LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

CHATSWORTH SETTLEMENT TRUSTEES
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 Chatsworth Settlement Trustees in relation to allocation u) Land between 11 and 19 Back Lane, Palterton 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 11 and 19 Back Lane site is approximately 0.6 hectares in size and is situated within Palterton.

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 Council’s published Residential Land Availability Assessment (October 2017) concluded that, “The site is available, possibly suitable, with a reasonable prospect of development within 5 years. Therefore, the site could be considered for allocation within the emerging Local Plan.” The site is expected to deliver 11 dwellings between 2020 and 2022.

2.4 Based upon the Council’s proportionate evidence base and the findings of the Sustainability Appraisal Report, the Council approved the allocation of land between 11 and 19 Back Lane in April 2018 and set out its policy for the allocation in its Publication Local Plan for Bolsover District in May 2018.

2.5 In advance of this stage of the plan-making process, Chatsworth Settlement Trustees submitted an outline planning application for 11 dwellings in August 2016 and this was granted in February 2017 (application reference 16/00410/OUT). Since this decision, Chatsworth Settlement Trustees has begun marketing the site to enable it to be brought forward.

2.6 A copy of the Decision Notice regarding the above application forms Appendix 1 to this Statement of Common Ground.

2.7 Based on the above, in July 2018 agents on behalf of Chatsworth Settlement Trustees 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>0</td>
</tr>
<tr>
<td>2020/2021</td>
<td>5</td>
</tr>
<tr>
<td>2021/2022</td>
<td>6</td>
</tr>
<tr>
<td>2022/2023</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
</tr>
</tbody>
</table>
2.8 Underpinning this delivery trajectory are the following progress milestones:

- January 2019 onwards – Marketing of site
- January 2020 – Reserved matters submitted
- May 2020 – Decision Notice issued
- September 2020 – Start made on site
- By March 2021 – 5 dwellings completed on site

2.9 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 Chatsworth Settlement Trustees agree that clear evidence exists to demonstrate that the allocation of land between 11 and 19 Back Lane, Palterton 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 Chatsworth Settlement Trustees also agree that clear evidence exists to demonstrate that the land between 11 and 19 Back 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. Chatsworth Settlement Trustees has a controlling interest in the site and has begun giving consideration to marketing the site to enable it to be brought 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 granted outline planning permission 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 its 11 new homes within the next 5 years.
4) Conclusion

4.1 Based on the stated areas of common ground, Bolsover District Council and Chatsworth Settlement Trustees agree that the allocation of land between 11 and 19 Back Lane, Palterton 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

David Peck
On behalf of Planning & Design Group (UK) Limited
Agent for Chatsworth Settlement Trustees

Dated: 18th January 2019
APPENDIX

1) Decision Notice regarding application reference 16/00410/OUT
BOLSOVER DISTRICT COUNCIL
The Arc, High Street, Clowne, Derbyshire, S43 4JY

Notice of Decision on Application for Outline Planning Permission

Mr Eamonn Keogh
ONeill Associates
Lancaster House
James Nicolson Link
Clifton Moor
York
YO30 4GR

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 August 2016 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 18th August 2016 for the following development-

Proposal: Outline application for the demolition of existing buildings and erection of 11no. dwellings with access from Main Street and Back Lane
Location: Land Between 11 And 19 Back Lane Palterton
Applicant: Mr Will Kemp

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 (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 detailed drawings and plans clearly showing the extent of demolition and the manner of rebuilding of any natural stone buildings and stone boundary walls. The reason for any demolition shall be stated.

4. a) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation (FAS Heritage, WSI v.3 1216) submitted as part of the

16/00410/OUT   Page 1 of 6
planning application. In particular, following demolition to slab level only, no further development shall take place until the archaeological fieldwork on site has been completed to the satisfaction of the local planning authority.

b) 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 Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5. No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

6. 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 or archaeological written scheme of investigation (see condition 4 above) 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.

7. The development shall be carried out in accordance with the recommendations and mitigation/enhancement measures contained within the submitted Preliminary Ecological Appraisal (bi-ecology 17/08/16).
8. Notwithstanding the detail submitted with this application a revised design and access statement shall accompany application for approval of reserved matters. The proposal shall include the use of natural magnesian limestone, slate and red clay pantiles and some use of red brick. Vernacular design and detailing will also be needed to preserve the character of the conservation area and the setting of the adjacent listed building. Existing stone buildings and boundary walls shall be retained where practicable and rebuilt where not in horizontal coursing using magnesian limestone. The passage of traffic between Main Street and Back Lane should be prevented.

9. Before any development progresses above damp proof course level, the existing accesses to Main Street and Back Lane shall be modified in accordance with the revised drawings (08)001 Revision S, 5058 SK001 003 Revision D (2.4m x 43m visibility splays onto Main Street) and 5058 SK001 004 Revision D (2.4m x 43m visibility splays onto Back Lane - relocated access and any new access). The area in advance of the sightlines shall be maintained clear of any object greater than 0.6m relative to adjoining nearside carriageway channel level.

Notwithstanding the detail of the amended drawings referred to above, the accesses shall be laid out as a standard vehicular crossing in accordance with revised drawings which beforehand have been submitted to the Local Planning Authority for consideration and approval (in consultation with the County Highway Authority). The approved drawings shall be implemented before any development progresses above damp proof course level unless an alternative timescale has been approved in writing by the Local Planning Authority.

10. Prior to occupation each dwelling shall be provided with at least 2 off-street car parking spaces and turning space to enable vehicles to enter and leave the site in a forwards direction. Thereafter these facilities shall be maintained free from any impediment to their designated use.

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 level(s) of the buildings.

**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 preserve the character of the conservation area and setting of the adjacent listed building in accordance with policies CON1 and CON10 of the Bolsover District Local Plan.

4. To ensure that the archaeological interests of the site are properly recorded in accordance with policy CON13 of the Bolsover District Local Plan.
Development Control at County Hall, Matlock (telephone 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

3. Further to condition 5 above the proposed destination for surface water needs to accord with the hierarchy in Part H of the Building Regulations 2000 i.e. :-
   I. into the ground (infiltration);
   II. to a surface water body;
   III. to a surface water sewer, highway drain, or another drainage system;
   IV. to a combined sewer.
Further information is available in the consultation response 14/12/16 provided by DCC Flood Risk Management Team.

4. An invasive non-native species protocol should be devised and followed detailing the containment, control and removal of invasive weeds on site.

5. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. Nesting Birds are protected under the Wildlife and Countryside Act 1981. Bats are also a protected species and if works have not been undertaken by June 2017 further surveys for bats are advised.

6. The layout will need to include bin presentation areas close to the junctions between unadopted access drives and the public highway.

Date 8th February 2017
Signed ......................................................
Authorised Officer of the Council

010013071124

GCOUTZ
5. 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.

6. 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.

7. To reduce the risk of harm to protected species and to the ecological interests of the site and to accord with policy ENV5 of the Bolsover District Local Plan.

8. To ensure a satisfactory standard of design and in order to preserve the character of the conservation area and setting of the adjacent listed building in accordance with policies GEN2, CON1 and CON10 of the Bolsover District Local Plan.

9. In the interests of highway safety and to accord with policies GEN1 and GEN2 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 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.

**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. Residential development is acceptable in principle within the settlement framework. The proposal will result in changes to the appearance of the conservation area and also to the setting of the grade 2 listed Palterton Hall. However the site is capable of accommodating the amount of development sought and subject to appropriate quality layout and designs (to be determined at reserved matters stage) the proposal should not have a negative impact on the conservation area or the setting of the listed Hall. Subject to conditions no impacts have arisen that would justify the refusal of planning permission.

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

1. The applicant is advised that the layout plan and elevations submitted with the application are indicative only and are not hereby approved. Further amendments and details will be required at reserved matters stage to reach an acceptable design solution.

2. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in