LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

JONES 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 Jones Homes in relation to allocation c) Land between Shuttlewood Road and Oxcroft Lane, Bolsover 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 between Shuttlewood Road and Oxcroft Lane site is approximately 11.2 hectares in size, comprising several parcels of land, and is situated to the north of Bolsover.

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 required to come forward in a comprehensive manner and:

a) Deliver approximately 230 dwellings between 2020 and 2032 across several phases of development;

b) Provide for a potential distributor road link between Shuttlewood Road and Oxcroft Lane;

c) Contribute to increasing the capacity of both primary and secondary phase schools;

d) Provide green space within the site;

e) Deliver 10% affordable housing provision.

2.4 In relation to the proposed land between Shuttlewood Road and Oxcroft Lane allocation, the Council’s published Residential Land Availability Assessment (October 2017) concluded that the various parcels of land are all available and all possibly suitable and achievable subject to coming forward in a comprehensive manner with highway capacity and access arrangements being agreed.

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 between Shuttlewood Road and Oxcroft Lane 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, an outline planning application for the central part of the allocation was submitted to the Council in February 2015 for residential development of up to 149 dwellings. This application was granted in May 2016 (application reference 15/00076/OUT). In July 2018, reserved matters were submitted for 127 dwellings, including 13 affordable dwellings, and these were approved in January 2019 (application reference 18/00403/REM).

2.7 A copy of the Decision Notices regarding these applications form Appendix 1 to this Statement of Common Ground.
2.8 Based on the above, in July 2018 Jones Homes provided the following housing delivery trajectory for the site:

<table>
<thead>
<tr>
<th>Year</th>
<th>Cumulative No. Homes</th>
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<tr>
<td>2018/2019</td>
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<tr>
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<td>2032/2033</td>
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</tr>
<tr>
<td>Total</td>
<td>227</td>
</tr>
</tbody>
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2.9 Underpinning this delivery trajectory are the following progress milestones:

- July 2018 – Reserved matters covering the first phase of development submitted
- January 2019 – Reserved matters covering the first phase of development agreed
- April to June 2019 – Start made on site
- By March 2021 – At least 20 dwellings completed on site

2.10 Beyond these initial milestones, planning applications for future phases of the development will be submitted at appropriate times in consideration of the site’s delivery timescales.

2.11 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 Jones Homes agree that clear evidence exists to demonstrate that the allocation of land between Shuttlewood Road and Oxcroft Lane, Bolsover 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 Jones Homes also agree that clear evidence exists to demonstrate that the first phase of the land between Shuttlewood Road and
Oxcroft Lane 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. Jones Homes have commenced on the adjoining development and will now commence the marketing the availability of the forthcoming houses.

- **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 and the 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. Jones Homes have commenced the adjoining development and intend to complete at least 20 dwellings by 31st March 2021 of the first phase and a further 60 by 31st March 2024.

### 4) Conclusion

4.1 Based on the stated areas of common ground, Bolsover District Council and Jones Homes agree that the allocation of land between Shuttlewood Road and Oxcroft Lane, Bolsover 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 Howard Gray
On behalf of Jones Homes

Dated: 16th January 2019
APPENDIX

1) Decision Notices regarding application references 15/00076/OUT & 18/00403/REM
BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for Outline Planning Permission

Miss Clare Plant
DLP Planning Ltd
V1 - Velocity
Tenter Street
Sheffield
South Yorkshire
S1 4BY

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 13th February 2015 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 13th February 2015 for the following development-

Application No: 15/00076/OUT
Proposal: Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points onto Oxcroft Lane.
Location: Land To North Of Meridian Close Oxcroft Lane Bolsover
Applicant: Ackroyd And Abbott

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

GRANTED CONDITIONALLY

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 is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3 a) Before submission of a reserved matters application with details of layout, a programme of archaeological field evaluation and subsequent reporting shall be carried out in line with an archaeological Written Scheme of Investigation to be submitted to and approved in writing by the local planning authority
b) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, 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
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

c) No development shall take place other than in accordance with the archaeological Written Schemes of Investigation approved under conditions a) and b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Schemes of Investigation approved under conditions a) and b).

4. Unless a variation to the following timetable is agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions i to iv have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition iv has been complied with in relation to that contamination:

i. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(a) a survey of the extent, scale and nature of contamination;

(b) an assessment of the potential risks to:
  o human health,
  o property (existing or proposed) including buildings, crops, livestock, pets, trees and service lines and pipes,
  o adjoining land,
  o groundwaters and surface waters,
  o ecological systems,
  o archeological sites;
(c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s 'Model Procedures for the Management of Land Contamination, CLR 11' (or any replacement guidance).

ii. Submission of Remediation Scheme

If identified as required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development. The Local Planning Authority shall be given at least two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (or validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

iv. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition i, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition ii, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition iii.

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

5. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels on and adjacent to the site and the proposed ground floor levels of the buildings.
6. The development shall be carried out in accordance with the submitted Flooding and Drainage Assessment (reference 7160 revision A dated 04/02/2015), unless otherwise agreed in writing with the Local Planning Authority.

7. Application for approval of reserved matters of layout and landscaping shall provide for the retention of existing trees and hedgerows where practicable and shall include the provision of replacement planting where retention is not possible.

8. The landscaping associated with the area of public open space shall be designed to also provide benefits for biodiversity and shall include the creation of wildflower grassland. A landscape management plan containing: design objectives including opportunities for ecological enhancement, management responsibilities and maintenance schedules for all unadopted areas including landscape open space areas (but excluding all private garden areas), shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings. The landscape management plan shall be carried out as approved thereafter.

9. Prior to the occupation of any of the dwellings a scheme for the provision of public artwork on site, including a programme for implementation shall have been submitted to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in accordance with the approved programme.

10. Application for approval of reserved matters shall be accompanied by a noise assessment undertaken by a suitably qualified person and a sound insulation scheme (if justified by the noise assessment) for the proposed dwellings closest to Oxcroft Lane. The noise assessment shall account for night-time deliveries to and from the chicken rearing farm on the east side of Oxcroft Lane which occur from time to time according to the production cycle. Any mitigation measures deemed necessary for an affected dwelling shall be implemented before that dwelling is occupied.

11. Application for approval of reserved matters of layout shall not prejudice the provision of a potential distributor road link from the application site to Shuttlewood Road.

12. Prior to the commencement of development a construction management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include: construction compound location, provision of wheel wash facilities, dust management and noise management measures (to have regard to operating times for noisy activity). The approved construction management plan shall be implemented as approved.

13. Prior to works commencing (other than site preparation and temporary access works), Oxcroft Lane shall be widened to provide a 5.5m carriageway and a 2m footway on the western side. The footway shall extend from that existing to the south along the site frontage to a point north of the northern access indicated on the application drawing, all in accordance with a detailed scheme first submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority.

14. Prior to works commencing (other than site preparation and temporary access works), the new permanent accesses shall be formed to Oxcroft Lane. The accesses shall have a minimum width of 5.5m, be provided with 2 x 2m footways, radii of 6m and visibility
sightlines of 2.4m x 60m. The area forward of the sightlines shall be levelled, constructed as footway and form part of the adoptable public highway.

15. The gradient of the new estate street accesses shall not exceed 1:30 for the first 10m into the site from the highway boundary and 1:20 thereafter.

16. No building on the site shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

17. Application for approval of reserved matters shall be accompanied by details of the line, level, construction, lighting, landscaping, boundary and motorcycle barrier detail of the footpath/cycle link to Shuttlewood Road. The approved detail shall be implemented and the footpath/cycle link shall be opened and available for public use before 80 dwellings have been occupied.

Reasons for Conditions

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

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

3. In order to protect and record the archaeological interests of the site to accord with policy CON 13 of the Bolsover District Local Plan.

4. 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.

5. To preserve the amenities enjoyed at neighbouring properties and to enable the amenity impacts within the site to be properly assessed in accordance with policy GEN2 of the Bolsover District Local Plan.

6. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water, to reduce the risk of flooding and in compliance with policies GEN5 and GEN6 of the Bolsover District Local Plan.

7. In the interests of biodiversity and to accord with policy GEN 2 and ENV5 of the Bolsover District Local Plan.

8. In the interests of biodiversity and to accord with policy GEN 2 and ENV5 of the Bolsover District Local Plan.

9. To enhance the quality of the environment and to accord with policy GEN17 of the Bolsover District Local Plan.
10. To ensure an acceptable standard of amenity within the proposed dwellings and to accord with policy GEN3 of the Bolsover District Local Plan.

11. In order to provide for an appropriate level of connectivity, to reduce the transport impacts on the highway network, and in the interests of delivering sustainable development and to accord with policies GEN 1, GEN 2, and TRA 15 of the Bolsover District Local Plan.

12. In the interests of amenity during construction and to accord with policy GEN2 of the Bolsover District Local Plan.

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

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

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

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

17. In the interests of highway safety and to ensure that this connectivity is provided to enhance the sustainability of the development and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

**Statement of Decision Process**

1. Despite the conflict with the countryside protection policies of the out of date local plan it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and so significant weight in favour arises from National Planning Policy Framework (NPPF) policy. The weight in favour however is marginally tempered by concerns over deliverability. There is some reliance on future development on adjacent land to improve connectivity, but this has been accepted elsewhere.

In line with the NPPF permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There are three significant impacts which have been identified in this case: impacts on highway safety; on residential amenity as a result of increased traffic; and odour amenity problems for new residents likely to arise from time to time caused by the proximity of the commercial chicken rearing farm on the east side of Oxcroft Lane.

The existing road network which serves this site is quite poor whichever route is taken. Nevertheless The Highway Authority do not advise refusal on technical highway safety grounds as with mitigation and off-site road improvements (required by S106 obligation) the roads technically have capacity to deal with the additional traffic predicted and so complies with policy GEN1. There would however be material adverse impacts on the amenity enjoyed at existing dwellings, particularly on Mill Lane, caused by the increased traffic.

The proximity of the commercial chicken rearing farm is a cause for concern since core principle 17 of the NPPF says that planning should always seek a good standard of
amenity for all existing and future occupants of land and buildings. The amenity of the occupants of the proposed dwellings will be adversely affected from time to time, though the frequency is likely to be low and on balance acceptable.

To justify refusal of planning permission the NPPF requires the adverse impacts to significantly and demonstrably outweigh the benefits. The conclusion in this case is that the harms do not demonstrably outweigh the benefits and on balance the proposal is considered to comply with the relevant development plan policies and the policies of the NPPF.

**Notes to Applicant**

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

1. This permission relates to the application as amended by the revised access arrangement drawing (7160/001 Rev C) submitted 28/07/15 showing the extent of hedgerow removal required for the accesses and visibility splays.

2. A section 106 planning obligation (a legal agreement) relates to this planning permission. Obligations include:-

10% Affordable housing provision on site.

Highways:
Travel plan monitoring; network monitoring and off-site mitigation works to the value of £200,000; the cost of any traffic regulation orders up to £15,000; also construction HGV routing set to an agreed route by contract.
The applicant agrees in the S106 to use reasonable endeavours for 6 months to acquire Boleappleton Farm to provide a direct road link from the site to Shuttlewood Road. If this road link is delivered the need for other alternative off-site road works (i.e. the £200,000 worth) is waived.

Education:
A financial contribution of £136,788 towards the provision of 12 infant places at Bolsover Infant and Nursery School;
A financial contribution of £193,783 towards the provision of 12 junior places at Bolsover C of E Junior School; and
A financial contribution of £85,881 towards the provision of 5 secondary places at The Bolsover School.

Leisure/Public Open Space:
0.29ha public open space on site with LEAP Standard Play area on site;
A commuted maintenance sum for a 10 year period of £41,000 in the event of transfer to the Council;
A commuted sum of £133,802 to be provided in lieu of any formal on site outdoor sports facilities to be spent within the Parish of Old Bolsover.

3. The applicant is advised that elements of the design of the submitted indicative layout are unacceptable from an urban design perspective. A number of issues have been identified that would need to be addressed at the reserved stages. The applicant's attention is drawn to the need for future detailed design work to be prepared taking account of the Successful Places Interim SPD (Sustainable Housing Layout and Design), Building for Life 12, and with regard to the Urban Design Officers comments dated 5.5.15.

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4. No removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (which are legally protected under the Wildlife and Countryside Act). Any such written confirmation should be submitted to the local planning authority.

5. An invasive non-native species protocol should be submitted to and approved by the Derbyshire Wildlife Trust, detailing the containment, control and removal of Indian Balsam on site. The measures should be carried out strictly in accordance with the approved scheme.

6. Highway Notes

a) In general two parking spaces per dwelling should be provided and garages need to be at least 3m x 6m where counted as a parking space.

b) Application for approval of reserved matters needs to include swept path detail for large vehicles.

c) Temporary Bin stores/collection points need to be provided at entrance to shared drives.

d) The internal layout of the site needs to accord with the Highway Authority’s Policy Document "6Cs Design Guide" and national guidance laid out in Manual for Streets.

e) Pursuant to Section 184 of the Highways Act 1980, and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months’ prior notification should be given to the Environmental Services Department at County Hall, Matlock (Tel: 01629 538589) before any works commence on the vehicular access within highway limit.

f) The Highway Authority recommends that the first 5m of any proposed access driveway should not be surfaced with a loose material (ie 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 individual householder.

g) Pursuant to Section 163 of the Highways Act 1980, where a plot curtilage slopes down towards the new estate street, 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.

h) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Environmental Services Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

i) 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 Department of Environmental Services at County Hall, Matlock.
j) Traffic management measures will be necessary throughout any works on existing highways. All traffic management details shall be submitted and approved in writing by Derbyshire County Council's Traffic Section (01629 538592) prior to implementation.
k) The applicant is advised to ensure that the future maintenance responsibilities of the shared accesses/driveways and visitor parking spaces is clearly defined within the deeds of the individual properties.
l) The applicant should be aware that a commuted sum will be payable to the Highway Authority for the future maintenance of the extra over carriageway, trees and any other non-standard highway infrastructure within the site.

Date 5th May 2016

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

Authorised Officer of the Council

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

Notice of Decision on Application for Application for Reserved Matters

Miss Charlotte Stainton
Stainton Planning
50 Guildford Lane
Danesmoor
Chesterfield
S45 9BP

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 25th July 2018 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 26th July 2018 for the following development-

Application No: 18/00403/REM
Proposal: Reserved Matters approval for the appearance, landscaping, layout and scale for the erection of 127 dwellings (including 13 affordable dwellings) and associated street layout, footpath and cycle links to Shuttlewood Road, public open space and drainage scheme of planning permission 15/00076/OUT (also includes application details for discharge of conditions 1,5,6,7,10 and 17 of planning permission in respect of: reserved matters, ground levels, drainage, tree/hedge retention, noise assessment and footpath link detail).
Location: Land to North of Hawke Brook Close, Oxcroft Lane Bolsover
Applicant: Mr Howard Gray

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

GRANTED CONDITIONALLY

1. Except where specifically stated otherwise below, the development hereby permitted shall be carried out in accordance with the following approved drawings:-
   Site Layout Plan - JHY-OLB2-SL01-R1B Received 21/12/18
   Materials Layout - JHY-OLB2-M-01 Received 26/11/18
   Materials Schedule Table Received 26/11/18
   Street Scenes - JHY-BOLS2-SS01-RevA
   Pumping Station Plans & Elevations - JHY-OX-CR-PSD01-Rev A
   Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-01-P06
   Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-02-P06
   Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-03-P06
   Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-04-P06
   Landscape Planting Schedule Received 26/11/18
   Landscape Management Plan - 7/11/18 (but requires further amendment under S106).
Common Amenity Area Management Scheme - 8/11/18 (but requires further amendment under S106).
Drystone Wall Entrance 1 - OX2-DWE-01-RevB
Drystone Wall Entrance 2 - OX2-DWE-02-RevB
Play Area Visuals Received 26/11/18
Affordable Housing Scheme received 26/11/18
House Types submitted 26/11/2018:
OX-B-366381
OX-B-6187144
OX-B-122137141
OX-B-131
OX-B-134
OX-B-536280
OX-B-104160
OX-B-4849
OX-BW-91
OX-BW-37116
OX-BW-4590
OX-BW-5659
OX-BW-93102
OX-BY-40
OX-BY-52128
OX-BY-54107114124
OX-BY-55106109138
OX-BY-83125129
OX-CT2-3882115
OX-CT2-398992
OX-CT2-88
OX-CT2-60150
OX-CR-LA-70-72-02
OX-CR-LA-70-72-01
OX-CR-LA-75-77-01 (CR LA plots 75-77 elevations)
OX-CR-LA-75-77-01 (CR LA plots 75-77 plans)
OX-HN-99
OX-HN-118
OX-HN-135
OX-HN-112146
OX-HN-136
OX-HN-147
OX-HN-149
OX-HN-155
OX-HN-156
OX-HN-118
OX-HN-98142
OX-H2-73
OX-H2-74
OX-L-42100
OX-L-43145
OX-SH-41119
OX-B-44123
OX-ST-96110
2. 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 JHY-OLB2-SL01-R1B, constructed to base level and drained and lit.

3. Prior to the occupation of any of the dwellings its external off-street parking spaces, access drive and turning areas shall have been provided in accordance with the revised layout drawing JHY-OLB2-SL01-R1B and shall thereafter be maintained for their intended use.

4. 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 material obstruction to visibility greater than 0.6m in height above the footpath. Thereafter the visibility spays shall be maintained.

5. Prior to the occupation of plots 61-67 the 6.1m wide "future access to adjoining land" opposite plot 67 shall have been provided in accordance with layout drawing JHY-OLB2-SL01-R1B up to the adjacent field boundary to an adoptable standard, surfaced, drained and lit. Thereafter this section of road shall be maintained for use as highway and for no other purpose.

6. Prior to the occupation of plots 38, 82, 88 and 159 the feature dry stone walls at the entrances to the site shall have been provided in accordance with the approved drawings: layout plan JHY-OLB2-SL01-R1B; Drystone Wall Entrance 1 - OX2-DWE-01-RevB; and Drystone Wall Entrance 2 - OX2-DWE-02-RevB. The dry stone walls shall be constructed from natural magnesian limestone, laid in courses and shall be laid in a manner to accord with a sample panel constructed on site which has been approved in writing by the Local Planning Authority before the remainder of the walls are constructed. The walls shall be maintained and retained thereafter.

7. Boundary railings, walls and fencing shall be provided in accordance with the approved site layout plan JHY-OLB2-SL01-R1B before any of the related dwellings are occupied.

8. The external building materials to be used in the development shall accord with the approved Materials Layout - JHY-OLB2-M-01 and Materials Schedule Table unless a variation to it has been approved in writing by the Local Planning Authority.

9. The approved landscaping drawings:-
   - Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-01-P06;
   - Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-02-P06;
   - Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-03-P06;
Soft Landscaping Scheme Part 1 - UG-11838-LAN-DRW-SL-04-P06; and the Landscape Planting Schedule, shall be implemented no later than the first planting season following the substantive completion of development.

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

3. 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.

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

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

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

7. To preserve the quality of the streetscene and in the interests of amenity and to accord with policy GEN1 and GEN2 of the Bolsover District Local Plan.

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

9. To ensure that satisfactory landscaping is retained and provided in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and ENV8 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 outline planning permission, 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 (15/00076/OUT) in addition to the conditions of this approval of reserved matters.
2. **Outline Planning Permission Conditions Now Discharged:-**

1, 2, 3 part (a) only, 5, 6 requires ongoing compliance, 7, 8, 11, 17 in part - details approved but implementation outstanding.

3. **Outline Planning Permission Conditions Not Yet Discharged:-**

3. Archaeology parts b-d
4. Potential ground contamination.
9. Scheme of Public Art
10. Noise Assessment and Mitigation Scheme for Oxcroft Lane fronting Property.
    This condition is not yet discharged. Whilst the mitigation recommendations are largely acceptable, the type and acoustic performance of the switchable mechanical ventilation recommended needs to be specified before this condition can be discharged.
    Information is needed regarding the noise levels within bedrooms etc. when the mechanical ventilation is in use so that the Council can gauge whether this would still result in acceptable noise levels.
    As recommended in the submitted noise report, the mitigation necessary for Oxcroft Lane fronting property includes: acoustic glazing; background acoustic through wall ventilators; switchable mechanical ventilation; double layer (12.5mm) plaster board ceilings for habitable rooms.
12. Construction Management Plan
13. Oxcroft Lane works
14. Provision of access junctions to Oxcroft Lane
15. Compliance condition re gradient
16. Travel Plan

4. **The Applicant is reminded of the need to comply with the legal agreement - S106 Agreement (planning obligations) dated 3rd May 2016 associated with the outline planning permission.**

5. **The Affordable Housing Scheme received by the Council on 26/11/18 and received under cover of the Agent's letter dated 23/11/18 is acceptable for the purposes of complying with Schedule 2 of the S106 Agreement dated 3rd May 2016. The scheme is hereby agreed by the Council in accordance with clause 2.1.1 and 2.1.2.**

6. **The "Common Amenity Area Management Scheme" and associated "Landscape Maintenance Plan, Amenity Open Space Areas and SuDS" are not yet approved under clause 1.1 Schedule 3 of the S106 Agreement dated 3rd May 2016, since some further amendment is required. A revised "Landscape Maintenance Plan, Amenity Open Space Areas and SuDS" document is required which makes it clear that the Management Company are responsible for the replacement of broken or worn out play equipment, safety surfacing fencing and seating etc.**

7. **The Applicant's attention is drawn to the need to divert power lines that cross the western side of the site before this permission can be implemented. Western Power will need to be contacted.**

8. **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).

9. The developer is reminded of the additional informative notes of the outline planning permission (15/00076/OUT) including informative notes provided by the Highway Authority.

Date 14th January 2019

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

Authorised Officer of the Council

GCFULZ