LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

MERRIMAN LIMITED
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 Merriman Limited in relation to allocation g) Land to the rear of 1 to 35 Red Lane, South Normanton 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 to the rear of 1 to 35 Red Lane site is approximately 1.6 hectares in size and is situated to the south-west of South Normanton. The site benefits from good local employment opportunities and transport links via the M1 motorway and A38.

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 50 dwellings between 2019 and 2025;
   b) Provide sufficient green space within the site;
   c) Contribute to the provision of affordable housing;
   d) Contribute to increasing the capacity of local schools and GP surgery.

2.4 In relation to the proposed land to the rear of 1 to 35 Red Lane allocation, the Council’s published Residential Land Availability Assessment (October 2017) concluded that, “The site is available, suitable and achievable. From testing, the site is expected to be built between 2018 and 2020”.

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 to the rear of 1 to 35 Red 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 advance of this stage of the plan-making process, Merriman Limited submitted a varied outline planning application for no more than 50 dwellings in April 2013 and this was granted in July 2013 (application reference 13/00162/VARMAJ). Merriman Limited has sought to bring this site forward and, based on discussions with Persimmon Homes, submitted reserved matters for the development in January 2016 and these were approved in April 2016 (application reference 16/00003/REM). However, this detailed permission was not implemented and thus has lapsed, leaving a new permission being required. To achieve this, Merriman Limited are in advanced negotiations with a regional house builder about bringing the site forward.

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

2.8 Based on the above, in July 2018 Merriman Limited 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>2018/2019</td>
<td>0</td>
</tr>
<tr>
<td>2019/2020</td>
<td>20</td>
</tr>
<tr>
<td>2020/2021</td>
<td>50</td>
</tr>
<tr>
<td>2021/2022</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50</strong></td>
</tr>
</tbody>
</table>

2.9 Underpinning this delivery trajectory are the following progress milestones:

- January 2018 onwards – Commencement of marketing of site
- February 2019 – New full planning application submitted
- June 2019 – S106 Agreement signed and Decision Notice issued
- September 2019 – Start made on site
- By March 2020 – 20 dwellings completed on site

2.10 Based on this information, the Council 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 Merriman Limited agree that clear evidence exists to demonstrate that the allocation of land to the rear of 1 to 35 Red Lane, South Normanton 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 outstanding or unaddressed constraints.

3.2 Bolsover District Council and Merriman Limited also agree that clear evidence exists to demonstrate that the land to the rear of 1 to 35 Red 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. Merriman Limited have a controlling interest in the site are in advanced negotiations with a regional house builder about bringing the site forward.

- **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 history of granted planning permissions further demonstrates the site’s suitability for residential development.
• **Achievability** – The site represents an achievable residential development site. The Housing Land Availability Assessment concluded that the site had a reasonable prospect of development within 1-5 years. Since that assessment, the provided milestones demonstrate that there is a realistic prospect that the site can deliver at least 50 new homes within the next 5 years.

4) **Conclusion**

4.1 Based on the stated areas of common ground, Bolsover District Council and Merriman Limited agree that the allocation of land to the rear of 1 to 35 Red Lane, South Normanton 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 Michael Merriman
On behalf of Merriman Limited

Dated:  16th January 2019
APPENDIX

1) Decision Notices regarding application references 13/00162/VARMAJ & 16/00003/REM
BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

NOTICE OF DECISION ON APPLICATION FOR VARIATION OF CONDITION(S)

Christopher Merriman
Merriman Property Ltd
Charnwood Edge
Syston Road
Cossington
Leicester LE7 4UZ

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 12th April 2013 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 12th April 2013 for the following development-

Application No: 13/00162/VARMAJ
Proposal: Extension of time for start of previously approved application for Residential development-10/00169/VARMAJ
Location: Land To The Rear Of 1 To 35 Red Lane South Normanton
Applicant: Merriman Ltd

NOTICE is hereby given that Planning Permission for the development of land without compliance with the condition(s) is

GRANTED CONDITIONALLY

Conditions

1. Approval of the details of the layout, scale, appearance, landscaping, and access (in part only) (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. Application for approval of reserved matters shall be accompanied by an updated Design and Access Statement which shall carry forwards the parameters set in the outline permission Design and Access Statement. This shall include, inter alia, the adoption of secure by design principles and a restriction on the number of dwellings to be provided on site to no more than 50. The Statement shall demonstrate how the proposals have been designed to ease the transition of urban form between the proposed dwellings on site and the existing relatively low density development around the site. The submitted proposals shall be informed by the Statement.
4. The height of the proposed dwellings shall be generally no greater than one storey above adjacent existing dwellings.

5. a) Prior to the commencement of development or any site clearance work a further survey shall be undertaken by a professional ecological consultant for Great Crested Newts on site between March and April. In the event that Great Crested Newts are discovered on site the report shall include appropriate mitigation/compensation measures. This may include the need to collect and relocate any newts found on site. The survey and report shall be submitted to the Local Planning Authority for approval and any mitigation/compensation measures approved shall be implemented before the commencement of site clearance work or development unless an alternative timescale has been approved in writing by the Local Planning Authority.

b) Prior to occupation of any of the dwellings a scheme of works to provide bat roosting and bird nesting boxes shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented incrementally prior to the occupation of any dwelling which is directly affected by the works or before the completion of development whichever is the sooner.

6. Unless an alternative has been approved in writing by the Local Planning Authority, application for approval of reserved matters shall include details of a public landscaped area equivalent to 20 sqm for each dwelling to be provided on site. This shall be designed to accommodate an equipped children’s play facility and shall include appropriate soft landscaping, drainage, seating, and bow top perimeter fencing with access gates and a footpath connection to the play facility. The approved detail shall be implemented in accordance with a programme of implementation which shall also accompany application for approval of reserved matters.

7. Unless an alternative timescale is approved in writing by the Local Planning Authority, prior to the commencement of any other development on site the new estate street junction with Red Lane shall be constructed in accordance with the approved drawings and provided with 4.5m x 90m exit visibility splays in both directions and forward visibility splays of 23m, the area in advance of the sightlines being levelled and forming part of the new street as footway.

8. No dwelling shall be occupied until a new estate road has been provided to at least base course level to adoptable standard between that dwelling and the highway network.

9. No dwelling shall be occupied until its off-street parking space and 2m x 2m x 45° pedestrian visibility splays to its access drive have been provided in accordance with detail to accompany application for approval of reserved matters. Thereafter the off-street parking spaces and drive access visibility splays shall be maintained.

10. Application for approval of reserved matters shall include submission of a feasibility report into the provision of an emergency access to serve the site. In the event that a feasible emergency access is available and approved by the Local Planning Authority it shall be incorporated into the layout and provided on site before any more than 80% of the new dwellings are occupied.
11. 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.

12. Unless an alternative timescale has been approved in writing by the Local Planning Authority no development shall commence until a scheme for protecting the future occupiers of the dwellings on site from noise from the A38 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. The scheme shall be designed to ensure that:

a) The building envelope (external windows, doors, walls and roof) of buildings on the site for residential occupation shall be constructed so as to provide sound attenuation against external noise. Bedrooms shall attain a standard of noise level not exceeding 30dB(A) and all other living spaces 35dB(A) with windows shut and other means of ventilation provided. This element of the scheme shall be implemented as construction progresses.

b) External noise levels within gardens do not exceed 55dB. This is likely to require an acoustic barrier in the order of 3m height running the length of the southern, and the southern part of the western boundary (approximately in the location advised in the applicant's noise report of 29th November 2002). Any acoustic barrier relied upon shall be designed to have a life span of at least 40 years. This element of the scheme shall be implemented prior to the occupation of any of the dwellings on site.

13. The landscaping detail to be provided with the application for approval of reserved matters shall include boundary detail and measures to prevent loss of privacy and mitigate disturbance to existing residential property either side of the new access into the site, and measures to deter access onto the A38 slip road. The landscaping shall also be designed to enhance biodiversity. The approved detail shall be implemented within 2 months of the commencement of development unless an alternative timescale has been approved in writing by the Local Planning Authority.

14. Unless otherwise approved in writing by the Local Planning Authority the landscaping scheme to be submitted in accordance with condition 1 of this permission shall include the retention and where necessary replanting of the principal hedgerows/hedgerow trees on site.

15. 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 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. To ensure a satisfactory standard of design, to reduce the risk of crime and in the interests of highway safety and to accord with policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.

4. To ensure a satisfactory standard of design and to preserve the amenity of residents of adjacent properties in compliance with policy GEN2 of the Bolsover District Local Plan.

5. To prevent harm to or mitigate the impacts of the development upon protected species and to promote biodiversity and to accord with policy ENV5 of the Bolsover District Local Plan.

6. To ensure that adequate provision can be made for children’s play, on site if so agreed with the Local Planning Authority or off site (in accordance with the associate S106 undertaking) in accordance with policy HOU5 of the Bolsover District Local Plan.

7. In the interests of highway safety and in compliance with policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.

8. In the interests of highway safety and in compliance with policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.

9. In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 of the Bolsover District Local Plan.

10. The proposed development is likely to create a cul-de-sac of over 300m in length hence a second point of access for use by emergency vehicles should be considered in consultation with the Highway Authority and the emergency services in accordance with policies GEN1 and TRA15 of the Bolsover District Local Plan.

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

12. To ensure a satisfactory standard of residential amenity in accordance with policy GEN2, former guidance in PPG 24 and the World Health Organisation Guidelines on noise.

13. In the interests of residential amenity and public safety in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

14. In the interests of amenity and biodiversity in accordance with policies GEN1 and ENV8 of the Bolsover District Local Plan.

15. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and to accord with policies GEN1 and ENV8 of the Bolsover District Local Plan.
Statement of Decision Process

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

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

1. The implementation of this permission is subject to a Section 106 Planning Obligation requiring, inter alia:-
   - Provision for children’s play
   - Provision for formal sports facilities off site
   - Maintenance of play equipment
   - Contribution towards the expansion of local schools
   - Provision of or towards public art
   - 10% on site affordable housing.

2. In the event that a children’s play area is to be provided on site the equipped play area is dealt with by the requirements of the Section 106 obligation, whereas the surrounding landscaped area is dealt with by condition 6 of this permission. An alternative to the provision of a play facility on site would be a commuted sum for off-site works in accordance with the Section 106 Obligation.

3. The applicant is advised to contact Area Maintenance Manager NE (01629 580000) in connection with the construction of the vehicular access or any works in the highway. Six weeks notice of intention to start works in the highway limits should be given.

4. The application site is affected by the route of a public right of way (public footpath no. 7, South Normanton Parish, on the Derbyshire Definitive Map). Prior to the commencement of any works which affect this footpath legal arrangements for the diversion of this footpath should be made. In this respect contact should be made with Committee and Member Services at Bolsover District Council. Meanwhile the statutory route should be safeguarded to allow the safe and unfettered passage of pedestrians.

5. Highway surface water shall be disposed of via a positive gravity fed system discharging to an approved outfall.

6. Under S151 of the Highways Act 1980 the applicant must take all necessary steps to ensure that mud or other extraneous matter is not carried out of the site and should such deposits occur then it is the applicants responsibility to ensure that reasonable steps are taken to maintain the highways in the vicinity of the site to a satisfactory level of cleanliness.

7. 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 Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 Ext 7655).
8. Further to Condition 5 above. Works affecting Great Crested Newts may need a licence from Natural England.

Date 10th July 2013

Signed .........................................................
Authorised Officer of the Council

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

NOTICE OF DECISION ON APPLICATION FOR APPROVAL OF RESERVED MATTERS

Paul Stone
Signet Planning
Signet Planning
Pure Offices
Lake View Drive
Sherwood Park
Nottingham
NG15 0DT
United Kingdom

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 7th January 2016 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 8th January 2016 for the following development-

Application No: 16/00003/REM
Proposal: Erection of 50 dwellings and associated estate roads and access from Red Lane (Layout, Scale, Appearance, Landscaping and Access).
Location: Land To The Rear Of 1 To 35 Red Lane South Normanton
Applicant: Mr Michael Merriman

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

APPROVED CONDITIONALLY

Conditions

1. The site shall be laid out as shown on drawing reference 15-013 P003 RevJ.

2. Notwithstanding the provisions of condition 7 of the outline planning permission before any other operations are commenced, a new estate street junction shall be formed to Red Lane, South Normanton located, designed, laid out, constructed and provided with visibility splays as indicated on application drawing reference F15045/03 Rev.B, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

3. The site layout shall be in accordance with the Levels as shown on plan reference 14152 200 Rev B.

4. The bin collection points as shown on the layout referred to in condition 1 above shall be provided before the related dwelling is first occupied.
5. The materials used in the construction of the dwellings and garages shall be in accordance with plan reference: 15-013 P0009 Rev B and the materials used in the external surfaces shall be in accordance with plan reference: 15-013 P004 Rev E.

6. Landscaping shall be implemented in accordance with plans reference 6709-L-01 Rev C and 6709-L-02 Rev C, except as may have been modified in relation to street trees in the layout referred to above, prior to the occupation of the related dwelling and in accordance with a timetable for planting of public areas which shall have been approved in writing with the Local Planning Authority before any dwelling is first occupied.

7. Notwithstanding the submitted boundary detail, the western site boundary shall be provided with 2m high robust long life acoustic grade fencing in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The approved fencing on the western boundary shall have been provided within one month of commencement of development. In addition 1.8m close boarded fencing (or an alternative approved in writing by the local planning authority) shall have been provided along the entire southern boundary before any dwelling is occupied. Elsewhere on site boundary treatments shall be implemented before the related dwelling is first occupied in accordance with plan ref 15-013 P005 Rev E and details reference 15-013 D001 and D002 (also see note below) and before the play area/open space is available for public use.

8. The foul and surface water drainage schemes shall be implemented prior to the occupation of any dwelling.

9. Prior to any dwelling being occupied a Landscape and Ecological Mitigation and Management Plan for all retained habitats, open space/recreation areas and attenuation pond within the development site shall be submitted to, and be approved in writing by, the local planning authority. The plan should incorporate the details approved by this reserved matters approval and the following: Description and evaluation of features to be managed/enhanced or created; Aims and objectives of management; Appropriate management options and methods for achieving aims and objectives; Timescales; Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); Details of the body or organisation responsible for implementation of the plan; Ongoing monitoring and remedial measures.

The plan shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented as approved.

10. Before any operations are commenced excluding demolition and site clearance, space shall be provided within the site curtilage for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives’ and visitors’ vehicles, laid out and constructed in accordance with
detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reasons for Conditions

1. To ensure the development achieves a reasonable level of compliance with the Building for Life assessment criteria and the revised layout improves the relationship to adjoining properties and to achieve an acceptable level of highway safety in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

2. In the interests of highway safety and the amenity of existing residents to minimise the need for and incidence of on-street parking in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

3. To avoid overdominance of any building and ensure an acceptable level of impact on amenity in accordance with policy GEN2 of the Bolsover District Local Plan.

4. In the interests of highway safety and the amenity of residents in compliance with policy GEN1 and GEN2 of the Bolsover District Local Plan.

5. In the interests of achieving the Building for Life assessment levels and the visual amenity of the areas in compliance with policy GEN2 of the Bolsover District Local Plan.

6. To ensure the landscaping is provided within a reasonable period in compliance with policy GEN2 of the Bolsover District Local Plan.

7. To ensure that the approved boundary treatments are erected in a reasonable time in the interests of the amenity of the residents and compliance with condition 13 of the outline planning permission and to enhance the street scene as envisaged in the Building for Life assessment in compliance with policy GEN2 of the Bolsover District Local Plan.

8. To ensure that adequate provision is made for the disposal of foul and surface water and to avoid any impacts on neighbours from the development in accordance with policy GEN5 and GEN6 of the Bolsover District Local Plan.

9. In the interests of ensuring that the public landscaping and spaces and the ecological mitigation measures are provided, managed and retained for the future in the interests of the amenity of residents and biodiversity in compliance with policy ENV5 and GEN2 of the Bolsover District Local Plan.

10. In the interests of highway safety and the amenity of existing residents by minimising on street parking and vehicles waiting in the highway in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

Statement of Decision Process

1. Revisions and additional details have been negotiated to achieve better compliance with guidelines and reduce impacts on amenity for existing and future residents such that the
proposal achieves compliance with policies and guidelines applicable to residential development and in compliance with the policies and guidance of the NPPF.

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

1. This reserved matters application includes, in addition to the reserved matters, detailed submissions required under conditions 3, 4, 6, 7, 10, 11, 13 and 14 of the outline permission. In so far as the approval of details was required under those conditions they are discharged by this permission and subject to compliance with condition 7 of this approval in the case of condition 13 of the outline consent; they will have been fully discharged when implemented as approved or as required under the terms of the condition of the outline planning permission.

2. In relation to condition 7 the boundary treatment approved under condition 12 of the outline permission (16/00004/DISCON) shall also be implemented as approved.

3. List of approved plans in addition to those specifically referred to in the conditions above: House types: Hatfield Rev B and Hipped Roof version Rev A
   Hanbury Rev B and Hipped Roof version Rev A
   Clayton A Rev B and Hipped Roof Version Rev A
   Clayton Rev B
   Alnwick Rev B and Hipped Roof Version Rev A

4. The response from the DCC Highways Officer contains a number of guidance notes for information, which is available for viewing and downloading on the Council's web site.

Date 29th April 2016

PP-04707722
010034145077

Signed ........................................
Authorised Officer of the Council

GCREMZ