

PLANNING COMMITTEE – 4 FEBRUARY 2020

Application No:	19/01946/FUL		
Proposal:	1 No. one bed bungalow and associated tree works; removal of T1 and T2 and remedial pruning of crown up to 1.5 metres to T3.		
Location:	Land Off California Road, Farndon, Nottinghamshire		
Applicant:	Newark & Sherwood District Council		
Agent:	Rg+p Ltd.		
Registered:	06.11.2019	Target Date:	02.01.2020
		Extension agreed to	06.02.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q08MT0LBM0G00		

The application is being referred to Committee due the professional officer recommendation differing to the view of the Parish Council and the scheme being submitted by NASH/NSDC.

The Site

The application site is located within the built-up area of Farndon. The land is a former Council garage site. The garages are believed to have been demolished at least 15 years ago. The vacant site now effectively forms a cul-de-sac to the rear of existing properties on the northern side of California Road. Anecdotal evidence from NASH/NSDC indicates that the land is currently used informally by a local resident for parking vehicles. When visiting the site this assertion was supported by observing seven parked vehicles, including one on the back of a flat-bed truck.

The surrounding area is distinctly residential in character. With the exception of the Grade II Listed Chestnut Farmhouse located to the southwest, despite being within the village conservation area, surrounding properties comprise mostly mid to late-twentieth century semi-detached dwellings of limited architectural interest, including a terraced row of bungalows and some sheltered-accommodation flats.

Relevant Planning History

No relevant planning history.

The Proposal

The development proposal is for the construction of a single, southwest facing one-bedroom dwelling. The house would be a bungalow with a bay window to the front, serving a bedroom, and the main living area to the rear with a garden area of approximately 200m². The rear elevation would be 12.6m away from the respective elevation of the neighbouring property, with 1.5m

taken from the rear gardens of nos.1, 3 and 5 California Road (also in the applicant's ownership) in a bid to achieve an appropriate separation distance.

The proposal includes four parking spaces immediately to the front of the property for the proposed dwelling. Two of these would be reserved for the new dwelling occupiers while the other two, in conjunction with three other spaces located across the road to the southwest, would serve the existing sheltered accommodation.

The dimensions of the proposed garage measure:

- 7.8m wide
- 8.5m deep
- 2.5m high at the eaves /5.1m high to the ridge

The following documents have been submitted with the application:

- Site location plan (Drawing no.100-416/ID189/001B) (04/11/2019)
- Proposed site layout – (Drawing no.100-416_ID189_005D) (22/01/2020)
- Proposed plans and elevations (Drawing no.100-416/ID189/009)
- Boundary treatment plan (Drawing no.100-416/ID189/006A) (22/01/2020)
- Land contamination assessment
- Statement of Housing Need
- Heritage Impact Assessment

Departure/Public Advertisement Procedure

Occupiers of 11 neighbouring properties have been notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1: Settlement hierarchy

Spatial Policy 2: Spatial distribution of growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 2: Rural Affordable Housing

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM1: Development within settlements central to delivering the spatial strategy

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework
Planning Practice Guidance

Consultations

Farndon Parish Council: Objection was raised on the grounds that this would have a significant detrimental effect on neighbouring properties. The applicant should give more consideration to existing residents and the impact the development would have, as the area had already suffered significantly with the removal of car parking areas for development. California Road was on the village bus route and on street parking already had an impact.

NCC Highways:

12/12/2019

This proposal is for the construction of one bungalow and 2 associated parking spaces with an additional 5 spaces for local residents parking. The access to the site from California Road is public adopted highway.

The site layout plan 100-416/ID189/005C shows 3 vehicle parking bays at the front of the proposed dwelling and 2 to the south west of the turning head partly within the orange shaded public highway. These should not be included within the highway and the plan requires alteration to address this. The footpath adjacent the plot also extends to and includes works within the existing highway. Any works within the highway are required to be tarmac surfaced and not as shown on the plan. It is noted that vehicular access is to be maintained for two adjacent plots to the north west.

Could the applicant amend the layout plan to address the above issues and resubmit for consultation.

22/01/2020

Amended site layout plan:

The position of the vehicle parking and the footway adjacent the plot referred to in my previous comments has now been amended to be within the site curtilage and not within the public highway, as demonstrated on Plan 100-416/ID189/005D. This is now acceptable, and there are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until the works within the highway to provide adequate parking facilities are carried out and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

Note to applicant:

Should any works be carried out within the public highway they shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

NSDC Conservation: The proposal site is within Farndon Conservation Area (CA). Chestnut Farm to the west is Grade II listed.

We provided advice at pre-application stage, although did not have the benefit of seeing elevation plans (PREAPP/00189/19).

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised Feb 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of heritage asset(s)

Farndon Conservation Area (CA) covers the historic core of the settlement, focussed around the Church of St Peter and a network of lanes between the River Trent and the Roman Fosse Way. There are a number of historic buildings within the CA, ranging from polite Georgian and Victorian

houses to rustic post medieval cottages and vernacular farmsteads. The field enclosures to the south of the settlement reflect historic boundaries and contribute to the significance of the CA. The CA was designated in 1992.

Chestnut Farmhouse is a late 18th century house with early 19th century alterations. It is red brick with a pantile roof, comprising an L plan with a service wing orientated eastwards towards the development site.

This part of the CA appears to have been included in the original designation as it follows the historic orchard layouts behind Main Street. However, this area has been extensively redeveloped and is now difficult to interpret.

Assessment of proposals

The proposal seeks approval for a new bungalow on an area of hardstanding to the rear of Trent House.

The historic significance of this land appears to have been in its function as orchards and small holdings (see extracts from late 19th /early 20th-century OS maps attached), but this character is now difficult to read and understand. Loss of any further openness of the land could be seen as being negative but given the proliferation of modern houses between Marsh Lane and California Road behind Main Street, a further small-scale bungalow is considered to have a limited impact upon the character and appearance of the CA. The addition of landscaping is welcomed and is a moderate improvement to the hardstanding character at present.

Summary of opinion

No objection provided that materials and detailing used in the construction of the dwelling is similar to the existing bungalow stock adjacent. In this context, the proposed development preserves the setting of Chestnut Farmhouse, and causes no harm to the character and appearance of the CA. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

NSDC Environmental Services: With reference to the above development, I have received a Phase I Desktop Study report submitted by Collins Hall Green acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

The report identifies potential onsite sources of contamination as oils, asbestos and made ground and as a result goes on to recommend a phase 2 intrusive investigation.

I generally concur with the recommendations made and therefore would recommend the use of our full phased contamination condition.

NSDC Tree Consultant: No objection in principle — I would recommend conditioning of soft landscaping to mitigate against tree loss.

Conditions:

1. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.
2. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Trent Valley Internal Drainage Board: The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site.

The Board's consent is required for any works to increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water runoff to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.

Cadent Gas: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The application is incorrect in fact that the proposed house will be taking away over 15 car parking spaces. The new proposals only show 7. It is believed all of the occupants of the 4x

two-bed flats in Trent house have one or more car, with all of the existing bungalows also having cars. These numbers don't include any visitors.

- If permission is alternative parking provision should be provided to the frontage of Trent house.
- There is a bus stop outside Trent house, this causes parking problems without taking away existing parking spaces.
- The land could be better used by pulling down Trent House and nos. 1a and 3a and building more properties there.
- Trent House has a well used community room that attracts at times 10 cars. Again, where will these park?
- Objection to taking part of current occupiers gardens, without consultation.
- Concern at overbearing and overshadowing impacts, along with perceived loss of privacy.
- Concerns about the impact on the conservation area

Comments of the Business Manager

Principle of Development

The LDF Core Strategy settlement hierarchy (Policy SP1) identifies the settlements which are central to helping deliver sustainable growth and development in the District. Fardon is identified as an 'Other Village', therefore development proposals are to be assessed in accordance with the criteria set out in Policy SP3 – namely location, scale, need, impact and character.

Location: Policy SP3's locational criteria supports the development of sites in sustainable accessible villages. Fardon's own range of services and facilities and convenient access (less than 0.5km) to the Newark Urban Area mean that it is regarded as a sustainable location for development, with the proposed development site critically being within the core of the village's built-up area. There is a bus stop close to the site on California Road, while the location, adjacent to sheltered accommodation, gives further indication of the site's accessibility to those who would be regarded as 'less mobile'.

In addition, LDF Policy CP9 supports effective and efficient re-use of previously developed land in a manner that is consistent with local character. The NPPF (Section 11) supports this, encouraging planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for the provision of homes.

Scale: The proposed development of a single dwelling is considered appropriate to this location. While I am mindful that the NPPF (para.122) promotes efficient use of land, this should not be at the expense of the evident desirability (in the context of the conservation area) of maintaining the area's prevailing character and achieving well-designed places. More intensive development on this site would give rise to unacceptable occupier and neighbour amenity impacts, while the nature of a modestly proportioned single-storey dwelling that means that it would not be incongruent with the surrounding area, which is characterized largely by the low-rise neighbouring properties and the sheltered housing complex to the west. While a larger dwelling would risk causing adverse impacts to the setting of the nearby listed building, it is helpful to consider the height of the proposed bungalow in the context of being merely 1.1m higher than an ancillary structure that could be constructed under permitted development rights.

The comments from the Conservation Officer underline my assessment (above), making clear that in the context of the extensive modern development between Marsh Lane and California Road behind Main Street, a further small-scale bungalow is considered to have a limited impact upon the character and appearance of the CA

Need: In terms of housing need, the Council is in a position where it can currently demonstrate a five year housing land supply (6.0 years). Nonetheless, there is a demonstrable need for up to 11 affordable homes within the immediate area. The housing need statement accompanying the application was prepared by the District Council's Strategic Housing Team, therefore the level of stated need is not disputed. On the basis of this unmet need it is considered that the proposed development can make a positive contribution and, notably, complies with the identified housing needs specified in Core Policy 3. Additionally, it is considered that any amount of residential development can make a positive contribution towards sustaining local services and facilities.

Impact: As a single bedroomed dwelling, capable of accommodating only two occupants, it is anticipated that the proposed development would have a negligible impact upon the surrounding area in terms of infrastructure, sewerage and the transport network. It is noted in this regard that the Parish Council and local residents have raised concerns about the potential impact of the development as a result of removal of car parking spaces. However, the Highways Authority has not expressed any concerns about this and I will discuss this issue in more detail in later sections of this report.

Character: The site is located within the Farndon Conservation Area, in the historic core of the settlement, close to the Church of St Peter. While there are a number of landscape features and historic buildings within the CA which contribute to its significance, including nearby Chestnut Farmhouse (late 18th century), this part of the CA has been extensively redeveloped and is now difficult to interpret. Nonetheless, the historic significance of this land appears to have been its function as orchards and small holdings. Although the Conservation Officer alluded to the consideration that loss of any further openness of the land could be seen as being negative, this is weighed against the spread of modern houses on land behind Main Street and the site having accommodated a number of garage units (believed to have been demolished around 15 years ago), therefore has not always been open.

A further small-scale bungalow is therefore considered likely to have a limited impact upon the character and appearance of the CA and the proposed addition of landscaping features is a welcome improvement to the harsh hardstanding character at present. In accordance with the Conservation advice the proposed materials are reflective of the palette used on surrounding properties, comprising the Cadeby Red Multi brick and grey roof tiles.

Residential Amenity

LDF Policy DM5 makes clear that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. The relationship of the proposed dwelling with surrounding properties is therefore amongst the key considerations for determining this application. Although the NPPF gives great weight to development proposals making use of brownfield sites and making efficient use of land it nevertheless emphasizes the importance of securing well-designed, attractive and healthy spaces.

Although the submitted plans suggest that the side elevations of the proposed dwelling are approximately 11m and 10.5m from the respective front and rear elevations of adjacent properties, in reality a projecting gable to the front and a conservatory to the rear of these properties mean that the separation distances are only 8.2m and 7.4m respectively. This is less than the 12m separation distance which is commonly given as a notional minimum standard. However, this is not to say that the development would have an unacceptable impact.

While this matter is not to be overlooked, there are in this instance factors to consider that mitigate the potential severity of any potential amenity impacts. Firstly, on a flat site, adjacent to single storey dwellings and surrounded by a 1.8m high boundary fence, I would not envisage any potential risk of habitable rooms or private amenity space being overlooked and therefore experiencing a loss of privacy. Specifically, the proposed side facing window closest to the southeast boundary serves the proposed bathroom, therefore would be obscured glazing, while the 2.1m high patio doors on the opposite side would be adequately screened by vegetation planted on the boundary. Any perceived sense of this could be further reduced by planting along the boundaries of the existing and proposed dwellings.



In addition to the above considerations, the overall height of the proposed bungalow would be 5.1m to the ridge and 2.5m high at the eaves. At the aforementioned distances of 8.2m and 7.4m the potential overbearing impact of a single storey dwelling would be considered marginal, sitting only 1.1m above what would be permissible under permitted development rights for an ancillary residential structure, along with a relatively shallow pitched roof (30 degrees) and appearing only 0.7m above the boundary fence height at the eaves. Similarly, at this height, the orientation of the proposed dwelling relative to existing dwellings means significant overshadowing that would cause an unacceptable impact is unlikely.

Noting that the proposal involves taking 1.5m from the rear gardens of nos 1, 3 and 5 California Road in order to achieve the above separation distances there is potential grounds for concern about the impact on the private amenity space of each of these dwellings and, subsequently, the

wellbeing of the occupants. However, a cursory assessment of the remaining garden space suggests that each property would have comfortably more than the 30m² notional minimum standard. Given that these houses principally serves as sheltered accommodation for the elderly, compared to family housing the need for significant amounts of amenity space is reduced. The impact is therefore considered acceptable.

Being mindful of the requirements of Policy DM5, while the proposed development could appear cramped in relation to neighbouring properties, it retains a substantial amount of private amenity space for future occupiers, with c.200m² of garden space to the side and rear. Although this is substantial for a property of this size it is reflective of the constraints affecting the site's capacity. With added vegetation along the site boundary it is considered that the proposed dwelling has potential to soften the current hard appearance of the surrounding area.

Highways Impacts

Core Strategy Spatial Policy 7 gives support to development proposals which promote non-car modes of access to services and facilities and emphasises the need for safe, convenient access for all, including the elderly and disabled. Similarly, Policy DM5 states that parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification. As noted above, the Highways Authority has not objected to the dwelling and the parking spaces proposed, in accordance with Policy SP7, I am of the opinion that it would provide safe and convenient access for future occupiers. However, it is also important to consider the perceptions both the Parish Council and local residents of the existing site and the impacts of the proposed development.

Comments received on the application state that the site is currently utilised as a car park for up to 12 vehicles. On the two occasions that I have visited the site this use is evident, even during the daytime when it would be expected that numbers would be less than evenings and weekends, however, this may be reflective of the demographics of local residents. Much of the concern arising relates to California Road being located on a local bus route and displaced vehicles leading to an increase in on-street parking as having potential to create more challenging driving conditions. Critically, the Highways Authority have not objected to the development on this basis.

Although it is acknowledged that DM5 requires development resulting in the loss of parking provision give justification I am nonetheless mindful that the current parking arrangement is only accepted on an informal basis. Had the garages still been standing the capacity of the site would be limited, whilst as private land the owner would be within their rights to restrict access at any time. As such, although this use is well-established, it should only be treated as an informal arrangement. The provision of five, formal dedicated parking spaces in addition to the two spaces associated with the dwelling itself is therefore considered appropriate.

Trees

The development proposal includes the removal of two trees and pruning of a third. While the existing trees on site offer some contribution to the visual amenity of the surrounding area the Tree Officer has raised no objection to this aspect of the proposal, subject to an appropriate planting scheme to mitigate the above losses. This will therefore be conditioned in accordance with the advice given, thereby ensuring the provision complies with the requirements of Policies CP12 and DM7.

Community Infrastructure Levy

It is anticipated that with the proposed 56m² dwelling will be made available as Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and is therefore exempt from CIL liability.

Conclusion

The proposed development satisfactorily addresses the locational criteria of Spatial Policy 3, achieving provision of a new affordable dwelling within an area of identified need. In the context of the Farndon Conservation Area and the setting of a nearby listed building, the proposed design is considered acceptable. While it is acknowledged that the proposal will have some measure of amenity impact upon neighbouring properties, these impacts are considered marginal and would not give rise to unacceptable living conditions for existing or future occupiers. Furthermore, in arriving at this decision I am mindful that Policy CP9 supports effective re-use of previously developed land, underpinned by the NPPF requiring planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes.

RECOMMENDATION

Planning permission is approved subject to the conditions and reasons show below.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

Site location plan (Drawing no.100-416/ID189/001B) (04/11/2019)

Proposed site layout (Drawing no.100-416_ID189_005D) (22/01/2020)

Proposed plans and elevations (Drawing no.100-416/ID189/009)

Boundary treatment plan (Drawing no.100-416/ID189/006A) (22/01/2020)

unless otherwise agreed in writing by the local planning authority through approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be as stated in the application unless otherwise agreed in writing by the local planning authority through an application seeking a non material amendment.

Reason: In the interests of visual amenity

04

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

05

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another

of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: In the interests of visual amenity

06

No part of the development hereby permitted shall be brought into use until the works within the highway to provide adequate parking facilities are carried out and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

07

Notwithstanding the submitted details, unless otherwise agreed 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 Parts A to D of this condition 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 Part D has been complied with in relation to that contamination.

Part A: 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 are 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:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) 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'.

Part B: Submission of Remediation Scheme

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 and historical 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.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a 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.

Part D: 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 Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, 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 Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of

Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Councils website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Should any works be carried out within the public highway they shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

For further information, please contact Tim Dawson on Ext 5769

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager - Planning Development

