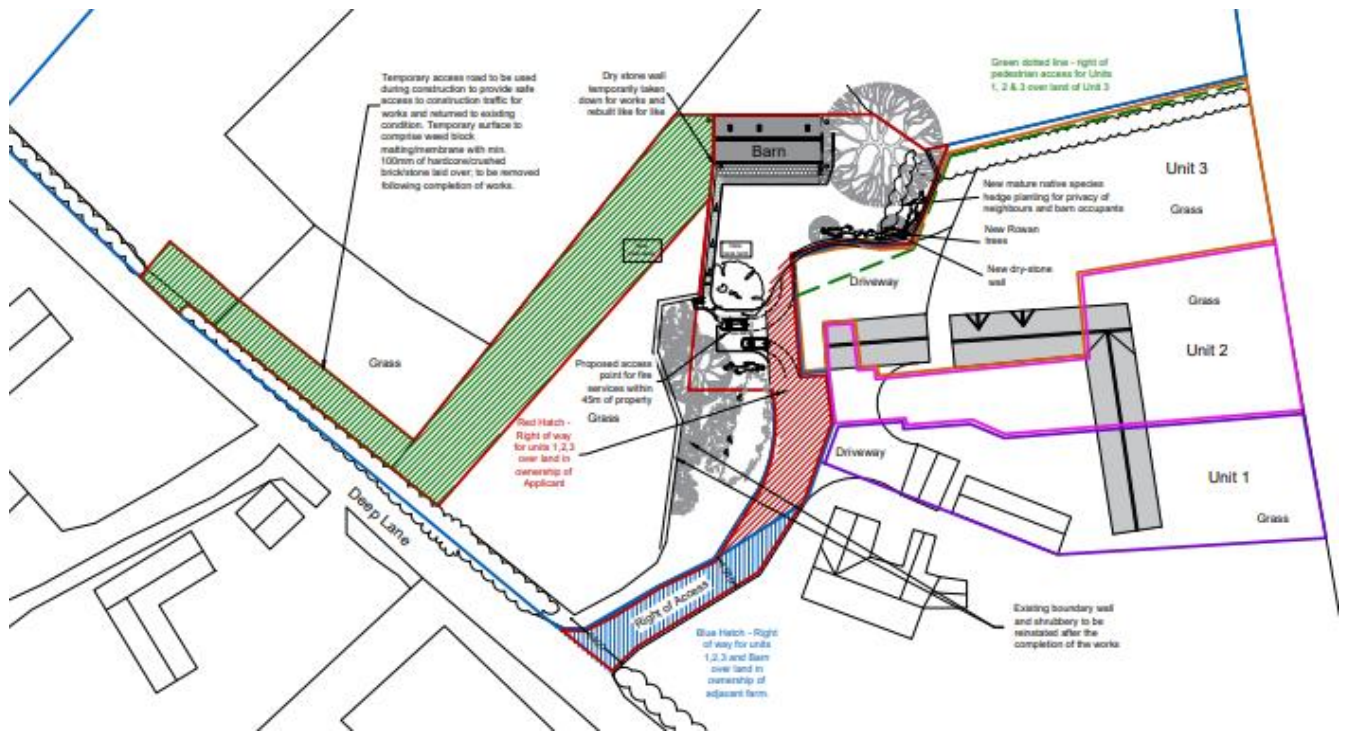
PROPOSAL

The current application is to vary condition 2 (approved plans) of planning permission 22/00168/FUL to allow for the relocation of the site access during the construction period. The access track currently proposed utilises the same access as previously approved, but the current proposal is to move the temporary access track within the site such that it runs directly to the rear of the boundary hedge before running across the field to the barn.

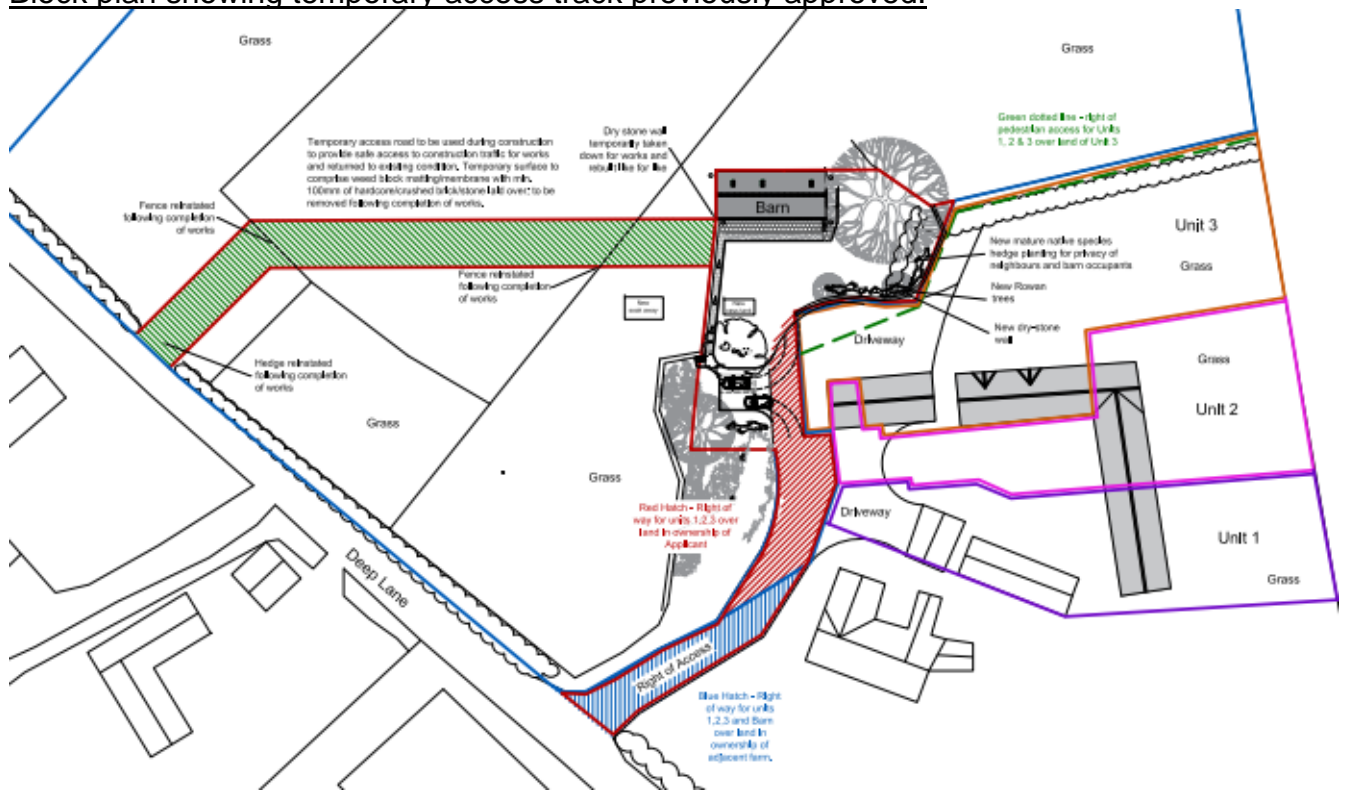
It is proposed that the land will be restored to its natural state following completion of the development and any hedge and boundary walls reinstated. The temporary surface road is proposed to comprise weed block matting/membrane with min. 100mm of hard core/crushed brick/stone laid over.

The only issue for consideration is therefore the line of the temporary access track within the paddock. There are no other alterations to the previously approved scheme.

Block plan showing temporary access track currently proposed:



Block plan showing temporary access track previously approved:



AMENDMENTS

None

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development. but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

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.

HISTORY

22/00168/FUL	Granted Conditionally	Change of use from disused barn into a 3-bedroom residential dwelling for use as a holiday let
23/00245/DISCON	Discharged	Discharge of Conditions 3 (Structural Report), 4 (Roof Materials & Verge Details), 16 (Coal Mining Intrusive Investigations) and 19 (Contaminated Land Assessment) of planning permission 22/00168/FUL
23/00613/VAR	Refused	Variation of Condition 2 (relocating the site access during the duration of the works to take advantage of an existing gate) of Planning Application 22/00168/FUL
23/00614/DISCON	Partially discharged	Discharge of Conditions 6 (Window Details (Drawings & Data sheets), 7 (Samples and Method of Construction), 8 (Landscaping Works), 9 (Specification of Works), 13 (Detailed Lighting Strategy), 15 (Details of Collection of Waste) of planning permission 22/00168/FUL

CONSULTATIONS

Parish Council: Objects. The proposal appears to create a major break in hedging which is unacceptable and unnecessary in this conservation area and is detrimental to wildlife.

National Trust: No comments received.

DCC Highways: The ability for vehicles to manoeuvre through the proposed realigned temporary access would be restricted to some degree due to the 90-degree bend at the junction location with Deep Lane and the similar bend further along. However, the access is to be temporary and would not be expected to generate a significant number of vehicle movements. Whilst the realigned access track is not ideal, it is considered that it would not have such a detrimental highway impact which would warrant an objection to the application. There are therefore no Highway Authority objections to the application.

Coal Authority: No objections.

Environmental Health Officer: No comments

Derbyshire Wildlife Trust: The proposal will not have any additional impact on biodiversity.

Conservation Manager: No objections. The revised scheme does not involve the removal of a section of hedge and is considered to be no more visually intrusive than the approved access which cut diagonally across the field. Given the temporary nature of the access it is considered to be an acceptable amendment to the approved scheme subject to conditions requiring the re-instatement of the field after construction works are completed.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

Site notice, press notice and 8 neighbours notified. Two letters of objection received which raise the following issues:

1. The site drawing remains incorrect with respect to boundaries. This was raised at the original planning approval committee and despite very clear evidence being presented that this was incorrect the plans were approved. This should be addressed with the applicant given this dispute and the word of the applicant should not just be taken as fact when the council have seen evidence already that the plans are wrong. This is extremely negligent behaviour from all parties.
2. The applicant has maintained the position that the green dotted line is for pedestrian access. This is incorrect and is for vehicular access which further demonstrates the inaccuracies on the red line boundary.
3. Local Plan for Bolsover Policy WC10 states that "Development is at a scale which is in keeping with local character and which preserves or enhances the quality of the natural and built environment." The above boundary alteration clearly goes against the Bolsover Development Plan as well as the deeds for the properties 1, 2 and 3 which states that access is for vehicles during daylight hours and not simply a footpath.
4. The dry-stone wall on the drawing is placed on land owned by Barn number 3 – this should not be allowed and impacts the conditions of the approval.
5. Given the land of 3 Barn Cottages has been included within the application and also within the original application without the owner of Barn 3 being notified verbally or in writing of this intension, all planning approvals on this proposed development are unlawful and should be rescinded.
6. There are significant inaccuracies in the application which should result in rejection as follows:
 - a. The applicant states the condition should be removed or changed because they wish to "relocate the proposed (approved) temporary access road to run around the perimeter of one of the field demarcations to avoid dissection of the multiple enclosures.". As stated on the last revision request this is a somewhat spurious remark. There are not multiple field enclosures – this is occupied by a single tenant with horses and other animals on site. This is not split into formal enclosures. The council will note the area in question is on one title deed. If the council were to visit, they will see this for themselves. As stated previously also, the field is owned by the applicant so why wouldn't they have known this on the first application and submitted this correctly then?
 - b. The proposed relocation of the temporary access road does not detail any such changes to the proposed utilities that were also approved to cross the field in the original approval. As this has not been included in the amendment the applicant would have to comply with the original plan and therefore would have to dig up the field diagonally in line with the original approval and also dig up the field for the new road location. From the councils' previous remarks on this road relocation this should not be accepted. The field is a protected area and should not have actually been approved in the first place but certainly should not be approved for additional topography disturbance in two locations as per the proposed revision.
 - c. The proposed change to the temporary access road more than doubles the area of the field that is being disturbed. The width of the road after the right angle is nearly

double the single-track road that was approved previously by the council. Again, I highlight the point that this land is owned by the applicant and why was this not proposed correctly first time round. There is no need to double the width of the road.

- d. As stated in the original application objections, there is no consideration for flood risk concerns. This is detailed in Policy SC5 of the Local Plan for Bolsover. This proposal does increase flood risk. The temporary road would increase surface water run off as stated in the original application which was ignored by the council. Doubling the size of the road would only increase this due to compacted hard core and vehicles crossing the field. This has not been addressed or considered in any way from reviewing this application. This is further highlighted in Policy "There is no net increase in surface water runoff for the lifetime of the development on all new development. Run off rates for development on green field sites should not be exceeded, and where possible should be reduced from existing. Run off rates for development on previously developed land should be reduced from the current rate of surface water runoff where feasible. Surface water runoff should be managed at source wherever possible, avoiding disposal to combined sewers.". For the reasons stated above this variation will increase the surface water run-off and as this has been highlighted to the council and is detailed in their own plan. It would be negligent if this was not investigated further, and a suitable flood diversion programme put in place by the applicant. Conclusion Given the points made above on this application:
- No mention of relocation to the utilities through the field
 - Doubling the surface area of the proposed road and doubles that damage to the topography.
7. The application is an unnecessary amendment to the original application that could and should have been proposed at the time if it was relevant. On this basis it should be refused for further information as a minimum or alternatively this should be called into full planning review committee.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

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

- SS1 – Sustainable development
- SS3 – Spatial strategy and distribution of development
- SS9 – Development in the countryside
- WC10 – Tourism and the visitor economy
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of use and conversions in the countryside
- SC9 – Biodiversity
- SC10 – Trees and hedges
- SC11 – Environmental quality (Amenity)
- SC14 – Contaminated and unstable land
- SC16 - Development Within or Impacting upon Conservation Areas
- SC21 - Non-Designated Local Heritage Assets
- ITCR10 – Supporting sustainable transport

- ITCR11 – Parking provision

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:

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 56: Planning conditions.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.
- Paragraphs 180, 186 and 188: Conserving and enhancing the natural environment.
- Paragraphs 189 - 194: Ground conditions and pollution.
- Paragraphs 200 - 214: Conserving and enhancing the historic environment. *Any harm to significance requires clear and convincing justification and must be weighed against the public benefits of a scheme (NPPF 207 and 208).*

Supplementary Planning Documents

Hardstoft Conservation Appraisal and Management Plan – October 2009

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.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development in the countryside and the impact on the rural character of the area.
- the impact on the character and appearance of the Conservation area and the setting of heritage assets.
- residential amenity.
- whether the development would be provided with a safe and suitable access and impacts on highway safety.
- Biodiversity

These issues are addressed in turn in the following sections of this report.

Principle of the development in the countryside and the impact on the rural character of the area.

The principle of the barn conversion, the proposed access and the installation of the temporary access during construction is established by the existing planning conversion.

The only issue for consideration as part of this application is the amended temporary access during the construction period.

The site is outside development envelopes within an area of open countryside. Policy SS9 of the Local Plan for Bolsover District states that development proposals within the countryside will only be granted planning permission where it can be demonstrated that they fall within one or more of the following criteria:

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location.
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit.
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism.
- d) Secure the retention and/or enhancement of a community facility.
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction.
- f) Are in accordance with a made Neighbourhood Development Plan.
- g) The building is of exceptional quality or innovative design.

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

The proposed temporary access does not fall within any of these criteria and as such is considered contrary to the requirements of Policy SS9 of the Local Plan for Bolsover District.

The temporary access is required for construction traffic to serve the approved barn conversion, and a temporary access has already been granted planning permission for this purpose. The temporary access already approved required the removal and re-instatement of a small section of stone wall and that would also be the case with the proposed access. The approved access utilised an existing gateway and only required a very small section of hedgerow (approx. 3m) to be removed to widen the access slightly and that is also the same with the proposed access.

The access track previously approved was proposed to be constructed with weed block matting and crushed stone and was to be removed once construction was completed. This is the same with the current proposal.

The proposed access track is in a different position to the one previously approved and is significantly wider. However, the wider track only results in the loss of extensively grazed grassland and is proposed to be returned to grassland once construction is completed.

The line of the access track previously approved went straight across the field. The access track currently proposed runs adjacent to mature hedgerows and as such is offered partial screening which means the current proposal is considered to have less of an urbanising impact on the rural character of the area than the track previously approved.

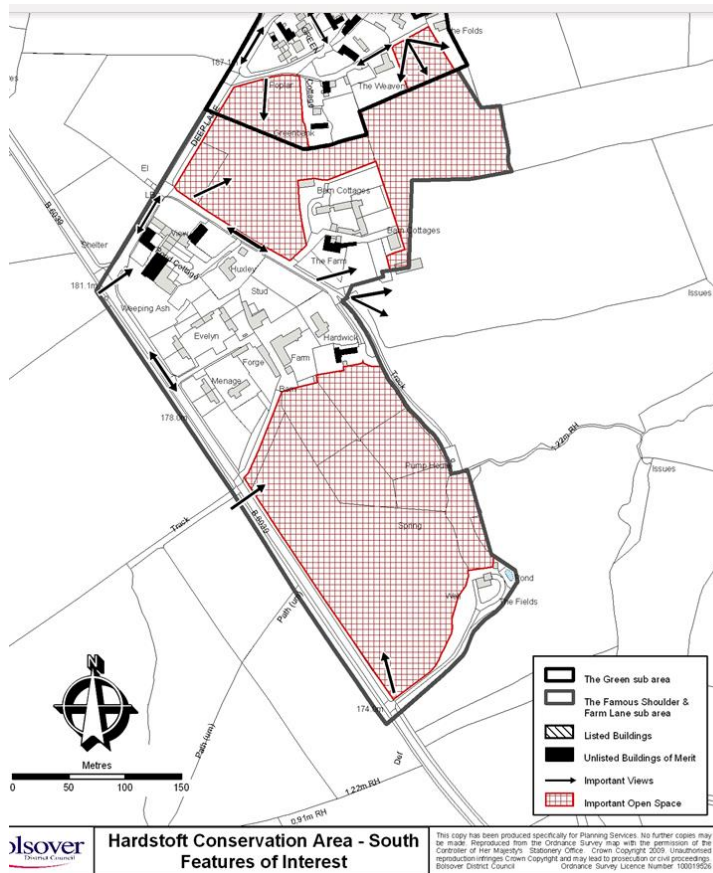
The only justification for this revised access is that it will be less intrusive on the sub plots adjacent to the site. The proposed location of the access track and the previously approved location of the access are both on land within the applicant's control and both cross existing paddocks. The only sub-division of plots is in the form of smaller paddocks created within the same field which are created by temporary, push in electric fence posts and tape. This is not considered to be sufficient justification to approve an access if that access had a more harmful impact on the rural character of the area than the previously approved access. However, in this instance, the line of the proposed access is considered to have less of an impact on the rural character of the area than that previously approved. It is therefore not considered necessary for the amended line of the access track to be justified by the applicant.

Impact on the character and appearance of the Conservation area and the setting of heritage assets.

The site lies within the Hardstoft Conservation Area and the farmhouse to the front of the site has been identified as an unlisted building of merit in the Hardstoft Conservation Area Appraisal and Management Plan (CAAMP). The fields to the north and west of the site have also been identified as Important Open Areas in the CAAMP. Views along Farm Lane in both directions and views from Farm Lane across the site to Hardwick Estate have also been identified in the appraisal as being significant, serving as a reminder of the historical connection between the hamlet and the Hardwick Estate.

The CAAMP clearly defines the character of the area surrounding the proposal site (the site lies within sub area 2 known as The Famous Shoulder and Farm Lane). This sub-area comprises the cluster of buildings sandwiched between Chesterfield Road and Farm Lane, The Farm and its converted outbuildings, and extends to the southeast across a large open space to the fields on the southern boundary of the conservation area. The area is encircled by agricultural fields and undeveloped open spaces which form part of the area's rural setting and provides opportunities for views across them.

The fields to the north and west of the application site have been identified as an important open space and the long range view from the corner of Farm Lane has been identified as an important view.



Clearly the landscape setting, long range views and the interrelationship with the built environment is an important element in defining the significance of the conservation area.

At the time the original application was being considered the Conservation Manager expressed concerns about the impact of the temporary access on the landscape setting and made reference to the fact that it would not be suitable as a permanent access.

The current scheme is utilising the existing field gate entrance as approved and then continuing at right angles along the existing southwest hedge boundary. The revised scheme does not involve the removal of a section of hedge and is considered to be no more visually intrusive than the approved access which cut diagonally across the field. Given the temporary nature of the access it is considered to be an acceptable amendment to the approved scheme in terms of its impact on heritage assets, subject to conditions requiring the re-instatement of the field after construction works are completed. Subject to such a condition, the proposal is considered to meet the requirements of Policies SC16 and SC21 of the Local Plan for Bolsover District and paragraphs 207 and 208 of the NPPF.

Residential Amenity

The site is accessed off a narrow lane which serves a number of dwellings. The proposal utilises the access point already approved but moves the position of the temporary construction access such that it runs behind the hedge along Farm Lane. This means the construction vehicles will run in front of the residential properties on Farm Lane, whereas the access already approved crosses the field much further away from these properties.

The development as a whole will have some impact on existing residents over and above that currently experienced, particularly during construction but the amended location of the temporary access is not considered to exacerbate noise, disturbance or cause such detriment to the amenity of existing residents over and above the previously approved temporary access to warrant a reason for refusal. The proposal therefore complies with policies SC3 and SC11 of the adopted Local Plan in this respect.

Access/Highways

The site is accessed via a narrow lane. The current proposal does not change the access position of the temporary construction access, only its position within the field. The proposed line of the access track has two sharp corners, one of which is immediately inside the access point, and as such the access may be more difficult to manoeuvre into and out from than the previously approved access. However, the proposed access is wider than that previously approved, possibly in part to compensate for the difficulty in accessing the site from the line of the track as proposed.

The Highway Authority have acknowledged that the ability for vehicles to manoeuvre through the proposed realigned temporary access would be restricted to some degree due to the 90 degree bend at the junction and the similar bend further along, but consider that as the access is temporary, and would not be expected to generate a significant number of vehicle movements and as such they do not consider it to have such an impact on highway safety as to justify an objection to the proposal. On this basis the proposal is not considered to be materially harmful to highway safety and the proposal is therefore 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 in this respect.

Biodiversity

Policy SC2 (d) of the Local Plan identifies that development proposals should protect and enhance the quality of natural resources including biodiversity.

Policy SC3 (i) identifies that development proposals should address opportunities for biodiversity, conservation, and enhancement.

Policy SC9 of the adopted Local Plan relates specifically to biodiversity and identifies that development proposals should seek to conserve and enhance the biodiversity of the district and to provide net gains where possible.

The relocation of the temporary access does not involve the removal of a larger section of mature hedgerow than the previously approved scheme. The access itself is the same as previously approved. The access track is on a different line to that previously approved and involves the loss of a larger area of grassland. Derbyshire Wildlife Trust commented on the original application in terms of the loss of the grassland and did not object as it had been extensively grazed and was likely to be of low ecological value. Derbyshire Wildlife Trust have also raised no objection to the current application.

Given that an existing temporary access for construction vehicles has already been approved, and the current proposal utilises the approved access and does not result in the loss of additional hedgerow, only the loss of additional grazed grassland, the current proposal is not

considered to result in a net loss for biodiversity and as such is considered to meet the requirements of Policy SC9 of the Local plan for Bolsover District and paragraph 186 of the NPPF.

Issues raised by residents

Most of the issues raised by residents are covered in the above assessment.

The Issue of land ownership, boundaries and access rights have not been considered as these were raised at the original application stage and remain unchanged by this application and in any event, they are private matters between the parties concerned.

The issue of removal of part of the stone wall has also not been considered as this formed part of the original application.

The issue of utilities running across the field has also not been considered as the utilities will be underground and the land returned to grass and are a matter for Building Regulations and the relevant utility companies.

The issue of mud on the road has not been considered as this would be covered under the Highways Act and could be prevented by wheel washing facilities or a management plan for keeping the road clean had it been recommended for approval.

The issue of increase in surface water flooding is not considered to be a material planning issue in this instance because the access track is temporary, and the surface of the track is permeable.

CONCLUSION / PLANNING BALANCE

The amended proposal is not considered to have any greater impact on the character and appearance of the area or on biodiversity, residential amenity or highway safety than the previously approved scheme. For these reasons, the proposal is not considered to be contrary to the requirements of Policies SS9, SC16, SC21 and SC9 of the Local Plan for Bolsover District.

RECOMMENDATION

The application be APPROVED subject to the following conditions:

1. The development shall be begun before 9th August 2025
2. The development hereby permitted must be carried out in accordance with the following plans and documents:
 - Site Block Ownership Plan & Site Location Plan as Proposed - L/01 Rev J received 2nd April 2024
 - Proposed block plan - L/02 Rev B; received 20th June 2022
 - Proposed ground floor plan - P/01 Rev B; received 20th June 2022
 - Mezzanine floor and roof plan - P/02 Rev B; received 20th June 2022
 - South and East Elevations - P/03 Rev B; received 20th June 2022
 - North and West Elevations - P/04 Rev B; received 20th June 2022
 - Section A-A as Proposed - P/05 Rev B; received 20th June 2022
 - M-Ecology - Bat Activity Survey Report (30th May 2022); received 20th June 2022.

- Coal Mining Risk Assessment report (G22227) prepared by Geo-Investigate Ltd;
 - received 20th June 2022.
3. Prior to commencement of development, the Structural Report, prepared by Nashmean Limited and received on the 23rd March 2022 shall be updated to correspond with the approved plans, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
 4. No development shall commence on the building conversion until details of the roofing materials and details of the verge have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained as such for the life of the development.
 5. The rainwater goods shall be cast metal on rise and fall brackets.
 6. Prior to the installation of any doors or windows, the following information must be submitted to and approved in writing by the Local Planning Authority:
 - Details of all new windows, including rooflights, in the form of 1:20 scaled plans.
 - Details of all new external doors, in the form of 1:20 scaled plans.
 - Details and treatment of the timber shutters in the form of 1:20 plans.
 - Details of the appearance and materials for the proposed cill and lintel treatments.The development shall then be carried out in accordance with the agreed details and retained as such for the life of the development.
 7. The dry stone wall must be constructed in accordance with the details submitted under discharge of condition application 23/00614/DISCON, a sample panel of which must be constructed and approved prior to the wall being constructed. The wall must be constructed in accordance with the approved details before the first occupation of the dwelling hereby approved and must be maintained as such thereafter.
 8. No building shall be occupied until the hard and soft landscape works approved under discharge of conditions application no 23/00614/DISCON have been implemented on site.
 9. Prior to any works being carried out to trees within the application site, a specification of works shall be submitted to and approved in writing. Where development takes place within any identified root protection areas of trees to be retained, the ground excavations shall be carried out using hand dig technology only. All tree works shall be carried out in accordance with the appropriate recommendations contained in British Standard 3998: 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the trees to be retained.
 10. Prior to occupation of the dwelling hereby permitted, the temporary access track must be removed and the field must be restored to its previous condition through suitable ground preparation and the sowing of an appropriate seed mix. The section of hedgerow removed for access shall be reinstated using appropriate native species. The establishment of the hedgerow plants shall be monitored by the applicant for the next five years and any failed plants shall be replaced like for like. The stone wall along the western boundary shall be restored back to its current condition.
 11. Prior to occupation of the dwelling, an integrated or surface-mounted bat box shall be incorporated at the apex of the western gable. A photograph of the box in situ shall be submitted to and approved by the Local Planning Authority. The box shall be maintained in the agreed form for the life of the development.
 12. The removal of the hedgerow to create the temporary site access shall avoid the nesting season, which falls between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than

48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

13. The lighting strategy approved under discharge of conditions application no 23/00614/DISCON must be provided on site before first occupation of the dwelling hereby approved and must be maintained as such thereafter.
14. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site for the parking of visitors/resident's vehicles (measuring a minimum of 2.4m x 5.5m), generally in accordance with the application drawings, constructed, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
15. No part of the development shall be taken into use until details of arrangements for the collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.
16. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
18. Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C 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, surfaces 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.
19. Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) must be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment must include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances, their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or

- proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems,
- archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to
- effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation must be submitted to the local planning authority for written approval.

Reasons for Condition(s)

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development takes the form as envisaged by the Local Planning Authority.
3. To define the terms of this permission and to ensure a satisfactory appearance of the completed development, in the interests of visual amenity and in compliance with policies SS1, SS9, SC3, and SC5 of the adopted Local Plan.
4. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SS9, SC3 and SC16 of the adopted Local Plan.
5. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SS9, SC3 and SC16 of the adopted Local Plan.
6. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SS9, SC3 and SC16 of the adopted Local Plan.
7. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SS9, SC3 and SC16 of the adopted Local Plan.
8. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SS9, SC3 and SC16 of the adopted Local Plan.
9. For the avoidance of doubt, and in the interests of visual amenity, good arboricultural management and in compliance with policies SS1, SC3, and SC10 of the adopted Local Plan.
10. To define the terms of this permission, and in the interests of visual amenity, biodiversity, and highway safety, in compliance with policies SS1, SS9, SC3, SC9, SC10 and ITCR10 of the adopted Local Plan.
11. In the interests of biodiversity and in compliance with policies SS1, SC3, and SC9 of the adopted Local Plan.
12. In the interests of biodiversity and in compliance with policies SS1, SC3, and SC9 of the adopted Local Plan.
13. In the interests of biodiversity and in compliance with policies SS1, SC3, and SC9 of the adopted Local Plan.

14. To ensure the provision of on-site parking to serve the development. In the interests of highway safety and in compliance with policies SC3 and ITCR11 of the adopted Local Plan.
15. In the interests of highway safety and in compliance with policies Sc3 and ITCR10 of the adopted Local Plan.
16. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
17. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
18. To enable the Local Planning Authority to retain control over future extensions, alterations and the erection of outbuildings, giving the simple form of the extended dwelling, and location within the countryside and conservation area; in compliance with policies SS1, SS9, SC3 and SC16 of the Bolsover District Local Plan.
19. To ensure that the site is free from contamination, in compliance with policies SS1, SC2 and SC14 of the adopted Local Plan.

Statement of Decision Process

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

Notes

1. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
2. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.
3. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will

need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
5. In the interests of maintaining good relationships with surrounding land users, the applicant is requested to provide a scheme of noise management for customers using the holiday let.
6. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. Hedgerows or trees containing nests should therefore not be removed, lopped or topped during the nesting season. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).
7. The applicant is reminded that any amendment to the approved red line boundary or land owned by the applicant, following any dispute over land ownership may result in an amended planning application being required.

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.