LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

HOMES ENGLAND AND KEEPMOAT HOMES
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 Homes England and Keepmoat Homes in relation to allocation e) Land at Brookvale, Shirebrook 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 at Brookvale site is approximately 24 hectares in size and is situated on the south western edge of Shirebrook. The site offers easy access to the town’s services and facilities, as well as potential employment opportunities at the large employment site of Brook Park. Being on the edge of the settlement, the site also benefits from easy access to extensive existing Multi User Trails and further proposed Multi User Trails such as extensions to Archaeological Way.

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 580 dwellings between 2018 and 2033;

b) Contribute to providing a substantial green space;

c) Deliver a SuDS scheme;

d) Deliver a small area of commercial development;

e) Provide a highway connection to bracken Road to the north;

f) Provide footpath / greenway connections to the Archaeological Way on the east of the site.

2.4 The Council’s published Residential Land Availability Assessment (October 2017) concluded that “the site is available, suitable and achievable”, noting that building had commenced on the site.

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 at Brookvale 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, Homes England submitted an outline planning application for approximately 650 dwellings in December 2014 and this was granted in July 2015 (application reference 14/00594/OUT). Homes England has sought to bring this site forward in several phases and following identification of Keepmoat Homes as the preferred house builder for Phase 1A, Keepmoat Homes submitted reserved matters for the first phase in July 2015 and these were approved in November 2015 (application reference 15/00316/REM). This first phase provides for 153 dwellings and construction commenced immediately seeing 12 dwellings completed by 31st March 2016. The site remains active and is being quickly built out.
2.7 In addition to the first phase, Homes England have brought the second phase to market and have identified Keepmoat Homes as the preferred house builder for the second phase. This has seen Keepmoat Homes submit reserved matters for Phase 1B in June 2018 and these were approved in October 2018 (application reference 18/00304/REM). This second phase provides for a further 200 dwellings, including 19 dwellings being of modular construction to enable accelerated delivery, and the site is now being readied to enable building to continue seamlessly between Phases 1a and 1b.

2.8 A copy of the Decision Notices regarding these applications form Appendix 1 to this Statement of Common Ground.

2.9 Based on the above, in April 2018 Keepmoat Homes provided the following housing delivery trajectory for the site:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cumulative No. Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Phase 1A</td>
</tr>
<tr>
<td>2018/2019</td>
<td>40</td>
</tr>
<tr>
<td>2019/2020</td>
<td>70</td>
</tr>
<tr>
<td>2020/2021</td>
<td>84</td>
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<td>2021/2022</td>
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<td>2031/2032</td>
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<td>2032/2033</td>
<td></td>
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<tr>
<td>Total</td>
<td>84</td>
</tr>
</tbody>
</table>

2.10 Beyond these active phases, as part of Homes England’s efforts to accelerate delivery on the site they have provided the following planned milestones to bring forward the final part of the site, covering approximately a further 400 dwellings, under Phase 1C:

- Spring 2020 – Identify preferred housebuilder for Phase 1C
- Autumn 2020 – Reserved matters covering Phase 1C approved
- 2022 – Development able to be underway on Phase 1C

2.11 The Council has considered the provided 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 Homes England and Keepmoat Homes agree that clear evidence exists to demonstrate that the allocation of land at Brookvale, Shirebrook under 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 outstanding or unaddressed constraints.

3.2 Bolsover District Council and Homes England and Keepmoat Homes also agree that clear evidence exists to demonstrate that the land at Brookvale 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 now. The site is available for residential development as there are no legal or ownership constraints. Keepmoat Homes have a controlling interest in the first two phases and are currently building out their approved development proposals. Homes England have a controlling interest over the remainder of the site and have an ongoing programme to bring the rest of the site forward for residential use at an accelerated rate.

- **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 an outline planning application for the whole site, together with the approval of reserved matters for the first and second phases of development, 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 and Keepmoat Homes have already begun building out the first phase of the development and have secured approval for the second phase. Prior to the progression of development sites, Keepmoat Homes undertake a thorough marketing and economic viability assessment, including an assessment of any site specific abnormal costs. Homes England have significant experience in bringing forward sites for development across England in addition to a clear track record on this site. Therefore, the site is considered to be achievable for residential development now and there is a realistic prospect that the site can deliver at least 200 new homes within the next 5 years.
4) Conclusion

4.1 Based on the stated areas of common ground, Bolsover District Council and Homes England and Keepmoat Homes agree that the allocation of Land at Brookvale 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

Nancy Atkinson
On behalf of Homes England

Janet Stirzaker, Senior Land & Partnerships Manager
On behalf of Keepmoat Homes

Dated: 19th December 2018
1) Decision Notices regarding application references 14/00594/OUT, 15/00316/REM & 18/00304/REM
BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for Outline Planning Permission

Mr Simon Betts
URS
12 Regan Way
Chetwynd Business Park
Nottingham
NG9 6RZ

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 18th December 2014 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 18th December 2014 for the following development-

Application No: 14/00594/OUT
Proposal: Residential development including the provision of open space, commercial/community use with new vehicular access from Meadow Lane including details of reserved matters of access
Location: Land To The East Of Common Lane North Of Meadow Lane And West Of Stinting Lane Shirebrook
Applicant: Homes And Communities Agency

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

GRANTED CONDITIONALLY

Conditions

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, or phase of development, is commenced on site or on that phase of development. A phase of development shall accord with a phasing plan which has beforehand been submitted to and approved in writing by the Local Planning Authority under condition 2 below.

2. The first application for approval of reserved matters for the development or any phase of development shall be accompanied by a phasing and delivery plan for the whole site for the consideration and written approval of the Local Planning Authority. The phasing and deliver plan shall identify development phases and set out the order of development and triggers for the delivery of the infrastructure of the site as generally set out by the Illustrative Masterplan submitted with the application and by the Brookvale Development Brief (by Atkins for the Homes and Communities Agency and Bolsover District Council). The phasing and delivery plan shall also establish arrangements for the delivery of:-
   (i) the main distributor estate roads;
(ii) approximately 6ha of public green spaces (including approximate locations of SuDS features where relevant, recreation space, Multi Use Games Area and LEAP standard play area, foot and cycle paths, connections to the Bracken Road open space and to Stinting Lane and ecological enhancement areas including hedgerows and trees to be retained and planted);
(iii) the location of any commercial development;
All later applications shall accord with the approved phasing and delivery plan unless a variation to it has been approved in writing by the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

4. The development hereby approved shall be begun either before the expiration of three years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters within a phase whichever is the later.

5. No development within any phase involving the disturbance of ground shall take place until a plan identifying areas of archaeological interest which still require further evaluation has been submitted to and approved in writing by the Local Planning Authority.

5. a) No development within a phase containing an identified area of archaeological interest shown on the approved plan shall take place until a Written Scheme of Investigation for further archaeological work has been submitted to and approved by the local planning authority in writing in respect of that phase, and until any pre-start element of the approved scheme has been completed to the written satisfaction of 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) Provision to be made for analysis of the site investigation and recording;
(iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
(v) Provision to be made for archive deposition of the analysis and records of the site investigation;
(vi) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

5. b) No development involving the disturbance of ground within an area of archaeological interest shown on the approved plan shall take place within a phase other than in accordance with the archaeological Written Scheme of Investigation approved under condition 5(a).

5. c) The development shall not be brought into use within a phase subject to archaeological work, until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.
6. Applications for approval of reserved matters shall generally accord with the design principles for the site as set out in the Brookvale Development Brief (by Atkins for the Homes and Communities Agency and Bolsover District Council).

7. In accordance with the recommendations at section 12 of the submitted Phase 1 Geo-environmental and Geotechnical Desk Study Report no development shall commence within any phase until a scheme to assess the nature and extent of any ground contamination (include ground gas monitoring for phases adjacent to the eastern site boundary) which may affect that phase of development has been submitted to and approved in writing by the local planning authority and until any pre-start remediation requirements of the approved scheme have been completed to the written satisfaction of the local planning authority. Any other post commencement mitigation requirements approved shall be undertaken in accordance with the timetable set out in the approved scheme.

8. The layout details and landscaping details to be submitted in accordance with condition 1 shall include the retention of existing trees and hedgerows where practicable and shall also include compensatory replacement hedgerow planting for that which is removed and that which was removed to create the access road into the site under permission 14/00156/FUL.

9. Application for approval of reserved matters within each phase of development shall be accompanied by an Ecological Design Strategy for consideration and approval by the Local Planning Authority. The Strategy shall address ecological mitigation, compensation and enhancement opportunities, a timetable for implementation and details of their future maintenance. The approved strategy shall be implemented as approved.

10. No dwelling shall be occupied within a phase until a landscape management plan with maintenance schedules for all hard and soft landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. Landscaped areas shall then be maintained in accordance with the approved plan. Any subsequent variations shall be submitted for consideration to and approved in writing by the local planning authority.

11. No development within any phase involving the disturbance of ground shall take place until a construction management plan has been submitted to and approved in writing by the LPA. The plan shall include: construction compound location, provision of wheel wash facilities, dust management and noise management measures (to have regard to operating hours/days for noisy activity including bedrock excavation). The approved construction management plan shall be implemented as approved.

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with an agreed timetable which shall form part of the scheme. The scheme to be submitted shall demonstrate:
(i) That the proposed surface water drainage scheme does not increase the rate of runoff and flood risk to third parties downstream;
(ii) The utilisation of holding sustainable drainage techniques;
(iii) The limitation of surface water run-off from the site to equivalent Greenfield rates, or adequate assessment that the existing infrastructure sufficiently manages surface water from the proposed development to an appropriate Greenfield runoff rate;
(iv) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
(v) That surface water is drained via a gravity solution and that pumping is not required unless it can be demonstrated that pumping is the only practical option; and
(vi) Responsibility for the future maintenance of drainage features.

13. Any facilities above ground for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants.

14. No development within any phase involving the construction of roads or foundations shall take place until a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.

15. The plans and particulars submitted in accordance with application for approval of reserved matters of layout shall include details of existing and finished ground levels on and adjacent to the site and of the proposed road levels and ground floor levels of the buildings.

16. The layout of the site shall be designed so as not to prejudice or preclude the future provision of a highway link to Bracken Road suitable for use by public transport and shall incorporate a distributor road designed to be suitable for use by public transport.

17. The gradient of the vehicular accesses into the site shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

18. Notwithstanding the detail contained within the submitted Travel Plan, no building shall be occupied or the use commenced until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall consider the County Highway Authority's advice (15/01/2015) and shall include immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

19. No more than 200 dwellings shall have been occupied until a NEAP (Neighbourhood Area for Play) standard play area and MUGA (Multi-Use Games Area) have been provided on site in accordance with a detailed scheme, including details of maintenance responsibilities for at least the first 10 years after completion, which has been submitted to and approved in writing by the Local Planning Authority.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory standard of development and the delivery of the site infrastructure at an appropriate time in accordance with the policies of the Bolsover District Local Plan and the National Planning Policy Framework.

3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

4. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

5. In the interests of affording protection for the archaeological interest of the site and in compliance with policy CON13 of the Bolsover District Local Plan.

6. To ensure a satisfactory standard of development in compliance with policy GEN 1 and GEN 2 of the Bolsover District Local Plan.

7. To ensure that the site is safe to use for its intended purpose and to reduce the risk of mobilisation of pollutants into groundwaters and to accord with policy GEN4 of the Bolsover District Local Plan.

8. In the interests of preserving and enhancing the biodiversity of the site and to accord with policy GEN2 and ENV5 of the Bolsover District Local Plan.

9. In the interests of preserving and enhancing the biodiversity of the site and to accord with policy GEN2 and ENV5 of the Bolsover District Local Plan.

10. To ensure that all non-adopted areas are maintained in a safe condition and in the interests of the visual amenity and biodiversity of the area and to accord with policies GEN1, GEN2 and ENV5 of the Bolsover District Local Plan.

11. To protect the amenity of the area and to accord with policy GEN2 of the Bolsover District Local Plan.

12. To ensure satisfactory drainage of the development without flooding or pollution and in compliance with policies GEN1, GEN2, and GEN5 of the Bolsover District Local Plan.

13. To avoid the risk of pollution to the ground and ground waters in compliance with policies GEN1, GEN2 of the Bolsover District Local Plan.

14. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul water and in compliance with policy GEN2 and GEN6 of the Bolsover District Local Plan.

15. To enable the Local Planning Authority to fully assess the amenity impacts of the development having regard to the ground levels on the site and/or the surrounding land in compliance with policy GEN2 of the Bolsover District Local Plan.

16. To encourage the delivery of appropriate connectivity with the existing settlement and the establishment of a bus service to enhance the sustainability of the site and to accord with policy TRA15 of the Bolsover District Local Plan.
17. In the interests of highway safety and to accord with policies GEN 1, GEN 2 and TRA 15 of the Bolsover District Local Plan.

18. To encourage the use of alternatives modes of transport to single-occupancy car use and to accord with policy GEN 2 and TRA1 of the Bolsover District Local Plan.

19. To ensure that satisfactory provision is made for play within the development and to ensure that it is maintained and to accord with policy HOU5 of the Bolsover District Local Plan.

**Statement of Decision Process**
The Council has negotiated amendments to provide an acceptable design framework and masterplan to guide future phases and ensure delivery of essential infrastructure in compliance with the Local Plan policies and the policies of the NPPF.

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

1. No removal of vegetation within bird nesting season should take place unless an ecologist has checked for active bird nests immediately beforehand.

2. Future detailed design work should be prepared in accordance with the Brookvale Development Brief and Successful Places Interim SPD (Housing Layout and Design). Tools such as Building for Life 12 could be used to assist in refining the detailed design proposals, ideally with the Local Planning Authority in conjunction with the applicants design team. Further design advice on this site is included with the Urban Design Officers consultation response dated 06.02.15.

3. A swept path diagram will need to be submitted at Reserved Matters stage to demonstrate that emergency and service vehicles can adequately manoeuvre throughout the site and leave in a forward gear. The design of the layout will generally need to account for at least 2 off-street car parking spaces per dwelling.

4. The Scheme to be submitted to accord with condition 7 will need to include the steps set out in the consultation response of the Environmental Protection Officer dated 28th January 2015, including: site characterisation; submission of a remediation scheme; implementation of the approved remediation scheme; reporting of unexpected contamination; and importation of soil.

5. The Local Planning Authority would welcome an element of mobility bungalow provision within the housing mix on this site to help address the need in the area.

6. The application site is affected by the route of a public right of way (public footpath no. 10 (Shirebrook Parish) on the Derbyshire Definitive Map). The statutory route of the footpath should be safeguarded to allow the safe and unfettered passage of pedestrians.

Date 10th July 2015

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

Authorised Officer of the Council
BOLSOVER DISTRICT COUNCIL  
The Arc, High Street, Clowne, Derbyshire, S43 4JY

NOTICE OF DECISION ON APPLICATION FOR APPROVAL OF RESERVED MATTERS

Mr CHRISTOPHER CHAPLIN  
ARMSTRONG BURTON ARCHITECTS  
260 MILFORD HOUSE LICHFIELD ROAD  
SUTTON COLDFIELD  
WEST MIDLANDS  
B74 2UH

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 26th June 2015 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 10th July 2015 for the following development:

Application No: 15/00316/REM  
Proposal: Erection of 153 dwellings (2, 21/2 and 3 storeys) with associated roads and services and landscaping  
Location: Land To The East Of Common Lane North Of Meadow Lane And West Of Stinting Lane Shirebrook  
Applicant: KEEPMOAT HOMES MIDLANDS

NOTICE is hereby given that the Reserved Matters for the proposed development are

APPROVED CONDITIONALLY

Conditions

1. Notwithstanding the "feature walls to entrance" detail show on the approved layout plan (14060-01 L), before any of the dwellings are occupied further details of the location, design, materials, coursing, jointing and coping of the feature entrance walls and also the stone walls to plots 14 and 98 shall have been submitted to and approved in writing by the local planning authority and the approved detail shall have been implemented.

2. Prior to the occupation of any of the dwellings full details of hard landscaping and surfacing within the site shall have been submitted to and approved in writing by the local planning authority and the approved detail shall have been implemented.

3. Prior to the occupation of any of the related dwellings details of tree pits for trees to be planted adjacent to the proposed highways shall have been submitted to and approved in writing by the local planning authority and the approved detail shall have been implemented.

4. Notwithstanding the submitted boundary detail shown on the approved layout plan 14060-01 L and on the planting proposals 6705-L-01 and 02 C and the hoop top metal railing detail shown on drawing 14060-16, a plan showing revised boundary detail for the site shall have
been submitted to and approved in writing by the local planning authority and implemented before any of the related dwellings are occupied. The revised plan shall show the inclusion of metal railings along both sides of the distributor road into the site as far as plots 99 and 13. These shall be ball top railings unless an alternative has instead been approved in writing by the LPA. In addition the hoop top frontage railings shown on the former drawings referred to above shall be replaced with ball top railings unless an alternative has been agreed.

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) the new frontage boundary treatments shall be retained on site as approved and no replacement fence, railings, wall or gate shall be erected without the prior grant of planning permission.

6. Porch canopy and bay window roofs shall be of timber construction with tile roofs utilising a small format tile such as plain tile or similar to remain proportionate to the scale of the roof in question.

7. Notwithstanding the submitted drawings for house type 867 (the corner turning unit) and before any of these units have been constructed beyond base course level, revised drawings of this house type shall have been submitted to and approved in writing by the local planning authority. The revised design shall include the use of lintels and cills to the street facing elevations. The approved revised drawing shall be implemented.

8. Before construction commences above damp proof level on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.

9. Where reasonably practicable, meter boxes shall not be positioned on the front elevation of dwellings and shall be positioned on a less prominent side elevation and coloured in a finish that tonally matches the background material.

10. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway has been laid out in accordance with the approved layout plan (14060-01 L) and constructed to at least base level, drained and lit.

11. Prior to the first occupation of each dwelling its off-street car parking spaces shall be provided in accordance with the approved plans.

12. The soft landscaping detail hereby approved shall be implemented in accordance with the approved planting proposals 6705-L-01 and 02 C not later than the first planting season following completion of the development.

13. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

**Reasons for Conditions**

1. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.
2. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

3. To ensure the long term health of the trees to be planted and to prevent encroachment of roots into highway areas in accordance with policy GEN1 Minimum Requirements for development and GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

4. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

5. To ensure a satisfactory appearance of the frontage boundary treatments which form part of the public realm and to accord with policies GEN1 and GEN2 of the Bolsover District Local Plan.

6. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

7. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

8. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.


10. In the interests of highway safety and to accord with policies GEN1 and GEN2 of the Bolsover District Local Plan.

11. To reduce the level of on-street parking and in the interests of highway safety and to accord with policies GEN1 and GEN2 of the Bolsover District Local Plan.

12. To ensure that satisfactory landscaping is provided in accordance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

13. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with policy GEN1 of the Bolsover District Local Plan.

**Statement of Decision Process:** In compliance with the National Planning Policy Framework the Council has negotiated amendments in respect of layout, landscaping, design and boundary treatments to enhance the quality of the development.

**Notes to Applicant:** Attention is drawn to the attached notes in addition to any below.

1. The developer is reminded of the need to comply with all of the conditions of the outline planning permission (14/00594OUT) in addition to the conditions of this approval of reserved matters.
2. This permission relates to the following revised plans and drawings:
30.09.15 revised layout plan14060-01 L
30.09.15 Set of amended drawings as listed in the letter from Armstrong Burton Architects dated
30.09.15.
8.10.15. Revised planting proposals 6705-L-01 C and 02 C
20.10.15 Vehicle Tracking Detail 109 P3 (dated 12.07.15)

3. The ecological management plan dated June 2015 submitted with this application is
considered to be acceptable for the purposes of complying with condition 9 of the outline planning
permission. Implementation of this approved plan and its mitigation/compensation proposals
should now be undertaken and this is a requirement of condition 9.

4. You are advised that the Council will not provide refuse, recycling and composting bins for
the development hereby approved; either the developer or the purchaser of the property will have
to purchase the bins from the Council. You are advised to provide guidance to purchasers about
the bin scheme to ensure that their waste will be collected after occupation. If further advice on
this issue is needed you should contact the Council’s Waste Collection Service on 01246 242424.

5. 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 founds 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).

6. 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.

7. 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 (e.g.; street sweeping) are taken to maintain the roads in the
vicinity of the site to a satisfactory level of cleanliness.

8. The applicant should be aware that a commuted sum may be payable to the Highway
Authority for any non-standard highway infrastructure within the site.

Date 13th November 2015
Signed

Authorised Officer of the Council
NOTICE OF DECISION ON APPLICATION FOR APPROVAL OF RESERVED MATTERS

Mr G JOHAL
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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 1st June 2018 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 8th June 2018 for the following development-

Application No: 18/00304/REM
Proposal: Approval of Reserved Matters for the erection of 200 dwellings with associated parking, open space & infrastructure (reserved matters of appearance, landscaping, layout and scale and further access detail) of outline planning permission 14/00594/OUT
Location: Phase 2 Development Site Meadow Lane Shirebrook
Applicant: Mr G JOHAL

NOTICE is hereby given that the Reserved Matters for the proposed development are

APPROVED CONDITIONALLY

Conditions

1. Except where specifically stated otherwise in the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings:-

   19.10.18 Materials Plan 17053-102K
   17.10.18 0109 101I Drainage Layout
   03.10.18 17053_P216A - D105C (ILKE)
   03.10.18 17053_P217A - D106C (ILKE)
   03.10.18 17035__P214B D101D (ILKE)
   23.10.18 17035__P215_D104D (ILKE)
   20.09.18 Site Layout Plan 17053 P103 Rev l
   20.09.18 NORTHERN BOUNDARY EXTERNAL WORKS 0109 13 D
   20.09.18 NORTHERN SECTIONS A-D SKE-P400 C
   20.09.18 NORTHERN SECTIONS E-G P401 D
   20.09.18 Vehicle Tracking layout 0109 16
   20.09.18 Arboricultural Assessment September 2018 Rev A
2. The existing hedgerows along the north and east boundaries of the site shall be retained in accordance with the approved layout plan and planting plans and shall be protected from damage by the provision of protective fencing along its length before any heavy machinery is brought onto the site to implement this permission. Any gaps within the hedge or accidental damage caused to it shall be replanted within the next planting season with native hedgerow mix (as defined in the submitted Planting Plan).

3. Notwithstanding the submitted materials plan (Ref P102K), before construction progresses above foundation level on any building or wall, a materials distribution plan and schedule and representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.

4. Before plots 86, 87, 88, 154, 186 and 187 have been occupied, the feature dry stone walls at the entrances to the site shall have been provided in accordance with the approved layout plan 17053 P103 Rev I. The dry stone walls shall be constructed from natural magnesian limestone, laid in courses and coped and with a mortar specification all in accordance with details and a sample panel constructed on site which have all been approved in writing by the Local Planning Authority.

5. Before any of the dwellings are occupied a detailed scheme for the boundary treatments of the site, including position, design in elevation and materials, and to include all boundaries or divisions within the site, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any relevant dwelling is occupied or in relation to the central public open space before 47 dwellings on this phase have been occupied. Railings to the public open space must account for access gates for pedestrians, cyclists and for grounds maintenance vehicles all aligning with dropped kerbs to the highway. The scheme shall include 1.8m screen fencing to the rear boundaries of plots 9 and 10.

6. The new dwellings shall not be occupied until the proposed new estate streets, between each respective plot and the existing public highway, have been laid out in accordance with the approved application drawing 17053 P103 Rev I, constructed to base level and drained and lit.

7. Prior to the occupation of a dwellings its external off-street parking spaces, access drive and turning areas shall have been provided in accordance with the revised layout drawing 17053 P103 Rev I and shall thereafter be maintained for their intended use.
8. Private vehicular access drives shall not be taken into use until provided with 2m x 2m x 45 degree pedestrian visibility spays clear of any obstruction greater than 0.6m in height above the footpath (0.9m in the case of feature stone walls at the estate entrance points). Thereafter the visibility spays shall be maintained.

9. The existing and potential footpath connections from the sites eastern boundary to Stinting Lane shall be provided in accordance with the approved layout plan and with further gateway/boundary details and a timetable for implementation all to be submitted to and approved in writing by the Local Planning Authority before any of the dwellings have been occupied.

10. Before plots 14 - 16 and 155 - 157 are occupied, the adjacent section of highway leading up to the northern boundary of the site shall have been provided to an adoptable standard, surfaced, drained and lit. Thereafter this section of road shall only be used as highway and for no other purpose.

11. Notwithstanding the provisions of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the front or highway facing boundary railings and/or walls shall be provided in accordance with the approved site layout plan 17053 P103 Rev I before any of the related dwellings are occupied. Thereafter the railings and walls must be retained and maintained in their approved position. For the avoidance of doubt this relates to the following plots:-

Furthermore no additional railings, fences or walls shall be provided within the front or highway facing garden verge areas for the plots specified above unless a separate planning permission for them has first been granted by the Local Planning Authority.

12. The soft landscaping and planting detail hereby approved shall be implemented in accordance with the approved planting proposals 8279 L_01 - 06 G and H not later than the occupation of each dwelling (as is relevant to the planting detail for that dwelling), and in relation to the central public open space before 47 dwellings on this phase of development have been occupied.

13. The soft landscaping provided shall be maintained in accordance with Landscape Management Plan September 2018 Rev B. Additionally, if within a period of five years from the date of the planting of any tree or shrub required in the approved planting scheme, that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the planting scheme is approved in writing with the Local Planning Authority.

14. No building shall be occupied until full details of hard landscape works for the central public open space area have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved before 47 dwellings have been occupied.

15. Porch canopy and bay window roofs shall be tiled with traditional small format plain tile roofs (not GRP tiles) of a colour match to the main roof.
16. Where reasonably practicable, meter boxes shall not be positioned on the front elevation of dwellings and shall be positioned on a less prominent side elevation and coloured in a finish that tonally matches the background material.

**Reasons for Conditions**

1. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

2. In the interests of biodiversity and amenity and to accord with policy ENV8 of the Bolsover District Local Plan.

3. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

4. To ensure a satisfactory standard of external appearance and to enhance the quality of the street scene in accordance with policy GEN2 of the Bolsover District Local Plan.

5. To ensure a satisfactory standard of external appearance and amenity in accordance with policy GEN1 and GEN2 of the Bolsover District Local Plan.

6. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

7. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with policy GEN1 and GEN2 of the Bolsover District Local Plan.

8. In the interests of highway safety and to accord with policies GEN1 and GEN2 of the Bolsover District Local Plan.

9. To ensure adequate connectivity to the existing footpath network and to accord with policies GEN1, GEN2, and TRA15 of the Bolsover District Local Plan.

10. To ensure that the development does not preclude or frustrate the potential to provide a future road link between this site and Leen Valley Drive/Bracken Road and to accord with policies GEN1, TRA1 and TRA15 of the Bolsover District Local Plan.

11. To preserve the quality of the streetscene to accord with policy GEN1 and GEN2 of the Bolsover District Local Plan.

12. To ensure that satisfactory landscaping is provided in accordance with policies GEN1 and GEN2 of the Bolsover District Local Plan and to accord with the timing for the provision of the play areas within the public open space as is required by condition 19 of the outline planning permission.

13. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with GEN 1, GEN 2, GEN11, ENV5 and ENV8 of the Bolsover District Local Plan.
14. To ensure that satisfactory hard landscaping is provided in accordance with policies GEN1 and GEN2 of the Bolsover District Local Plan and to accord with the timing for the provision of the play areas within the public open space as is required by condition 19 of the outline planning permission.

15. To ensure a satisfactory external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

16. To ensure a satisfactory external appearance in accordance with policy GEN2 Impact of Development on the Environment of the Bolsover District Local Plan.

**Statement of Decision Process**

1. In compliance with the National Planning Policy Framework the Council has negotiated amendments in respect of layout, landscaping, design, appearance and access detail to enhance the quality of the development. The development as now proposed complies with the Council’s Local Plan policies and Design Standards and subject to conditions the residual impacts on the locality are not so harmful as to justify the refusal of reserved matters.

**Notes to Applicant**

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

1. The developer is reminded of the need to comply with all of the conditions of the outline planning permission (14/00594OUT) in addition to the conditions of this approval of reserved matters.

2. The documents submitted with this application are deemed to be generally compliant with outline planning permission conditions 1, 2, 3, 5, 6, 8, 9, 15, and 16.

3. The ecological design strategy submitted with this application is considered to be acceptable for the purposes of complying with condition 9 of the outline planning permission. Implementation of this approved plan and its mitigation/compensation proposals such as provision of bat and bird boxes on selected dwellings must now be undertaken to discharge condition 9 for this phase.

4. The applicant should note that the Landscape Management Plan (Rev B submitted 20/09/18) is not yet approved for the purposes of discharging condition 10 nor condition 12 of the Outline Planning permission. No dwelling may be occupied until the SuDS maintenance section is updated (in accordance with section 32 of the SuDS Manual). The Plan needs to provide details of the arrangements for the lifetime management and maintenance of the SuDS basin feature together with contact details of the party responsible for undertaking the maintenance (The maintenance company). The Landscape Management Plan also needs to provide contact details of the party responsible for undertaking the maintenance of the NEAP Play facility, MUGA and the Public Open Space in general.

5. The Applicant should note that the information submitted with this reserved matters application is not sufficient to discharge condition 19 of the outline planning permission. Full details and specification for the play equipment and surfacing for the NEAP and MUGA and maintenance responsibilities for them are required. These facilities must be
provided on site before 200 dwellings have been occupied on the wider site (47 on this phase). The Applicant is therefore advised to seek approval for this detail as a matter of urgency in order to prevent the possibility of delays to the implementation of the housing development once the trigger has been reached.

6. In order to reduce the risk of flooding the Applicant should put in place measures (such as a restrictive covenants) to ensure that purchasers of the dwellings do not remove or damage surface water storage crates where these are located within private garden areas.

7. 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 founds 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).

8. The developer must ensure any temporary drainage arrangements during construction and also the final treatment of proposed private garden areas gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

9. The Applicant should be aware that a commuted sum will be payable to the Highway Authority for the section of road between plots 14 and 157 and potentially for any non-standard highway infrastructure within the site.

10. Other Highway Authority 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 (eg; 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.

h. Bin stores shall be provided within private land at the entrance to shared private accesses to prevent refuse bins and collection vehicles standing on the new estate streets for longer than necessary causing an obstruction or inconvenience for other road users.

Date 23rd October 2018

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

Authorised Officer of the Council

GCREMZ

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