LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

WELBECK ESTATES COMPANY 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 Welbeck Estates Company Limited in relation to allocation 1) Land at Queens Road Allotments, Hodthorpe of policy LC1: Housing Allocations of the Local Plan for Bolsover District submitted to the Secretary of State on the 31st August 2018.

2) Background

2.1 The land at Queens Road Allotments site is approximately 1.8 hectares in size and is situated to the south of Hodthorpe.

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 In addition to the already delivered 1ha community woodland and permissive path to the south of the allotment relocation site, the site is expected to:

a) Deliver approximately 40 dwellings between 2019 and 2023;

b) Provide an approximately 400sqm parking area within the site to reduce on-street parking on Queens Road.

2.4 In relation to the proposed land at Queens Road Allotments allocation, 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.”

2.5 Based upon the Council’s proportionate evidence base and the findings of the Sustainability Appraisal Report, the Council approved the allocation of land at Queens Road Allotments 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, Welbeck Estates Company Limited submitted an outline planning application for 38 dwellings in July 2015 and this was granted in March 2016 (application reference 15/00354/OUT). Since this decision, Welbeck Estates Company Limited has sought to bring this site forward and are now contracted with March Heritage Homes who will be submitting a detailed planning application shortly.

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

2.8 Based on the above, in July 2018 Welbeck Estates Company 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>10</td>
</tr>
<tr>
<td>2020/2021</td>
<td>20</td>
</tr>
<tr>
<td>2021/2022</td>
<td>30</td>
</tr>
<tr>
<td>2022/2023</td>
<td>38</td>
</tr>
<tr>
<td>2023/2024</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>38</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 – Reserved matters submitted
- June 2019 – Decision Notice issued
- September 2019 – Start made on site
- By March 2020 – 10 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 Welbeck Estates Company Limited agree that clear evidence exists to demonstrate that the allocation of land at Queens Road Allotments, Hodthorpe 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 Welbeck Estates Company Limited also agree that clear evidence exists to demonstrate that the land at Queens Road Allotments 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. Welbeck Estates Company 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 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 least 38 new homes within the next 5 years.

4) **Conclusion**

4.1 Based on the stated areas of common ground, Bolsover District Council and Welbeck Estates Company Limited agree that the allocation of land at Queens Road Allotments, Hodthorpe 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 Ian Goodwin, CEO
On behalf of Welbeck Estates Company Limited

Dated: 23rd January 2019
APPENDIX

1) Decision Notice regarding application reference 15/00354/OUT
BOLSOVER DISTRICT COUNCIL  
The Arc, High Street, Clowne, Derbyshire, S43 4JY  

Notice of Decision on Application for Outline Planning Permission  

Mr Christopher Jesson  
Planning and Design Group  
Pure Offices  
Lake View Drive  
Sherwood Park  
Nottingham  
Nottinghamshire  
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 18th July 2015 and accompanying plan(s), drawing(s) and particulars accepted as a valid application on 20th July 2015 for the following development-  

Application No: 15/00354/OUT  
Proposal: Residential Development with means of access from Queens Road including additional school parking area (in conjunction with the relocation and expansion of allotment gardens to land west of Hodthorpe).  
Location: Land to the East Of Hodthorpe Primary School Queens Road Hodthorpe  
Applicant: Mr Darren Ridout  

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

GRANTED CONDITIONALLY  

Conditions  

1. Approval of the details of the layout, scale, appearance and landscaping of the site; (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development 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 a revised design and access statement which should take account of advice of the Urban Design Officer provided on the outline application.
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. Application for approval of reserved matters shall be informed by and shall be accompanied by an extended Phase 1 habitat survey of the site and targeted surveys for amphibians, reptiles, badgers, bats and nesting birds and notable and invasive plant species together with a scheme of mitigation proposals where necessary for consideration and approval by the Local Planning Authority. If amphibians are discovered in the ponds on site the mitigation proposals required are likely to include inter alia amphibian pond(s) on site and/or on a relocation site. The approved mitigation proposals shall be incorporated into the development in accordance with a programme of implementation which shall be included with the scheme of mitigation proposals.

6. No development shall commence on site or on a part of the site until provision has been made for the satisfactory disposal of foul and surface water from the site or that part of the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority. The scheme shall include consideration of Sustainable Urban Drainage System solutions and where these are proposed details of the future maintenance responsibilities for them. No part of the development shall be occupied or brought into use until the approved foul and surface water drainage works are complete.

7. Before development commences, other than site preparation works, the existing footpath fronting the site along Queens Road shall be widened to a minimum of 2m width in accordance with Site Entrance Drawing 13050/5013/01 received 15th October 2015. Following the removal of sections of frontage wall to achieve this, the stone boundary wall fronting the site shall be rebuilt and reinstated on the back edge of the footway. This shall be undertaken using the reclaimed stone (or otherwise natural magnesian limestone to match) in a manner and using coursed and coping stone to match the existing wall. A sample panel of rebuilt wall shall first have been approved in
writing by the Local Planning Authority before the wall is reinstated. The wall shall be
rebuilt in a manner to match the approved sample panel within 6 months of its removal.

8. No development shall be commenced until a temporary access for construction
purposes has been provided to Queen’s Road, laid out and constructed. The access
shall have a minimum width of 5.5m, minimum radii of 6m, be constructed to base level
and be provided with visibility sightlines of 2.4m x 43m in each direction. The area
forward of the sightlines shall be cleared and maintained clear of any obstruction
exceeding 1 m in height relative to the nearside carriageway edge.

9. Prior to the first occupation of any dwelling, the new estate street junction shall be laid
out and constructed in accordance with the application drawing (Site Entrance Drawing
13050/5013/01) having a minimum width of 5.5m, 2 x 2m footways, 6m radii and
visibility sightlines of 2.4m x 43m. The area forward of the sightlines being constructed
as footway and forming part of the adoptable highway.

10. Prior to the first occupation of any dwelling, space shall be provided within the plot
curtillage for the parking of two vehicles and maintained throughout the life of the
development free of any impediment to its designated use. For the avoidance of doubt,
where a garage is counted as a parking space, the internal dimensions should not be
less than 3m x 6m.

**Reasons for Conditions**

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

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

3. The indicative layout provided needs to be improved to ensure that an acceptable
standard of design is achieved and to accord with policies GEN 1 and GEN 2 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. In the interests of biodiversity and to accord with policies GEN 2 and ENV 5 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. To ensure a satisfactory standard of junction visibility and footpath width and to ensure
that the wall is reinstated and constructed to reflect the character of the existing wall and
to preserve the amenity of the area in accordance with policy GEN2 of the Bolsover
District Local Plan.
8. In the interests of highway safety and to accord with policies GEN 1 and GEN 2 of the Bolsover District Local Plan.

9. In the interests of highway safety and to accord with policies GEN 1 and GEN 2 of the Bolsover District Local Plan.

10. In the interests of highway safety and amenity and to accord with policies GEN 1 and GEN 2 of the Bolsover District Local Plan.

**Statement of Decision Process**

1. Sustainable development such as this proposal is permitted by the National Planning Policy Framework (NPPF) outside the settlement framework in the absence of a 5 year supply of housing. This site performs well in terms of sustainability in comparison to other development options within Hodthorpe. The NPPF presumption in favour of sustainable housing applications is a material consideration which is considered to override the loss of grade 2 agricultural land in this case. The proposal would result in the loss of existing allotments however it is considered that appropriate alternative provision is proposed in line with policy. The relocation of the allotments would not be contrary to the policy designed to maintain the open break between Whitwell and Hodthorpe. The proposal is considered to be acceptable in principle and an assessment of the likely development impacts has not identified any unacceptable impacts that cannot be adequately mitigated by planning conditions and a Section 106 agreement to secure: replacement of the allotments; community woodland walk; additional parking area for the school and improved visibility; and interim affordable housing policy compliance.

**Notes to Applicant**

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

1. A section 106 obligation (a legal agreement) has been completed in association with this planning permission. The obligations include inter alia to:-
   
   • Cultivate, provide and secure the allotment relocation site (to the rear of the recreation ground) before existing allotment holders are required to move from the application site (within 12 months of planning permission) and extend the lease duration from 1 year to 15 years.
   
   • Provision of a 1ha community woodland and permissive path to south of the allotment relocation site.
   
   • Accordance with the Council's interim policy on affordable housing waiving the requirement for 10% on site in return for meeting delivery targets on site;
   
   • Provision of 400sqm parking area (approximately 7 additional off-street parking spaces) for the school to reduce on-street parking on Queens Rd.
   
   • To offer to undertake junction visibility improvement at the existing School access.

2. The Applicants attention is drawn to the Urban Design Officers advice 17.09.15 available on the Council’s web site. Based upon the indicative layout drawing the proposals would be unacceptable without improvement in terms of a number of urban design considerations. Future reserved matters proposals would need to address the concerns in accordance with the NPPF, NPPG, Successful Places Interim SPD (2013) and Building for Life 12 (2014).
3. Further to condition 5 above the presence of Rustyback Fern at the site should be safeguarded by both the retention of the walls where present and its protection from any impacts during construction. If this is not possible (due to the need to comply with the other conditions of this permission or because it is present at the proposed access position) appropriate mitigation should be provided in the scheme. The hedgerow should be retained on the back boundary, ideally these should not form the boundaries to the new garden plots as shown on the indicative plan as in such situations the long term retention of them and positive management cannot be guaranteed. Alternative layout solutions therefore need to be considered.

4. Further to condition 6 above (drainage details to be approved): No development should take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000." And;
No development should take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory 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 will need to be implemented in accordance with the approved detailed design prior to the use of the buildings commencing in accordance with condition 6.

5. Further to condition 7 above the Highway Authority will need to be contacted regarding a bus stop, street light, telegraph pole and road sign which will need to be relocated before any works can commence on Queens Road. It will be necessary to contact Derbyshire County Council's Street Lighting Section with regard to the relocation of the street lighting columns and the Traffic & Safety Section with regard to the relocation of the road sign (01629 533190). British Telecom will need to be contacted with regard to the relocation of the telegraph poles if they need to be relocated. Approval will also be necessary from DCC prior to commencement of any works being carried out within the existing highway.

6. Bin stores should be provided within private land at the entrance to shared private drives, in accordance with details that should accompany application for approval of reserved matters.

7. Reserved matters application should be accompanied by a swept path analysis to demonstrate that service and emergency vehicles can successfully enter and manoeuvre within the site.

8. 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.

9. 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).

10. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability on their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines or coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk

Date 8th March 2016

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

Authorised Officer of the Council

GCOUTZ