



Appeal Decision

Hearing Held on 6 November 2018

Site visit made on 7 November 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th December 2018

Appeal Ref: APP/R1010/W/18/3198997

Glapwell Nurseries, Glapwell Lane, Glapwell, S44 5PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stuart Hill against the decision of Bolsover District Council.
 - The application Ref 17/00598/OUT, dated 16 November 2017, was refused by notice dated 7 February 2018.
 - The development proposed is described as "*outline planning for the proposed redevelopment and relocation of nursery and garden centre, and residential development for up to 65 dwellings and ancillary works with all matters reserved except for access*".
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed redevelopment and relocation of nursery and garden centre, and residential development for up to 65 dwellings and ancillary works at Glapwell Nurseries, Glapwell Lane, Glapwell, S44 5PY in accordance with the terms of the application, Ref 17/00598/OUT, dated 16 November 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout were submitted with the application, and I have had regard to these in determining this appeal.
3. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is in outline with some matters reserved, and as such it does not describe acts of development.
4. A revised version of the National Planning Policy Framework ('the Framework') has been published since the appeal was lodged. The main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the responses and the Framework in reaching my decision.
5. Pre-commencement conditions are attached to this Decision. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to these conditions in writing.

Main Issues

6. The main issues are:
 - (a) Whether there is a 5 year supply of housing land in the district;
 - (b) The effect of the development on the character and appearance of the area; and
 - (c) Whether future occupiers of the development would be unduly reliant on private transport.

Reasons

Housing land supply

7. The Council's ability to demonstrate a 5 year supply of deliverable housing sites is a main issue in determining this appeal. It affects whether the appeal is to be considered against the 'tilted balance' set out in part d) of Paragraph 11 of the Framework. This states that where a 5 year supply cannot be demonstrated, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
8. The Council asserts that it is able to demonstrate a 5 year supply of deliverable housing sites. In this regard, it is common ground that the housing requirement should be taken from the Council's emerging Local Plan, which sets a figure of 272 dwellings per annum. However, the appellant has sought to challenge the inclusion of 13 sites in the supply, which I deal with in turn, below.
9. Site LPfBD is a proposed allocation in the emerging Local Plan known as Clowne Garden Village. The Local Plan has been submitted for examination, although no hearing sessions had taken place at the time of the hearing. The site is controlled by Waystone, who intend to service the site and sell on plots to housebuilders. An outline planning permission has been pending since late 2017 and the s106 agreement has not yet been signed by one of the parties. There are also a number of other complexities, including the agreement of reserved matters schemes with the eventual housebuilders, the need for upfront infrastructure works, and the time required to discharge conditions and prepare/submit reserved matters applications. At this stage, there are therefore a number of uncertainties regarding the delivery of this site. Moreover, the Council's delivery assumptions appear to be excessively optimistic. In these circumstances, I do not consider that there is clear evidence that housing completions will begin on the site within five years. I have therefore removed its contribution of 200 from my assumptions regarding the supply.
10. Site LPfBD, Land at Croftlands Farm, is another proposed allocation in the emerging Local Plan. An outline planning application for up to 65 dwellings was recently reported to Planning Committee, but was deferred. The site is subject to unresolved objections through the local plan process, and there is no known housebuilder involvement at this stage. The assumed delivery of 25 dwellings in year 5 only has been provided by the landowner, and it is not clear what assumptions this is based upon. In these circumstances, I do not consider that there is clear evidence that housing completions will begin on the site within five years. I have therefore removed its contribution of 25 from my supply assumptions.

11. Site LPfBD, Land off Oxcroft Lane, is also a proposed allocation in the emerging Local Plan, although it is not subject to any unresolved objections. It is owned by Bolsover Town Council and will be developed by a public private partnership that is partly owned by Bolsover District Council. Whilst the appellant stated at the hearing that the site may be subject to landfill gas constraints, no evidence has been provided in this regard, and the Council were not aware of any record of this. Given the lack of unresolved objections, its ownership status, and the fact that it is controlled by a development company, I consider that there is clear evidence to justify its inclusion in the 5 year supply.
12. Site B2400, Land between Welbeck Road and Oxcroft Lane, Bolsover, was granted outline consent in October 2017. The Council stated at the hearing that they expected a reserved matters application to be submitted before the end of the year. This is a large multi-phase development, the delivery of which has failed to match the Council's forecasts in recent annual monitoring reports. The s106 agreement is also currently unsigned by 3 of the landowners, despite having been circulating for some time. Moreover, it is unclear whether agreement has been reached between the landowners regarding proportionate contributions to the various infrastructure and other site costs. Accordingly, there are a number of uncertainties regarding the delivery of this site, and I do not consider that there is clear evidence that housing completions will be delivered within five years. I have therefore removed this site's contribution of 280 dwellings from my assumptions regarding the supply.
13. Site B2427, The White Swan, Market Place, was originally granted consent for 14 dwellings, although a subsequent reserved matters application for 10 dwellings was approved in April 2018. The remaining 4 dwellings would be within a converted former public house that is outside of the reserved matters application. The former public house is not currently in use and is therefore available now. The remaining 4 units do not involve major development and have planning permission. I therefore consider that they should continue to form part of the supply.
14. The planning permission at site Ref B2014, Land to The Rear of 1 to 35, Red Lane, South Normanton, has recently expired and the previous housebuilder has pulled out. Whilst the Council state that a new housebuilder now controls the site and that a new planning application is expected in early 2019, there is no information before me to confirm this. Accordingly, there is insufficient evidence that housing completions will begin on the site within five years and I have removed its contribution of 50 dwellings from the supply.
15. Site B2077, Jaques Brickyard, Water Lane, has planning permission for 32 dwellings. However, a revised application has recently been submitted for 31 dwellings and is currently pending. The extant permission is therefore unlikely to be implemented. However, the re-submission of a new application indicates clear progress towards developing the site. In these circumstances, and in the absence of clear evidence that homes will not be delivered within five years, I consider that this site should remain in the supply, albeit for 31 rather than 32 dwellings.
16. Site B2342, Land at Rosewood Lodge Farm, Alfreton Road, has recently been granted reserved matters approval for 143 dwellings. The Council state that only one pre-commencement condition relating to archaeology is not subject to a pending application. The appellant has not queried the inclusion of this site

in the supply but questions the delivery of 25 dwellings in 2019/20. In this regard, it is very optimistic to assume that all pre-commencement conditions will be discharged, and upfront infrastructure works completed, so as to allow 25 dwellings to be constructed in 2019/20. Accordingly, I have reduced the completions in the first year of development from 25 to 10.

17. Site B2390, Land at Queens Road Allotments, Hodthorpe, has outline planning permission for 38 dwellings, which was granted in February 2017. No reserved matters application has yet been submitted. Whilst the Council understand that the landowner is in discussions with developers, the site is not currently under the control of a housebuilder. In these circumstances, and given the length of time since the original outline consent was granted, I do not consider that there is clear evidence that housing completions will begin on the site within five years. I have therefore removed its contribution of 38 dwellings from my supply assumptions.
18. Site B2433, Land between 11 and 19 Back Lane, Palterton, has outline planning permission for 11 dwellings, which was granted in February 2017. The site is owned by Chatsworth Estates who have provided the phasing assumptions. However, no reserved matters application has been submitted and there is no evidence of any housebuilder involvement at this stage. In these circumstances, I do not consider that there is clear evidence that housing completions will begin on the site within five years. I have therefore removed its contribution of 11 dwellings from my assumptions regarding the supply.
19. Site B2322, Land at Brookvale, Shirebrook, is a multi-phase development that is currently under construction. The Council stated at the hearing that the assumed delivery in years 2018/19 and 2019/20 is from a phase that is currently under construction. However, an annual delivery rate of 40 per annum is significantly above the rate that has been achieved over the last 2 years. Whilst the developer has indicated that a rate of 45 per annum could be achieved, that does not tally with the recent build out rate. Accordingly, I have reduced the delivery rate to 30 per annum over the 5 year period, which results in an overall reduction of 50 dwellings.
20. Site B2155, Land north of Chesterfield Road, Barlborough, has reserved matters approval for 157 dwellings. The appellant stated at the hearing that a proposed drainage pond was located outside of the site. However, the Council confirmed that a discharge of condition application is currently pending that would relocate the drainage pond to within the site. Moreover, a variation of condition approval (Ref 17/00298/VAR) has removed the requirement for significant junction alterations. In these circumstances, and in the absence of clear evidence that homes will not be delivered within five years, I consider that this site should remain in the supply.
21. Site B1947, Glapwell Nurseries, Glapwell Lane, Glapwell, consists of part of the current appeal site. Permission for this site was granted in 2012 and a technical start has been made. However, at the time of my visit, the site was still used as part of the operational garden centre and the appellant stated that it would not be viable to develop it in isolation. Given the length of time since the grant of permission, and the owner's stated intentions, I consider that there is clear evidence that this permission will not be implemented within five years. I have therefore removed its contribution of 16 from my supply assumptions.

22. Site B2243, Field Adjacent to Pattison Street, off Bolsover Road, Shuttlewood, has planning permission for 80 dwellings. However, the Council had initially removed this site from its supply after being informed that the permission would not be implemented. At the hearing, the Council stated that it had recently been notified that a technical start had been made on site. However, it is unclear what type of works have been undertaken, or by whom. Whilst the site may come back into the supply in the next monitoring period, at present there is insufficient information to depart from the Council's original position.
23. At the hearing, the appellant confirmed that they no longer disputed the inclusion of site B2387, Land between Shuttlewood Road and Oxcroft Lane, Bolsover (Phase 1), within the 5 year supply. This site has recently been granted reserved matters approval for 127 dwellings.
24. With regard to the buffer required by Paragraph 73 of the Framework, the Council's record of delivery in recent years does not warrant the addition of a 20% buffer. Moreover, the Framework states that a 10% buffer will only apply where an annual position statement has been produced and examined, which is not the case here. Accordingly, I have applied a 5% buffer in this case.
25. Taking into account the assumptions set out above, this leaves a housing supply in the region of 1450. This exceeds the requirement of 1391¹. The Council can therefore demonstrate a five year supply of housing land, based on the evidence at this appeal. The tilted balance set out at Paragraph 11 of the Framework does not therefore apply and the development should be determined in accordance with the development plan unless material considerations indicate otherwise.

Character and appearance

26. The appeal site is located on the northern edge of Glapwell and adjoins the existing settlement boundary to the south. It is in use as a garden centre/nursery and contains poly tunnels, garden centre buildings, car parking, and areas of open storage.
27. Glapwell Lane runs along the western side of the appeal site and out towards open countryside to the north. It forms one of the main entrance points into the village and the development would be clearly visible from along this road. At present, the site currently has a developed appearance when viewed from the west, including substantial buildings and areas of car parking. From this direction, the new housing that would be visible would largely correspond to that previously consented under application Ref 11/00599/REMAJ. In views from the north, the site currently has a developed character that is distinct from the adjoining open agricultural land. The proposal would relocate the garden centre to the northern part of the site, and so views from this direction would not be dissimilar to at present. The north eastern part of the site is also screened by existing mature trees and planting. Whilst the submitted layout is indicative only, a condition could be imposed that would require the reserved matters to accord with the broad location of uses that are indicated. This would ensure that no significant harm would arise to the visual amenity of the area. In this regard, the appellant has indicated that they would be willing to accept a condition of this nature.

¹ 5 x 272, minus 35 over provision since 2014/15, plus 5% buffer

28. Views of the site from the east and west are restricted by the topography of the land and existing mature planting. Additional boundary landscaping could also be secured at reserved matters stage that would ensure an appropriate settlement edge is created, in accordance with Policy GEN 11 of the Bolsover District Local Plan (2000).
29. At the hearing, the Parish Council expressed concern about a precedent being set for the development of other sites on the edge of Glapwell. However, the character of the appeal site is distinct from the surrounding open agricultural land, and it contains a number of buildings and structures. This is the case regardless of whether the site is technically 'greenfield' or 'brownfield'. I therefore do not consider that any view I come to here would necessarily set a precedent for the development of other nearby sites.
30. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policy GEN 2 of the Bolsover District Local Plan (2000), which requires that new development does not harm the character of the surrounding area.

Reliance on private transport

31. The appeal site is in walking distance of a convenience store, post office, doctor's surgery, community centre and public houses within the village, and it adjoins sports pitches to the south. Moreover, a primary school is located a short distance away in Bramley Vale. The site is also close to frequent bus services to Mansfield, Chesterfield, and Nottingham along the A617 that run throughout the day and into the evening. This would provide access to employment, services, and facilities in those centres to future occupiers of the development. The bus stops and services within the village are accessible via a good footpath along Glapwell Lane which runs up to the appeal site. This is a good quality pedestrian route that would encourage the use of those facilities. Whilst the site has some accessibility deficiencies, overall I consider that it would be relatively well served by services, facilities, and public transport. Moreover, financial contributions to children's play facilities, education provision, and sports facilities are proposed that would contribute towards improvements to local facilities.
32. The Council has drawn my attention to its Settlement Hierarchy Study, which has been produced to support the emerging Local Plan. This identifies Glapwell as having a relatively low accessibility rating compared to other settlements in the District. However, this study is subject to unresolved objections through the Local Plan process, and I can therefore attach only limited weight to it at this stage.
33. The Education Authority has stated that places are available at Bramley Vale Primary School to accommodate the additional pupils generated by the development. In addition, there is no detailed evidence before me regarding lack of capacity at the local doctors surgery. I further note that the doctors surgery has not objected to the development on these grounds.
34. For the above reasons, I conclude that future occupiers of the development would not be unduly reliant on private transport. The development would therefore accord with Policy TRA 1 of the Bolsover District Local Plan (2000), which seeks to locate new development so as to minimise the need to travel.

Other Matters

Planning obligation

35. A signed and dated planning agreement has been submitted that relates to onsite affordable housing provision, children's play facilities, an education contribution, a public art contribution, and an off-site sports facilities contribution. With regard to affordable housing, this is clearly necessary in order to meet local need and to comply with Policy HOU 6 of the Local Plan. Separately, the financial contribution towards education provision would contribute towards an expansion of Bolsover School, which is projected to be at capacity during the next 5 years. There is detailed evidence before me that this sum directly relates to the impact of the development on local school provision. The Education Authority also state that the pooling restrictions set out at CIL Regulation 123 have not been exceeded for this project. I therefore consider that the education provision is necessary, directly related, and fairly and reasonably related in scale and kind, to the development.
36. The contribution towards off-site sports facilities is a requirement of Policy HOU 5 of the Local Plan, and would be invested in upgrading built and outdoor sport facilities within the parish. In this regard, the site adjoins the Glapwell Sports Ground to the south, which future occupiers are likely to make use of. The Parish Council state that this facility is in need of investment in a number of respects. No other developments have contributed towards such improvements, and I am therefore satisfied that the pooling restrictions set out in the CIL Regulations would be complied with. With regard to a contribution towards public art, this is a requirement of Policy GEN 17 of the Local Plan. In addition, there is a clear opportunity within the site to create a feature linked to the history of the restored Grade II listed bothy. In these circumstances, I consider that these contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the development.
37. Finally, contributions towards off-site children's play provision and maintenance contributions will only be triggered if play provision is not provided onsite or the developer wishes the Council to maintain proposed areas of open space. These contributions are a requirement of Policy HOU 5 of the Local Plan, and relate to a need that would directly arise from the development. They have also been calculated using a standard methodology. In my view, they are necessary, directly related, and fairly and reasonably related in scale and kind to the development.

Other considerations

38. The appeal site contains a Grade II listed gardener's bothy, which was formerly a pavilion and terminal feature in the garden of the now demolished Glapwell Hall. Its significance derives from both its archaeological and architectural interest. The bothy is currently in a poor condition and it is identified in the Council's Heritage at Risk Strategy. The development proposes the refurbishment and reuse of the bothy, and the opening up of its immediate setting. This is a benefit that lends significant support to the proposal.
39. The proposed access point into the site would be positioned near to a bend in Glapwell Lane. However, it would have good visibility in both directions and would provide a safe and suitable access into the development. I further note

that this access is in the same location as was proposed under the previous approval for 16 dwellings (Ref 11/00599/REMAJ).

40. The development would generate additional traffic that would make use of Glapwell Lane and the junction with the A617. However, there is no detailed evidence before me that the development would overload this junction or result in cumulative impacts on the wider road network that would be severe. Moreover, any additional use of Back Lane is unlikely to be significant given it would be a less direct route to the A617. I further note that the Highway Authority has not objected to the development on these grounds.
41. A letter was submitted at the application stage by Glapwell Colliery Cricket Club who play at the adjacent cricket pitch. This highlighted the potential for stray cricket balls to pose a risk to future occupiers of the development. I agree that this is an important matter. However, it would be capable of being addressed by an appropriately worded planning condition.
42. A number of interested parties have raised sewerage and drainage concerns. However, the submitted Flood Risk Assessment and Drainage Strategy includes a pre-planning enquiry response from Yorkshire Water, which indicates that a foul connection could be accommodated in the 225mm diameter public foul sewer located in Back Lane. I further note that neither Yorkshire Water, Severn Trent Water, nor the Council's Senior Engineer have objected to the development on these grounds.

Conditions

43. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard outline conditions, I have imposed conditions relating to archaeology, which are necessary in order to ensure that any archaeological remains are appropriately investigated and recorded. Conditions relating to surface water drainage and contamination are also necessary in order to ensure that the site is appropriately drained and remediated. These conditions are pre-commencement in nature as any development could disturb contaminants, affect archaeological remains, or have a bearing on site drainage. A further condition requiring the submission and approval of a Construction Method Statement is necessary in order to ensure that there is no significant effect on highway safety or the amenities of the surrounding area during the construction phase.
44. I have also imposed a condition relating to the proposed access point onto Glapwell Lane, which is necessary in the interests of highway safety. However, I have amended the Council's suggested wording as the land forward of the sight lines is outside of the appeal site. A further condition relating to the future estate roads is necessary in order ensure that these are completed to serve the new properties. Additionally, a condition requiring the submission and approval of a Ball Strike Risk Assessment is necessary in order to ensure that stray cricket balls do not pose a significant risk to future occupiers. Conditions relating to the restoration of the Grade II listed bothy, and the relocation of the garden centre, are also necessary in order to ensure that those benefits of the scheme are delivered. In my view, it is not necessary that these are pre-commencement in nature in order to deliver those benefits. Finally, a condition restricting the months in which the removal of trees, hedgerows, and shrubs can take place is necessary in order to protect nesting birds.

45. The Council suggested 2 further surface water drainage conditions. However, these duplicate the requirements of other suggested conditions, and so are unnecessary. Other suggested conditions relating to the internal layout of the development, parking spaces, and bin stores, are not relevant at this stage as layout is a reserved matter.

Overall Balance and Conclusion

46. The appeal site is located in the countryside outside of the Settlement Framework for Glapwell. Policies GEN 8 and ENV 3, seek to restrict new development in the countryside unless it would meet one of a limited number of exceptions. The development would not meet any of these exceptions and would therefore be contrary to those policies. Whilst the Local Plan is now of some age, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. As set out above, the Council is also able to demonstrate a 5 year supply of deliverable housing sites.
47. Set against this, I have found that the site would not significantly harm the character and appearance of the area, and would be relatively well served by services, facilities, and public transport. In addition, the development would provide for the restoration and reuse of the Grade II listed bothy within the site, which is identified in the Council's Heritage at Risk Strategy. This would be a significant benefit in my view that would put the building into a viable long term use. The development would also provide a significant number of new dwellings, including affordable housing, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings. The planning obligation would also provide contributions towards off-site sports facilities, children's play facilities, education, and public art. Moreover, the existing garden centre would be retained and improved.
48. Overall, there is conflict with the development plan but no other significant harm would arise from the development. Moreover, significant benefits would be delivered. In this case, the conflict with the development plan would therefore be outweighed by other material considerations.
49. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

Reserved matters

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. The approved layout shall broadly accord with the disposition of uses identified on plan Ref 2016_465_1_01.E.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Pre-commencement conditions

- 4) No development shall take place until a Written Scheme of Investigation for archaeological work shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 5) No development shall take place until a scheme of surface water drainage, and an associated management and maintenance plan, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall be in accordance with the principles set out within:
 - i) Glapwell Nurseries, Glapwell, Flood Risk Assessment and Drainage Strategy P14-332 (January 2018) by Rodgers Leask; and
 - ii) DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015).The approved scheme shall be implemented prior to the first occupation of the development.
- 6) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a

suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination, in accordance with the Phase 1 Desk Study (October 2015) by Rodgers Leask; and
 - ii) 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; and
 - archaeological sites and ancient monuments.
- 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction; and
- vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Pre-occupation conditions

- 10) Prior to the first occupation of the development hereby approved, the site investigation and post investigation assessments shall have been completed in accordance with the Written Scheme of Investigation approved under Condition 4, and provision shall have been made for the publication, dissemination, and archive deposition of the results.
- 11) Prior to the first occupation of any dwelling hereby approved, the junction shall be laid out in accordance with plan Ref 14-332/501, constructed to base level and provided with visibility splays of 2.4 metres x 84 metres to the north and 2.4 metres x 66 metre to the south.
- 12) Prior to the first occupation of any dwelling hereby approved, the new roads between each respective plot and the existing public highway, shall have been laid out in accordance with the approved drawings, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
- 13) Prior to the first occupation of any dwelling hereby approved, a Ball Strike Risk Assessment shall be submitted to and approved in writing by the local planning authority. This shall consider the risks associated with the adjacent cricket pitch and recommend necessary mitigation measures. Any approved mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved, and shall thereafter be retained.
- 14) Prior to the first occupation of any dwelling hereby approved, the Grade II listed bothy shall have been fully restored in accordance with a scheme of restoration that has been previously submitted to and approved in writing by the local planning authority.
- 15) Prior to the first occupation of any dwelling hereby approved, the relocation of the garden centre shall have been completed in accordance with the scheme approved in reserved matters required by Condition 1 of this permission.

Other conditions

- 16) No removal of trees, hedgerows, or shrubs shall take place between 1 March and 31 August unless an ecological survey has first been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting birds, then no development shall take place between 1 March and 31 August unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority, which provides for the protection of nesting birds during the

construction period. Development shall then be carried out in accordance with the approved mitigation strategy.

APPEARANCES

FOR THE APPELLANT:

Chris Waumsley	Freeths
Mark Pickrell	Freeths
Stuart Hill	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Chris Fridlington MSc URP	Bolsover District Council
Chris McKinney MSc URP	Bolsover District Council

INTERESTED PERSONS:

Patricia Clough
Tony Trafford
Allison Blake
Bas Hill
Jonathan Gaynor
Ellen Caton
R Caton

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Updated Appendix A to the appellant's 5 Year Supply Statement
- 2 Policy GEN 11 of the Bolsover District Local Plan (2000)
- 3 Plans relating to site ref B2400, Land between Welbeck Road and Oxcroft Lane, Bolsover
- 4 Plans relating to site ref B2155, Land north of Chesterfield Road, Barlborough
- 5 Decision Notice for application ref 16/00187/REM
- 6 Decision Notice for application ref 14/00531/OUT
- 7 Decision Notice for application ref 18/00206/REM
- 8 Decision Notice for application ref 17/00298/VAR
- 9 Decision Notice for application ref 18/00304/REM

- 10 Planning application form for application ref 18/413/FUL
- 11 Planning application form for application ref 17/00298/VAR
- 12 Planning application form for application ref 17/00396/OUT
- 13 Information relating to The Yorkshire Big City Co Ltd, the applicants for site B2077, Jaques Brickyard, Water Lane.
- 14 Draft Policy SS5: Strategic Site Allocation – Clowne Garden Village, of the emerging Local Plan for Bolsover District.