LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

PEGASUS PLANNING AND ARBA GROUP
1) Purpose

1.1 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between Bolsover District Council and Pegasus Planning and ARBA Group in relation to allocation of land north of Chesterfield Road, Barlborough of policy LC1: Housing Allocations of the Local Plan for Bolsover District submitted to the Secretary of State on the 31st August 2018.

2) Background

2.1 The land north of Chesterfield Road, Barlborough site is approximately 4.67 hectares in size and is situated to the west of Barlborough.

2.2 Based on submissions to the Council throughout the period of preparation of the Local Plan for Bolsover District, the Council was able to assess the availability, suitability and achievability of the proposed allocation.

2.3 The site is expected to:

   a) Deliver approximately 150 dwellings between 2020 and 2026;
   b) Contribute to increasing the capacity of local schools;
   c) Contribute to green space within the site;
   d) Deliver 10% affordable housing provision.

2.4 In relation to the proposed land north of Chesterfield Road, Barlborough allocation, the Council’s published Residential Land Availability Assessment (October 2017) concluded that “The site is available, suitable and achievable within 5 years. Therefore, the site could be considered for allocation within the emerging Local Plan.”

2.5 Based upon the Council’s proportionate evidence base and the findings of the Sustainability Appraisal Report, the Council approved the allocation of land north of Chesterfield Road, Barlborough site in April 2018 and set out its policy for the allocation in its Publication Local Plan for Bolsover District in May 2018.

2.6 In parallel to the plan-making process, reserved matters were submitted for 157 dwellings and these were approved in December 2016 (application reference 16/00187/REM). An application for approval of details reserved by conditions 3, 5, 7, 12, 22, 23 and 25 of the permission was received in August 2018 (application reference 18/00445/DISCON). Within this, the Council has confirmed on 15th November 2018 that a legal start has been made on the residential site.

2.7 A copy of the Decision Notice, Application Form and Legal Start Confirmation form Appendix 1 to this Statement of Common Ground.

2.8 Based on the above, in July 2018 Pegasus Planning provided the following housing delivery trajectory for the site:
### Yearly Cumulative No. Homes

<table>
<thead>
<tr>
<th>Year</th>
<th>Cumulative No. Homes</th>
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<tr>
<td>2018/2019</td>
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<td>45</td>
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<td>2024/2025</td>
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<tr>
<td>2025/2026</td>
<td>157</td>
</tr>
<tr>
<td>2026/2027</td>
<td>0</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>157</strong></td>
</tr>
</tbody>
</table>

2.9 Underpinning this delivery trajectory are the following progress milestones:

- December 2016 – Reserved matters agreed
- 15th November 2018 – Legal start made on residential site
- By March 2021 – At least 15 dwellings completed on site

2.10 The Council has considered all of this background information and has reached agreement on a large number of matters which are set out below.

### 3) Areas of Common Ground

3.1 Bolsover District Council and Pegasus Planning and ARBA Group agree that clear evidence exists to demonstrate that the allocation of land north of Chesterfield Road, Barlborough of policy LC1: Housing Allocations of the Local Plan for Bolsover District provides for a proposed allocation that is:

- justified and appropriate in terms of the likely impacts of development;
- deliverable and developable in accordance with the Council’s updated housing trajectory;
- not subject to any unresolvable constraints.

3.2 Bolsover District Council and Pegasus Planning and ARBA Group also agree that clear evidence exists to demonstrate that the land north of Chesterfield Road, Barlborough site can be considered deliverable when assessed against paragraph 73 of the new NPPF (as supported by the definition of ‘Deliverable’ contained in new NPPF’s Annex 2: Glossary and the guidance within the Planning Practice Guide in Paragraph: 036 Reference ID: 3-036-20180913 (published on the 13th September 2018)). In support of this judgement, the following assessments have been made against the following criteria prescribed by the new NPPF: -

- **Availability** – The site is available for development as there are no legal or ownership constraints.
- **Suitability** – The site is situated in a sustainable location and the Housing Land Availability Assessment concluded that the site is suitable for the proposed allocation. The approval of reserved matters for the development further demonstrates the site’s suitability for residential development. The submitted technical evidence in support of the planning application also confirms that there
are no environmental or technical constraints that would preclude the development of the site.

- **Achievability** – The site represents an achievable development. Pegasus Planning and ARBA Group have made a legal start on the residential site and intend to complete at least 15 dwellings by 31\textsuperscript{st} March 2021 and a further 90 by 31\textsuperscript{st} March 2024.

4) **Conclusion**

4.1 Based on the stated areas of common ground, Bolsover District Council and Pegasus Planning and ARBA Group agree that the allocation of land north of Chesterfield Road, Barlborough under policy LC1: Housing Allocations of the Local Plan for Bolsover District is positively prepared, justified, effective and consistent with national policy.
AGREEMENT

Signed:

Dan Swaine, CEO
On behalf of Bolsover District Council

Cllr Tom Munro, Chair of Planning Committee
On behalf of Bolsover District Council

..............................................................

Mr Chris Calvert
On behalf of Pegasus Planning and ARBA Group

Dated: 30th January 2019
APPENDIX

1) Decision Notice, Application Form and Legal Start Confirmation regarding application references 16/00187/REM & 18/00445/DISCON
BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

NOTICE OF DECISION ON APPLICATION FOR APPROVAL OF RESERVED MATTERS

Chris Calvert
Pegasus Group
Pavilion Court
Green Lane
Garforth
Leeds
LS252AF

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 29th April 2016 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 29th April 2016, for the following development -

Application No: 16/00187/REM
Proposal: Approval of reserved matters for erection of 157 dwellings and 5 B1 office units and 4 B2/B8 industrial units with provision of open space and access to the site via A619
Location: Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links Chesterfield Road Barlborough
Applicant: c/o agent

NOTICE is hereby given that the Reserved Matters for the proposed development as revised in accordance with the plans, drawings and particulars referred to in Drawing Issue Sheet reference YOR.2718 issued 30 November 2016 (subject to the adoption of the amended drawings received on 14 and 15 December 2016) are-

APPROVED CONDITIONALLY

Conditions

Conditions 1 – 6 relevant to all aspects of the development

Time Limit for Commencement

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Trees and Hedgerows

2. In this condition "retained tree or hedgerow" means an existing tree or hedgerow, or part of a hedgerow, which is to be retained in accordance with the approved details set out in the submitted Tree Survey (Rosetta Landscape Design) (read in conjunction with

16/00187/REM Page 1 of 7
Drawing No. 2646/1); and paragraphs (a) and (b) below shall have effect until the expiration of five years from the date of this permission.

No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved details in the submitted Tree Survey (Rosetta Landscape Design) (read in conjunction with Drawing No. 2646/1) without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: Tree Work – Recommendations.

(a) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(b) Prior to any development works commencing the precautions specified in the submitted Tree Survey (Rosetta Landscape Design) to protect trees and hedgerows to be retained shall be implemented as specified in that report (section 9.4) and all precautions shall be maintained as approved throughout the relevant construction phases.

Landscaping

3. Prior to the occupation of a dwelling or commercial unit hereby permitted full details of the planting following the principles established on the approved drawings Nos. YOR.2718.200_1.A. and YOR.2718.200_2.A. and of the treatment of hard surfaces shall be submitted to the Local Planning Authority for approval. Such details shall include the density of shrub and hedgerow planting and the species of tree to be planted in the positions shown on those drawings.

4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing Nos. YOR.2718.200_1.A. and YOR.2718.200_2.A. and in accordance with the details approved under condition 3 above. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme submitted to and agreed in writing by the Local Planning Authority.

5. Prior to the occupation of any dwelling or commercial unit hereby permitted, a scheme for management and maintenance of retained trees and hedgerows and the proposed landscaped areas including the public open space areas, including details of the translocation of bee orchids, and overall long term maintenance responsibilities and funding, shall be submitted to and agreed in writing by the local planning authority. Thereafter, the scheme shall be implemented as approved.

Highways.

6. Throughout the period of construction within any phase, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.
Conditions 7 – 10 relevant to the residential aspect of the development

7. No works shall commence on the erection of the dwellings hereby permitted beyond the construction of their foundations until samples of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8. No dwelling hereby permitted shall be occupied until parking spaces dedicated to that dwelling have been provided in accordance with the approved details shown on Drawing No YOR.2718.200_1.A.. Thereafter, the designated parking spaces for each dwelling shall be maintained throughout the life of the development free from any impediment to their designated use.

9. No vehicle accesses to any of the dwellings hereby permitted shall be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

10. No vehicle accesses to any of the dwellings hereby permitted shall be steeper than 1 in 20 for the first 5 metres from the nearside highway boundary.

Conditions 11 – 14 relevant to the commercial aspect of the development

11. No works shall commence on the erection of a commercial building hereby permitted beyond the construction of its foundations until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The Development shall be carried out in accordance with the approved details.

12. Noise from the entire commercial development shall, not exceed the residual noise level of 49dB L_{AR} (1hr) daytime (7:00-23:00) and 46dB L_{AR} (15min) night-time (23:00-7:00) corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development.

13. No goods, material or waste shall be stored outside the building(s) except in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority and implemented as agreed. The submitted scheme shall include details of the height of storage and measures to contain and screen the material.

14. Prior to the installation of any external lighting except street lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved and shall be designed to minimise light spillage outside of the site, it is designed to serve and into the sky.
Reasons for Conditions

1. In the interests of the proper planning of the local area and for clarity and the avoidance of doubt.

2. To ensure that adequate protection is given to all trees and hedgerows that are to be retained on the site or which abut the site in the interests of the visual amenity of the area and in compliance with policies GEN2 (Impact of Development on the Environment) and ENV8 (Development Affecting Trees and Hedgerows) of the Bolsover District Local Plan.

3. To ensure that the green infrastructure on site is provided and conserved in the interests of visual and ecological amenity throughout the lifetime of the proposed development in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

4. To ensure that the green infrastructure on site is provided and conserved in the interests of visual and ecological amenity throughout the lifetime of the proposed development in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

5. In the interests of highway safety and to safeguard the amenities of the local area and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.

6. In the interests of the appearance and character of the completed development and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

7. In the interests of highway safety and residential amenity and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.

8. In the interests of highway safety and residential amenity and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.

9. In the interests of highway safety and residential amenity and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.

10. In the interests of highway safety and residential amenity and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.

11. In the interests of the appearance and character of the completed development in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

12. In the interests of highway safety and to safeguard the amenities of the local area and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.
13. To safeguard the amenities of the local area and the residential amenities of the nearest neighbouring domestic properties and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

14. In the interests of the character and appearance of the local area and to safeguard the residential amenities of the nearest neighbouring domestic properties and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan.

**Statement of Decision Process**

The Council’s officers have worked positively and pro-actively with the applicant to address issues raised in consultation responses and overcome potential objections to the scheme to ensure the revised application complies with policies in the Council’s Local Plan and national planning policy in the National Planning Policy Framework.

**Notes to Applicant**

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

1. This reserved matters approval forms part of, and should be read in conjunction with, the original outline planning permission ref. 09/00370/OUTMAJ as modified by13/00002/V/ARMAJ and 15/00378/VAR. The conditions of those permissions will have to be complied with, in addition to any on this permission. Further discharge of condition applications will have to be submitted in accordance with the requirements of those conditions.

2. In respect of conditions 5 above, reference should be made to the consultation response of the Derbyshire Wildlife Trust that can be viewed with the other application documents at [www.bolsover.uk](http://www.bolsover.uk).

3. The Council encourages local employment and training opportunities for development proposals both during the construction phases and post construction stages of a project. The Council’s Economic Development section can give advice to secure local opportunities for skills, training and employment in the District.

4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent Building Regulations application (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.gov.uk](http://www.coal.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or
coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website

5. This permission is subject to a S106 planning obligation which is the subject of a Deed of Modification to change the Affordable Housing provision and to reflect the new owners of the site, while retaining other provisions of the obligation.

6. **Highway Authority Advisory Notes:**

   a) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

   b) Pursuant to Section 163 of the Highways Act 1980, where individual accesses or shared accessways slope down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

   c) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

   d) Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.
e) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 applicant’s responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

f) Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

g) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

Date 15 December 2016

Signed ..................................................

Authorised Officer of the Council

GCREMZ
Application for approval of details reserved by condition.  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority’s website. If you require any further clarification, please contact the Authority’s planning department.

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<th>1. Site Address</th>
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<td><strong>Property name</strong></td>
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<tr>
<td><strong>Town/city</strong></td>
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<tr>
<td><strong>Postcode</strong></td>
</tr>
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</table>

Description of site location must be completed if postcode is not known:

- **Easting (x)**: 447110
- **Northing (y)**: 376646
- **Description**: Rear of 16 to 124 and South West of 124 and between Brickyard Farm and Barlborough Links, Chesterfield Road, Barlborough

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<th>2. Applicant Details</th>
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Planning Portal Reference: PP-07215284
2. Applicant Details

Country  
Postcode  
Primary number  
Secondary number  
Fax number  
Email address  

Are you an agent acting on behalf of the applicant?  
Yes  
No  

3. Agent Details

Title  
First name  Eleanor  
Surname  Higgs  
Company name  Pegasus Group  
Address line 1  Pavilion Court  
Address line 2  Green Lane  
Address line 3  Garforth  
Town/city  Leeds  
Country  
Postcode  LS252AF  
Primary number  01132878200  
Secondary number  
Fax number  
Email  Eleanor.Higgs@pegasuspg.co.uk  

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Variation of condition 8 of 09/00370/OUTMAJ to allow for repositioning of flood alleviation pond & Approval of reserved matters for erection of 157 dwellings and 5 B1 office units and 4 B2/B8 industrial units with provision of open space and access to the site via A619

Reference number

13/00002/VARMAJ & 16/00187/REM

Date of decision (date must be pre-application submission)  

15/12/2016

Please state the condition number(s) to which this application relates

Condition number(s)  

Please refer to covering letter  

Planning Portal Reference: PP-07215284
4. Description of the Proposal
Has the development already started?  
☐ Yes  ☐ No

5. Part Discharge of Conditions
Are you seeking to discharge only part of a condition?  
☐ Yes  ☐ No

6. Discharge of Conditions
Please provide a full description and/or list of the materials/details that are being submitted for approval

Please refer to covering letter

7. Site Visit
Can the site be seen from a public road, public footpath, bridleway or other public land?  
☐ Yes  ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☐ The agent
☐ The applicant
☐ Other person

8. Pre-application Advice
Has assistance or prior advice been sought from the local authority about this application?  
☐ Yes  ☐ No

9. Declaration
I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.  

Date (cannot be pre-application)  
22/08/2018

Planning Portal Reference: PP-07215284
Dear Chris

Your interpretation of the situation regarding the commencement of works at plots 40 & 41 appears to be correct; however you should ensure that any such works take account of, and addresses, the ground gas and land contamination issues of the site and are recorded with evidence. There is a risk that corrective works may need to be undertaken to structures erected before any remediation scheme is approved to allow any mitigation works which are required by such an approved scheme in accordance with conditions 12 & 13 of 17/00298/VAR.

The noise assessment should be submitted without any further delay as consultation with Environmental Health will be necessary. This may take some time in view of current workloads and capacity issues.

Regarding your second option: Condition 25 of 17/00298/VAR follows through on all applications since the original outline approval in 2011 (09/00370/OUTMAJ) and is based on the noise assessment submitted with that original application.

This took into account the construction of a noise barrier alongside the M1 as part of the development. If this is not to happen then a revised assessment will be necessary to show that the noise levels established for the residential properties and their private garden areas are still achieved. It is anticipated that this may involve different boundary treatments (noise attenuation structures) potentially in revised positions to achieve best results.
Hence the scheme required by condition 25 of 17/00298/VAR may go beyond just the building fabric. The condition refers to protecting the residential development from noise, not any specific aspect of it.

Regards,

Tim Ball
Principal Planner Development Control
Bolsover District Council
The Arc
High Street
Clowne
Chesterfield
S43 4JY
Direct line 01246 242234

Please note my usual working days are Thursday, Friday and alternate Wednesday's.

www.bolsover.gov.uk

From: Chris Calvert [mailto:chris.calvert@pegasusgroup.co.uk]
Sent: 12 November 2018 17:46
To: Tim Ball <Tim.Ball@bolsover.gov.uk>; Chris Fridlington <Chris.Fridlington@bolsover.gov.uk>
Cc: Eleanor Higgs <eleanor.higgs@pegasusgroup.co.uk>; Neil Hart <neil.hart54@btinternet.com>; Richard Burns <richard@arbgroup.co.uk>
Subject: Re: Land to rear of 16 to 124 and South West of 124 and between Brickyard Farm and Barlborough Links, Chesterfield Road, Barlborough
Hi Chris,

In Tim's absence, are you able to respond to the below?

Kind regards

Chris Calvert
Executive Director
Pegasus Group
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS
Pavilion Court | Green Lane | Garforth | Leeds | LS25 2A
T 0113 287 820 | E chris.calvert@pegasusgroup.co.uk
M 07795 96182 | EXT 6018

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester | Peterborough

www.pegasusgroup.co.uk

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If you have received this message in error please notify us immediately. We have updated our Privacy Statement in line with the GDPR; please click here to view it.
Hi Tim,

Thank you for the below.

My understanding of the below is that subject to the discharge of condition 25, the proposed works at plots 40 and 41 would be sufficient to lawfully implement the consent.

Could you confirm this please?

In terms of the alternative scenario, the boundary details are already approved and set out as such within the approval of reserved matters (see condition 4 of the RM consent). Consequently, the implementation of works here would be to carry out works that already have approval. Condition 25 of the varied outline consent does not supersede that approval, particularly as it does not
require the scheme to specifically address boundary features, the scheme to mitigate noise could well just be within the fabric of the dwelling itself.

Could you reconsider your position on this matter?

Thank you again for your attention on this matter, it is appreciated.

Kind regards

Chris Calvert
Executive Director
Pegasus Group

www.pegasusgroup.co.uk
Dear Chris

Further to your email and supporting statement from Haigh Huddleston & Associates for plots 40 & 41, construction of these dwellings with Amber 1 gas protection would be in accordance with a previous discharge of condition application regarding gas issues (application 13/00001/DISCON in relation to condition 11 of 09/00370/OUTMAJ).

It is expected that the remediation verification report required by condition 13 of 17/00298/VAR will show that the appropriate measures have been taken to address contamination, including ground gas, have been undertaken.
Condition 14 of 17/00298/VAR would apply if during the proposed works to commence plots 40 and 41 contamination is found.

It remains the responsibility of the developer to ensure that the site poses no significant risk to any sensitive receptor and is suitable for use.

Your alternative scenario to commence boundary treatments would also be reliant on the findings of the noise assessment as this may impact on the design, type and position of boundary treatment necessary to achieve the required noise levels in the garden areas.

Yours sincerely,

Tim Ball
Principal Planner Development Control
Bolsover District Council
The Arc
High Street
Clowne
Chesterfield
S43 4JY
Dear Chris/Tim,

I refer to our email discussions between 19th and 20th October 2018 in respect of the above mentioned site and relevant outline and approval of reserved matters.

In respect of conditions 12 and 13, as agreed please see the attached report, which demonstrates that work can commence upon the foundations for plots 40-41 without any need for remediation, given the prevailing ground conditions in that location.
I would be grateful if you could confirm agreement to the above at the earliest opportunity.

Noise assessment details to discharge condition 25 of 17/00298/VAR are underway and shall be with you shortly.

Subject to discharge of condition 25, it is apparent that the works outlined in the attached report demonstrates that the approvals can be lawfully implemented.

A second alternative to lawfully commence development, which would not require the need to discharge noise Condition 25 of 17/00298/VAR would include the pegging out and commencement of agreed fencing/boundary treatments for plots 40-41, as shown on approved drawing YOR.2718.200_1.A (on the approval of reserved matters). As per the attached report, these plots will not require any remediation for foundation works and the same would equally apply for pegging out and implementation of the approved fencing/boundary details.

I would be grateful for you to confirm that this alternative scenario is also agreed by the Local Planning Authority.

Kind regards

Chris Calvert

Executive Director
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