

Application No:	18/00168/FUL	
Proposal:	Development of 3 x 2-bed dwellings	
Location:	Land at junction with Beckingham Road, Brownlows Hill, Coddington, Nottinghamshire	
Applicant:	Newark & Sherwood District Council	
Registered:	29 January 2018	Target Date: 26 March 2018

The application is reported to Committee as the view of Coddington Parish Council is contrary to the Officer recommendation.

The Site

The proposal site is currently a garage and parking court accessed from Brownlow's Hill and sits within an area designated as public open space. The site is grassed beyond the fenced off garage court and its boundaries to the south, east and west are relatively open with sporadic trees, however the northern boundary is densely wooded by trees and mature hedgerows. The site is also located within the Coddington Conservation Area.

The site is bounded on all sides by the highway, Beckingham Road to the north, Brownlow's Hill to the west and south and Valley View to the east. Dwellings lie to the eastern side of Valley View with Coddington Primary School to the south of Brownlow's Hill.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the demolition of the existing garage block (comprising 6 garages) and the erection of 3no. two-storey terraced dwellings with associated garden space and parking. The dwellings would be accessed via Brownlow's Hill and would have an overall footprint of 133.3m² and a ridge height of 7.30m. To the rear there would be two gable projections to afford additional accommodation to the end dwellings, with a small flat roof projection for the middle dwelling, again to provide additional living space.

The dwellings are proposed to be constructed of brick and pantile (Cadeby Red Multi Brick and Sandtoft Old English pantile in Natural Red) with timber effect windows and doors, UPVC rainwater goods and chimneys, and a GRP canopy over the front doors.

As part of the proposal, 2no. young oak trees would be removed along the southern elevation of the site. For the avoidance of doubt, only 2 trees are proposed to be removed, as confirmed by the Tree Report and Proposed Site Layout plan; I note the Design and Access Statement states 5 will be removed however this is incorrect.

It was highlighted to the applicant that the red line boundary of the site did not cover all development proposed by the application, specifically works adjacent to Brownlow's Hill. An amended Site Location Plan and Proposed Site Layout plan have been requested by the Officer.

Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Policies relevant to this application:

Spatial Policy 1: Settlement hierarchy

Spatial Policy 2: Spatial distribution of growth

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy

DM5: Design

DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Coddington Parish Council – *At an Extra-ordinary Parish Council Meeting held on 21 February 2018, the Parish Council unanimously resolved to **OBJECT** to the above application on the following grounds. (Whilst the application refers to 'affordable housing', it is understood from the District Council that it is for 'social housing'. This clearly needs rectifying since the definition of the two types of housing is very different).*

Conflict with Newark and Sherwood District Council's Statutory Planning Policy.

The Core Strategy and Allocations and Development Management DPD

A. Policy SP3 - Rural Areas

SP3 Bullet Point 2 - Scale

The development is not appropriate to the location as set out below under SP3 - Bullet Points 4 and 5 and Policies SP8, SP9. CP14 and DM9.

SP3 Bullet point 3 - Need

The Parish Council appreciates that the District Council is anxious to provide as much social housing as possible, facilitated by Government funding. However, consideration must be given as to whether any site is suitable in planning terms for such a development.

In its Statement of Housing Need, the District Council places great emphasis on what it considers to be the application's location on a 'brownfield site'. In fact the application site includes open, grassed areas to the east, west, north and south of the garage court to which the brownfield site definition refers, and also a fine stand of trees and further open space to the west. Regrettably the actual proposed built area extends beyond that of the garage court into the open areas on all sides resulting in a diminution of the open area and the loss of five young trees, dismissed as being of the lowest retention category by the applicants.

As the applicants clearly rely heavily on the 'brownfield' designation, then the development proposals should be amended to be confined to this area and not encroach on to surrounding land. However, for reasons set out below the Parish Council does not consider that this classification of the garage court justifies its development as proposed. What the application represents is a purely opportunist proposal to exploit Council owned land, irrespective of the conflict with its own planning policies. Whilst the need for social housing is accepted, this does not override basic planning principles, a fact recognised in the Government's National Planning Policy Guidance.

SP3 Bullet Point 4 - Impact

The proposal would adversely affect the amenities of local people by the loss of accessible and usable recreational space, by severe damage to the quality and character of their environment and by the traffic issues raised. (These matters are dealt with below)

SP3 Bullet Point 5 - Character

The proposal, by its gross visual and physical intrusion into this area of Public Open Space, would have a severely detrimental effect on the setting of this part of the village, on the enjoyment of the public open space both for recreation and its landscape quality, and the role the open space performs in creating the character of the Conservation Area. It would also result in the loss of trees specifically planted to preserve the landscape quality of the area.

Policy SP7 Bullet Point 3 and Bullet Point 6

Bullet Point 3 requires that any development should be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Bullet Point 6 requires that any proposal should ensure that vehicular traffic generation does not create new, or exacerbate existing on-street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works. For the reasons amplified at D. below, the application proposals would conflict with both of these Bullet Points' requirements.

Policy SP8

The proposal would severely diminish the enjoyment and use of this valued area designated as Public Open Space. Firstly, the applicants maintain that there are two alternative public open spaces within 600m of the application site and thus villagers would not be disadvantaged by the loss of part of the open space surrounding the garage court. What they fail to address is that both these alternatives lie on the opposite side of the C208 Beckingham Road, which would require any children living near to the application site crossing that road. The provision of a crossing warden to secure the safety of children crossing the C208 to and from the school speaks volumes as to the danger this busy road presents.

To the north and east of the garage court is a well-used recreational space used by local children. The development proposal would encroach into and severely restrict the enjoyment of what is left of the open recreation area which would abut the dwellings on two sides. Problems of noise, disturbance and loss of privacy to future residents are obvious. The diminution of openness could lead to issues of security for children playing on the remaining area. At present all of the open space can be viewed from the road side. There is also a very odd intrusion into the open grassed area on the eastern side of the development, necessitated by the over intensive proposals for the site. Two car parking spaces are indicated running back from the road frontage and projecting into the open area to the east. No fencing or screening is proposed. Damage to vehicles and danger to children are two potential results of this element of this ill-considered design.

Policy SP9 - Point 5 and Point 8

Point 5 requires that any proposal should not have an adverse impact on the special character of the area. The application proposals have a severely adverse impact arising from the visual intrusion into the open space with a two-storey block of housing, by the loss of views into and out of this part of the village and upon the setting of this part of the Conservation Area. Contrary to SP8 which requires no loss of locally important open space, the application proposals do lead to the loss of part of a locally important open space and to a diminution in the capacity for the enjoyment of what remains.

Policy CP 14 - Bullet Points 1 and 2

Rather than preserving and enhancing the character, appearance and setting of the Conservation Area the proposal would do demonstrable harm to all of these elements of the Conservation Area. (See Conservation Area at C below).

B. Allocations and Development Management DPD - Paragraph 2

The application lies within an area defined as Public Open Space on Map 1 - Newark North Proposals. For the reasons already set out above, the application proposal, whilst acknowledging this designation, diminishes the quality of the remaining open area in terms of its role in the character of the area and as an attractive, safe area for informal recreation.

Policy DM9

This policy requires that development proposals should take account of the distinctive character and setting of individual conservation areas, including open spaces and natural features, and reflect this in their layout, design, form, scale, mass, use of materials and detailing. The application fails to meet any of these requirements. The proposed development, because of its positioning on the road frontage, intrudes into views in and out of this part of the village and is therefore very harmful to the setting of the Conservation Area within which it lies. The application proposals do not recognise this role but presumably as a nodding reference to the Conservation Area, pastiche "cottages" are proposed. This does nothing to overcome the basic objection to development on this site and the harm it would do to the open setting of the Conservation Area. It

is an off-the-peg, 'desk-top' solution lacking any design merit, sited in the most expedient location with a total disregard for the surroundings. It also shows complete contempt for the District Council's own planning policies and the aspirations of the Parish Council to protect the environment of its parishioners.

C. The Conservation Area.

The proposal conflicts with all the above policies. The proposed development occupies a part of the larger open area which is presently occupied by a row of garages with a surfaced forecourt and a part of the grassed area to the north and east. It could, and may well be argued that, the presence of the existing development justifies the application proposals. This would be to ignore the fact that the garages are set at right angles to the road frontage, against a backcloth of large trees. Consequently when approaching from the west turning from Beckingham Road into Brownlow's Hill, the garages cannot be seen. The view is of an uninterrupted open, grassed area leading up into the village. Approaching from the east, the low profile of the garages and the backdrop of trees results in the open grassed area predominating in the view. Whilst cars parked on the forecourt can be seen, their low profile means that once again the green area is prominent. There are also attractive views across the open area looking north of trees and hedgerows on both sides of the C208. These are the features of this area which have led to its definition as Public Open Space and its inclusion in the Conservation Area. It is critical in the setting of the older part of the village when approaching from the west and on Brownlow's Hill itself, and also contributes significantly to this part of the Conservation Area.

The Application proposals would destroy the views referred to since the buildings would be sited on the road frontage to Brownlow's Hill. They would therefore intrude into the setting of the village from the west and would severely diminish the immediate character of the area. Any development in a Conservation Area is required to preserve and enhance the character and appearance of that area. This application clearly does not meet these requirements and does, in the words of the Act, cause demonstrable harm to the character, appearance and setting of the Conservation Area.

D. Traffic issues

Due to the presence of a school directly opposite the application site, there is currently a major problem with on-street parking leading to congestion and potential danger to children on Brownlow's Hill. The forecourt to the garages is presently used for school parking. The loss of this facility will exacerbate the already acute problems on Brownlow's Hill. Further on-street parking will be lost on the northern side of Brownlow's Hill because of the need not to obstruct the vehicular accesses to the proposed dwellings. The occupants of those dwellings would experience disturbance and possible obstruction from the car parking and traffic movements generated by the school. The use of the double stacked parking for the proposed dwellings would inevitably lead to increased danger to both motorists and pedestrians seeking to access the school. Attempts have been made by the Highway Authority to ameliorate these problems by restrictions on on-street parking and a proposed advisory 20 miles per hour speed limit at certain times. However, congestion and potential danger to drivers, pedestrians and particularly children remain severe. The application would only exacerbate this situation.

E. Loss of trees

The Application also results in the loss of two young oak trees on the Brownlow's Hill frontage. These trees were planted by the Parish Council and demonstrate its wish to enhance the village and particularly the Conservation Area. Whilst their loss may carry little weight in the District Council's considerations, it does rather exemplify the somewhat cavalier attitude of the applicants to District Council policy especially in relation to the public open space and the Conservation

Area, and its aims of protecting the environment. Also lost are three young pine trees to the rear of the garages. These were planted by the Nottinghamshire County Council to ensure the continuation of the historic stand of trees to the west of the proposed development. No proposal for the replacement of these trees is made in the application, again demonstrating what verges on contempt for the environment and the village.

F. Conditions

If despite these extensive objections based upon the application's conflict with the District Council's own policies, the Council is minded to allow its application, the following conditions, plus any others considered appropriate by the District Council, should be applied:

- a) *A fence and hawthorn hedge to be provided along the northern, eastern and western boundaries of the development, including the car parking spaces projecting outwards on the eastern side.*
- b) *Semi-mature trees to be planted alongside the northern, eastern and western boundaries of the proposed development, such trees to be native species such as oak, chestnut and scots pine.*
- c) *The trees and their roots to the west of the development area to be protected during construction.*
- d) *Any damage done to the remaining open grassed area during construction to be rectified.*
- e) *All construction work to take place within the hours 9.15am-2.45pm during school term time.*
- f) *All construction material to be stored outside the 'open space designated area'.*

G. Conclusions

- a) *The application conflicts with statutory planning policy, particularly in relation to designated Public Open Space and to the Conservation Area.*
- b) *The application does demonstrable harm to the enjoyment of the open space and to the setting of the Conservation Area.*
- c) *The application would exacerbate an existing traffic problem by the loss of car parking for the school to the detriment of school users and other residents of the village.*
- d) *The application is purely opportunist and has shown a cavalier disregard of the District Council's own planning policies.*
- e) *It is regrettable that the District and Parish Councils could not have worked together on what could have been an exciting and rewarding project. Instead the Parish is faced with a dictatorial approach and the welfare of residents, particularly children, is ignored.*
- f) *The application should be **refused**.*

NSDC Conservation Officer – *Many thanks for consulting Conservation on the above proposal. The proposal site is located within Coddington Conservation Area (CA).*

We provided pre-application advice and I can confirm that the submitted scheme reflects those discussions.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, case-law has established that 'preservation' means 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 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). 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 a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

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

Coddington CA was designated in 1992. Following reviews and amendments to the boundary in 2002 and 2006, the Council published a draft Appraisal which provides a useful character analysis. Coddington has medieval origins and is mentioned in Domesday. Coddington was enclosed by Act of Parliament in 1763.

The CA has three distinct areas which have been formed by the re-aligned Newark to Sleaford Road which cuts through the centre of the village: the Old Newark Road (ONR) area; a small part of the historic village to the north of the main road; and the historic core (situated to the south of the main road). The proposal site is situated within a transitional area between the ONR area and the historic core.

The garages and hardstanding are modern and make no positive contribution to the character and appearance of the CA. Similarly, the school and the modern housing to the east of the proposal site have no historic or architectural interest. The openness of the site and green landscaping make a positive contribution to the CA.

Assessment of Proposal

The proposal seeks approval for residential development on land to the north of the Primary School.

This part of the CA is predominantly associated with landscape setting to the historic core of the village, including mature trees. Other than the school, buildings within the street are generally 2 storey cottage types.

The proposed development will be located adjacent to Brownlows Hill, and will predominantly be limited to the existing hard surfaced area. This is beneficial as it will allow a sense of the openness of the site to be retained.

The removal of the modern garages is welcomed.

We provided advice at pre-application stage (ref PREAPP/00270/17). Concerns were raised concerning scale and appearance during pre-application discussions, and, amongst other things, we advised that:

- *The projecting gable should be removed from the front elevation and no render used (no architectural basis for this locally);*
- *The main gable width would benefit from being reduced and windows consolidated so that they are symmetrical/central only;*
- *Chimneys added to roof on both gables (integral stacks);*
- *Roof tiles should be natural slate or non-interlocking natural clay pantiles;*
- *Window headers on front elevation at ground floor to be brick arches (not soldiers);*
- *Windows to be timber or mock timber, flush fitting side hung casements (e.g. Residence 9 or similar);*
- *Timber effect plank doors on front as suggested are ok;*
- *Rainwater goods to be metal or mock cast- half round on rise and fall, round down pipes;*
- *Further details on eaves, verges and string course;*
- *Ideally front elevation brick work will be a traditional bond such as Flemish or English Garden Wall (snap headers for cavity wall construction).*

The submitted scheme has taken into account our advice and we feel that the resultant scheme is acceptable. The layout reflects the pattern of older cottage ranges which sit on the roadway. The scale of the proposed terrace, as expressed in its height, width and length, references traditional building dimensions locally. The use of rear service wings has enabled the gables to be narrowed, which is positive. The use of traditional detailing and appropriate materials is also acceptable. The non-interlocking clay pantiles, for example, are appropriate in this context.

On balance, we believe that the development sustains the character and appearance of the Coddington Conservation Area and therefore accords with the objective of preservation required under section 72 of the Planning (LB&CA) Act 1990. No harm is perceived to any other heritage assets, and the proposal is otherwise considered to comply with heritage advice contained within CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF.

If approved, and notwithstanding the submitted details, further details of the following matters should be addressed via suitably worded conditions:

- *Brick panel to be erected on site before development commences showing bricks, bond, mortar specification and pointing finish (Conservation recommends that the front elevation be externally finished in English Garden Wall or Flemish bond);*
- *Further details of the proposed porches and chimneys (chimneys to be retained);*
- *Further details of sills, window/door headers, eaves and verges;*
- *Precise design details and scale drawings/product literature of the windows and doors (external joinery hereby approved to be retained);*
- *No roof vents on the front facing roof slope unless otherwise agreed;*
- *Any external accretions on the front elevation (meter boxes, flues etc) to be agreed.*

These details will ensure that the proposed development fully preserves the character and appearance of the Coddington Conservation Area.

NSDC Planning Policy Officer –

Planning Policy Context

National Planning Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making, proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Places an emphasis on sustainable forms of development to create a prosperous rural economy.

Paragraph 74 sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Development Plan

Core Strategy DPD

Spatial Policy 3 – Rural Areas

Spatial Policy 7- Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 11 – Rural Accessibility

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations and Development Management DPD

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Submission Amended Core Strategy

The Amended Core Strategy was submitted to the Secretary of State on 29th September 2017 for independent examination, the Examination in Public took place on 1st and 2nd February 2018. We are now in receipt of an initial response from the Inspector that can be viewed by clicking on the

link Post Hearing Note 2 Following the 'wash-up' session at the end of the hearings those areas where the Local Planning Authority has requested the Inspector to recommend modifications have been identified. Their content is however yet to be finalised and consulted upon, so whether there are likely to be objections is not known. The proposed amended policies can however in my view, be deemed to carry meaningful weight in those areas (including within a policy) where no modification is proposed.

Modifications are likely to be made to Spatial Policy 3 to satisfy matters raised at the hearings. Further details of the proposed modifications can be found within the Amended Core Strategy, Regulation 22 Statement of Consultation and Matter 7 The outstanding matter is with regards to bullet point 1 'Location' and clarification of what is meant by 'within the main built up area'. Further details can be viewed in Post Hearing Note 2 In terms of this proposal I am of the view that the site is located within the main built up area of Coddington. Matters have been raised with regards to SP8 that can be viewed within the Regulation 22 Statement. I would however suggest that the matters raised do not relate to the substantive issue of protected open space and the need for its protection.

Assessment

In terms of assessing the proposal against policy I would suggest that there are two main considerations SP3 – 'Rural Areas' and 'SP8' Protecting and Promoting Leisure and Community Facilities.

Spatial Policy 3

The proposal is for the development of 3, 2 bedroom affordable units, located within Coddington which is covered by Policy SP3. The plans demonstrate that the proposed dwellings would in part be erected on the footprint of the existing garages. Spatial Policy 3 addresses local housing need by focussing new housing in sustainable, accessible villages. SP3 sets out that beyond Principal Village's proposals for new development will be considered against criteria set out at bullet points 1 to 5 (location, scale, need, impact, character) In my view the site is located within the main built up area of Coddington with a range of local services that are detailed on page 86 of the 2016/2017 Annual Monitoring Report In terms of need Coddington falls within the 'Newark and Rural South Sub Area for the Housing Market and Needs Assessment 2014, Sub-Area Report that identified for the social sector the main size of property required by both existing and concealed households (54%) is 2 bedrooms. I would therefore suggest that in light of the above the proposal does comply with SP3.

Spatial Policy 8

There are existing garages located on part of the site and is therefore classed as brownfield, the area is however an open space protected by Spatial Policy 8. Policy sets out that 'the loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day to day needs, unless criteria set out in SP8 is met. I would particularly refer you to bullet points 2 and 3 of SP8 which require clear demonstration that:

- *There is sufficient provision of such facilities in the area; or*
- *That sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better as the facility being lost.*

If the site was Greenfield then in my view development would be wholly inappropriate. However as the site is brownfield and the proposal would in part be erected on the existing foot print of the garages then in my view this also needs to be weighed in the planning balance. If the decision maker is minded to approve the application then exploration of possible mitigation measures to enhance the remaining open space should be included as a way forward to address policy requirements.

Conclusion

In my opinion the proposal is finely balanced and therefore when assessing the application and considering the planning balance the decision maker would need to consider the identified need for 2 bedroom affordable units within the Newark and Rural Sub-Area, against the loss of protected open space, to determine whether possible mitigation measures could outweigh the loss of open space.

NSDC Contaminated Land Officer – *With reference to the above development, I have now had the opportunity to review the Phase 1 Desk Top Study Report and Phase 2 Ground Investigation Report submitted by Collins Hall Green in support of the above planning application.*

The Desktop Study report includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses and a description of the site walkover.

Following intrusive sampling, the report identifies elevated PAH contamination (in sample TH1) and recommends that further sampling is carried out.

Whilst I agree with this additional work, I have the following points to raise:

- *No laboratory analysis certificates are provided with the report; please submit copies of original certificates, including analysis accreditation details.*
- *I concur with the report's recommended additional sampling and would expect this to include targeting of the proposed garden areas.*
- *The elevated PAH in TH1 is dismissed as insignificant as it doesn't form part of a development plot. I cannot accept this as it forms part of the application site and requires further consideration/risk assessment.*

I will await the completion of the further exploratory works discussed above before commenting further on any remedial measures. However I note the proposal to import clean topsoil to site, I would refer the applicant to the YALPAG guidance on testing requirement for validation of imported clean materials (attached).

Due to these matters, I would request that our full phased contamination condition is attached to any planning consent.

NSDC Access & Equalities Officer – *It is recommended that the developer make separate enquiry regarding Building Regulations matters.*

NCC Highways – *This proposal includes the removal of 6 garages, and another 6 parking spaces. On the day of a site visit the latter were all in use. The loss of such spaces is regrettable and given the size of the site it would be preferred if replacement parking could be made available, although*

it is understood that such an obligation cannot necessarily be applied. Nonetheless, there is a risk of additional on-street parking occurring and it is requested that the applicant consider making additional public parking provision.

Visibility splay distances have been checked and have been found to be commensurate with vehicle approach speeds.

A land registry search suggests that there is land between the site registered to the District Council and the public highway boundary. Perhaps this should be checked from a legal and planning point of view.

The redundant access to the existing garage site should be reinstated to verge and footway.

The proposed new footway and vehicular dropped crossings will need to be constructed in accordance with the Highway Authority's specifications.

The site lies opposite a school. On the school (south) side of Brownlows Hill, 'School Keep Clear' markings exist and a Clearway Order operates Mon-Fri 8am - 4.30pm. On the north side, adjacent to the proposed development, double yellow lines exist denoting 'no waiting at any time', except for a short length which allows 3 cars to park between the existing garage access and Valley View. This short length will largely coincide with the proposed double width vehicular dropped crossing associated with plots 2 & 3. Thus further parking will be lost on-street; leaving perhaps room for one car which could interfere with visibility. Consequently it is recommended that an additional 'no waiting at any time' restriction be introduced to cover this short length of road; ensuring that Brownlows Hill is kept clear outside the school and no obstruction to the driveways occurs.

Should the District Council approve this application, then the following conditions are recommended:

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge/footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of Highway safety.

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 500/P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative purposes only on drawing 40860/ID45/005E to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

Notes to Applicant:

In order to carry out the off-site works required (footway and vehicular crossings) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

National Grid – Apparatus lies within the vicinity of the site

Trent Valley Internal Drainage Board – No objection to the proposal

In addition to the above, 11 letters of representation have been received for third parties raising the following concerns,

- **Worsen traffic for the school – reduced parking and issues for school buses**
- **Increased traffic during construction which will make an already dangerous road worse**
- **Land is used by children during summer months**
- **Green areas need to be protected**
- **Site currently provides parking for parents/staff of the primary school – at least 6 spaces provided. The loss of garages could also further reduce parking spaces if used**
- **No benefit to the conservation area or village**
- **Space would be better utilised to provide a post office with parking spaces**
- **The school has very limited on site parking which is insufficient. Although the Community Centre, this is often full so parents are required to park on nearby roads.**
- **No turning areas are proposed which would result in vehicles reversing on to the road.**

Comments of the Business Manager

5 Year Housing Land Supply

The Council's position is that it can demonstrate a 5 year housing supply. Following the allowed appeal at Farnsfield in 2016 where one Inspector concluded the Council did not have a five year housing supply, in order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, produced a Strategic Housing Market Assessment (SHMA). The SHMA has produced an OAN for NSDC of 454 dwellings per annum (using 2013 as a base date), which shall be tested through an Examination In Public (EIP) in February this year. The Council has recently defended a Public Inquiry on this basis (outcome yet unknown) and this is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and a defensible figure. Indeed a recent appeal decision (for development in the green belt at Blidworth in August 2017) concluded that the Council does indeed have a 5 year supply against its OAN. Whilst this cannot yet attract full weight, given previous decisions and the advanced stage of the Plan Review, it can attract significant weight. Therefore in our view paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

The five criteria outlined by SP3 are location, scale, need, impact and character, which are considered below.

Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the main built up area of the village adjacent to existing residential development on Valley View and Brownlow's Hill with Coddington Primary School across the public highway.

With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain: a Primary School, a public house, a shop, a village hall, recreation ground and church. In addition, Coddington is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of Policy SP3.

Scale and Impact of Development

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. Three additional single storey dwellings are considered relatively small scale in numerical terms in a village which was detailed as having 1,684 residents in 2016. As such the proposal is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that three additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume particularly as two off street car parking spaces would be provided for each dwelling.

Impact on Character/Visual Amenities (including Heritage assets)

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Additionally, as the site lies within the Coddington Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site falls at the edge of a residential area which has a mix of two storey semi-detached, and terrace dwellings. The current garage block is somewhat isolated in appearance and does not complement the wider conservation area in terms of its design and therefore the proposal to demolish this building is welcomed from a Conservation perspective. Furthermore, the site is highly visible from the public realm owing to its open boundaries and surrounding public open space. Vegetation within the site goes some way to screening the site upon approach along Beckingham Road, however clear views are achieved from Valley View and Brownlow's Hill.

The development offers a relatively simple style of building, using traditional or traditional effect materials which are supported by the internal Conservation Officer. Whilst some of the 'effect' materials, such as the proposed rainwater goods and windows, would be preferred, given the modern developments surrounding the site I consider it unreasonable to request wholly traditional materials, particularly as they would relate to a modern build, however the proposal put forward would on the whole have a traditional appearance and in my view improve the appearance of the site within the Conservation Area. This is however subject to appropriate construction methods, along with additional details not provided at this stage, as listed by the internal Conservation Officer in the 'Consultations' section of this report. Should Members be minded to approve the application, I would recommend that the conditions suggested by the Conservation Officer are imposed to ensure that the LPA can retain control over the construction and finer details of the dwellings. In addition to this, I consider it appropriate to condition boundary treatments so that the LPA can fully assess the likely impact upon the character of the area given the high visibility of the site from all directions.

In terms of their layout, the dwellings will be mostly contained within the existing developed site, although I am mindful that part of the development would encroach upon the surrounding public open space. However given that a large proportion of the site would be retained as landscaped and open, with all but 2no. trees retained, I consider that the openness and green character of the site will not be significantly reduced so as to warrant a refusal on the basis of visual impact.

The proposal is located within an area designated as public open space; this open space to my knowledge will remain within the ownership of Newark & Sherwood Homes and therefore maintained by them. The boundary treatments for the new dwellings are indicated on the proposed site layout to be hedgerows which would help integrate development into the soft landscaped open space and the Conservation Area. Although no detail has been submitted at this stage if Members are minded to approve the application, I would suggest that a landscaping condition is imposed upon the permission to allow the LPA to retain control over the boundary treatments and ensure that they are kept 'soft' to limit the impact of the development upon the green aspect of the site. Additional planting could be requested as part of the scheme, however in this instance I feel that additional planting to the open space could likely reduce the level of useable open space available for the public (by way of obstruction from trees/vegetation).

Taking this into account it is therefore considered that proposed development would, by virtue of the loss of the garages enhance the character and appearance of this part of the Conservation Area resulting in no harm the heritage setting of the site nor would it result in any undue impact upon the visual character or amenity of the immediate street-scene or the wider area. Overall, the dwellings are considered to reflect the character of surrounding built form. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3, Core Policy 9 and 14 of the Core Strategy and Policy DM5 and DM9 of the Development Management DPD.

Need for Development

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Coddington. The need is not Coddington specific in that there is no local housing needs survey for the village. The need covers a slightly wider geographical area, including Newark. As detailed in the 'Statement of Housing Need' accompanying the application, written by an NSDC Strategic Housing Officer, the district wide Housing Market and Needs Assessment (2014) identified that within the rural south sub area (of which Coddington is a part of) there is a housing need for smaller homes (1 bedroom - 234 units and 2 Bedroom - 458). The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings. It is therefore considered that a need exists within Coddington for small, two storey affordable units and this proposed development would assist in meeting that need. The proposal is therefore considered to accord with the need element of policy SP3.

Impact upon Public Open Space

Spatial Policy 8 of the Core Strategy encourages the provision and enhancement of community and leisure facilities, which includes public open space. Loss of these facilities therefore should be justified either through provision elsewhere or that the use is no longer feasible. For awareness, the existing and proposed open space available to the public is shown in the table below,

Existing Available Open Space (excluding site of garages – access and hardstanding)	Retained open space post development
Circa. 1851 sq.m	Circa 1639 sq.m

The application site includes an area designated as existing public open space which would be reduced by circa 212 sq. m as a result of the proposed development. Whilst the LPA seek to retain public open space, this reduction, in my view, would not be so significant as to result in the retained space being unusable and would still provide members of the public with sufficient recreational land for a variety of uses as well as retain the openness of this corner plot. Natural surveillance of the site would also be achieved through the first floor windows of the properties proposed overlooking the open space.

Coddington has 7 other areas of designated open space across the parish which to my knowledge remain available to the public, the closest sites being to the south of the site adjacent to the primary school and community centre.

I note the concerns raised during the public consultation period with regards to the loss of open space, however in this instance given the amount of space proposed to be lost, I do not consider it would be so significant to be reasonable to recommend refusal on these grounds as the site still provides ample useable open space, with two other open space alternatives also available within the village. As such, I take the view that the proposal accords with Spatial Policy 8 of the Core Strategy.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed dwellings would be located away from the nearest existing residential development, the nearest neighbour being approximately 35m from plot 3. I note that a bathroom window will face out towards this neighbouring dwelling on Valley View, however given the distance between the properties, I would not expect the proposal to have an adverse impact. The same is also concluded with regards to overshadowing and overbearing impacts due to the separation distances.

I note the comments received with regards to potential noise and disturbance and loss of privacy for future residents. Given the

In conclusion whilst it is accepted that the proposed development would result in a modest loss of amenity for neighbouring properties by way of loss of some morning and evening sunlight during winter months it is not considered to be so significant to warrant refusal of the application. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Highway Authority requested additional visibility splay plans in order to fully assess the proposal. Whilst the splays are not quite to the length usually expected, the Highways Officer has advised that following a site visit, NCC are willing to accept the proposed splays, as detailed in their comment in the 'Consultations' section of this report.

Parking on Brownlow's Hill and Valley View is for the most part not restricted by any Traffic Regulation Order, with the exception of the highway immediately located outside the school and the highway junctions on the roads adjoining the site and its entrance. As such there is already limited control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this, I am mindful that the proposal would result in the overall loss of 6 garages. However, it must first be noted that the dwellings proposed will provide for two off street parking spaces, per dwelling and this is considered acceptable provision commensurate with the size of the dwellings proposed.

Furthermore, it is unclear whether the existing garages are used for the parking of vehicles or storage. Details of the uses/occupancy of the garages are awaited from the applicant and will be reported to Members at the Planning committee meeting. Notwithstanding this experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook one's vehicle have also led to a reduction in garages being used for parking.

Given the above context, it is considered likely that the loss of six garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission. The comments from NCC Highways regarding alternate provision being made is noted, however as demonstrated on the site plan no alternate provision is available on the site and it is considered that properties within the vicinity of the site would have the ability to establish on-site parking on their frontages should they so desire.

I am mindful of the objections raised with regards to traffic and parking issues, mostly due to the school opposite to the site. In terms of parking availability, the application site is private land and therefore any school-related car parking within the site would be considered to be trespassing. I am however mindful that the loss of the garages could result in 6 additional vehicles requiring a space along Brownlow's Hill which I accept could have a slight impact upon parking availability during school rush hour. However, given the small number of vehicles likely to be displaced, I do not consider the impact upon parking to be a reason for refusal in this instance.

In terms of highway safety, ideally cars associated with the proposed dwellings would have the ability to turn within the site and exit in forward gear but given the limits of the site and surrounding open space, there is insufficient space available to provide a turning area. The Highways Officer has assessed the impact of vehicles reversing out on to the highway from the site and is comfortable that the visibility of the Brownlow's Hill/Beckingham Road junction along with the speed of the road combined would provide sufficient egress safety for vehicles. This however would be subject to several conditions with regards to surfacing of the parking areas, provision of

dropped kerbs and footways, additional road markings and implementations of proposed visibility splays. I consider these conditions to be reasonable to ensure the safe development of the site and recommend to Members that these conditions be imposed should they be minded to approve the application.

In conclusion NCC Highways are satisfied that the proposed development would not detrimentally impact upon highway safety and as the professional expert in this regard, officers are satisfied with this recommendation. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

The comments received from colleagues in Environmental Health regarding potential contaminated land are noted and shall be controlled by way of condition.

The request for the garage court to be provided as a shop is noted, however the local planning authority can only determine the application currently before it.

Conclusion and planning balance

Taking the above into account I am of the view that the proposed development would provide affordable housing in an area where there is a need for smaller units. The development would have an acceptable impact on the conservation area and the character of the area, neighbouring amenity, highway safety and the loss of public open space is unlikely to be detrimental to the village given the numerous other spaces available within the parish. There are no further material considerations that would warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following:-

- a) No additional material planning considerations are raised following reconsultation in relation to the revised red line site plan and proposed site layout plan showing the extent of the application site; and**
- b) The conditions outlined below**

Please note that condition 2 below will need to be updated to include the amended Site Location Plan and Proposed Site Layout plan reflecting the new red line requested;

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 complete accordance with the following approved plan references:

- **Site Location Plan - 40860/ID45/001B**
- Proposed Drainage – 100/P01
- **Proposed Site Layout Opt 3 – 40860/ID45/005E**
- Proposed Plans and Elevations – 40860/ID45 /007C
- Material Elevations – 40860/ID45/008C
- Visibility Splays – 500/P1

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application in respect of the brick and pantile shown on plan reference 40860/ID45/008C unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Soil and vent pipes

Reason: In the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

05

Notwithstanding the details submitted, details of design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature of windows and doors shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

06

Ventilation of the roof space shall not be provided via tile vents to front facing roof slopes unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

07

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

08

Notwithstanding condition 7, all new walls to the front elevations of the dwellings hereby approved shall be externally finished in English Garden Wall or Flemish bond

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

09

Notwithstanding the details submitted, details of their design, specification, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature shall be submitted to and approved in writing by the District Planning Authority in respect of the porch and chimneys to each dwelling. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

010

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

011

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. 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.

012

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

013

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

014

No development shall be commenced until the trees and hedges shown to be retained on drawing 40860/ID45/005E have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

015

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

016

No development shall be commenced until a schedule of works, including plans of all drainage, both foul and surface water, together with plans of all services, including gas, water, electricity, telephone and cable television, have been submitted to and approved in writing by the local planning authority where these services within, or beneath the crown spread of any tree on site. The works shall be carried out thereafter in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory provision is made for the continued health and retention of the trees in the interests of visual amenity and biodiversity.

017

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the highway boundary. The surfaced drives shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

018

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

019

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 500/P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

020

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative purposes only on drawing 40860/ID45/005E to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

021

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

022

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge/footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of Highway safety.

023

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.

024

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc. on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.
- Class B: Means of access to a highway.
- Class C: Exterior painting.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc. of solar equipment on domestic premises.
- Class B: Installation or alteration etc. of standalone solar on domestic premises.
- Class E: Installation or alteration etc. of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc. of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc. of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc. of wind turbine on domestic premises

- Class I: Installation or alteration etc. of stand-alone wind turbine on domestic premises
Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) and to ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

The proposed development has been assessed and it is the Council's understanding that CIL may not 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 pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, 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

In order to carry out the off-site works required (footway and vehicular crossings) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

04

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

Background Papers

Application Case File

For further information, please contact Nicolla Ellis on Ext 5833.

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

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 18/00168/FUL

