

## PLANNING COMMITTEE 6 DECEMBER 2021

<b>Application No:</b>	<b>21/02104/FUL</b>	
<b>Proposal:</b>	<b>Replacement Dwelling</b>	
<b>Location:</b>	<b>Bramley Hedge, Boat Lane, Bleasby, NG14 7FT</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs G Staniforth</b>	
<b>Agent:</b>	<b>GraceMachin Planning &amp; Property</b>	
<b>Registered:</b>	<b>28<sup>th</sup> September 2021</b>	<b>Target Date: 23<sup>rd</sup> November 2021</b>
		<b>EOT: 8<sup>th</sup> December 2021</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>	

The application is presented to the Planning Committee as it is a departure from development plan with a recommendation of approval, in line with the adopted Scheme of Delegation.

### The Site

The application site relates to an existing detached bungalow, accessed off a private driveway to the south west of Boat Lane, Bleasby. The existing site contains a 3 bed bungalow, outbuildings and associated land. The footprint of the existing buildings on site equates to 144.33 m<sup>2</sup>. The site is partially screened by trees and hedgerow, abutting Boat Lane.

There are no other residential properties within 100m of the application site. A holiday rental site for caravans lies to the north east and north west. Other than this, the site is surrounded on all sides, by open fields.

The site is situated to the north east of the settlement of Gibsmere and Bleasby lies to the north and north west.

The site lies within Flood Zone 3 as defined by the Environment Agency's flood mapping.

### Planning History

**21/00733/FUL** - *Replacement Dwelling*. Application Refused 27<sup>th</sup> August 2021 for the significant increase in built form and position within the site in comparison to the existing dwelling which would result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling was not considered to be of a similar size or scale to that being replaced. In addition to this, the proposal failed to satisfy all three tests set out within Part 5, Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended).

**20/02400/HPRIOR** - *Householder prior approval for the enlargement of a dwelling by an additional storey. Height of building increased by 2.75m. New height of the building is 8.75m.* Prior Approval Required and Granted 12<sup>th</sup> January 2021.

## The Proposal

The proposal seeks planning permission for the demolition of all existing buildings on the site and the erection of a two-storey 3-bed dwelling. The replacement dwelling would be positioned in a relatively similar position in the site.

The existing dwelling has a footprint of approximately 100.58m<sup>2</sup> (excluding any outbuildings). The new dwelling has a footprint of approximately 155.96 m<sup>2</sup> (which represents a 55.06% increase) it is two storey in height, with the ridge height measuring approximately 8.75. Gross Internal Area of the existing dwelling measures approximately 82.96 m<sup>2</sup> excluding the outbuildings and garage and the proposed dwelling measures 175.64 m<sup>2</sup>, which is an increase of 111.72% over the existing.

The following drawings and documents have been submitted with the application:

- Application Form, received 28<sup>th</sup> September 2021;
- Topographical Survey, ref 20-257-01. Received 28<sup>th</sup> September 2021;
- Building Layout Plan, ref 20-257-02. Received 28<sup>th</sup> September 2021;
- Basic Building Elevations, ref 20-257-03. Received 28<sup>th</sup> September 2021;
- Proposed Floor Plans, ref 2044-110. Received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-210. Received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-211. Received 28<sup>th</sup> September 2021;
- Site Location and Block Plan, ref 2044-PL-001. Received 28<sup>th</sup> September 2021;
- Existing Site Plan, ref 2044-PL-050. Received 28<sup>th</sup> September 2021;
- Proposed Site Plan, ref 2044-PL-060 Rev A. Received 28<sup>th</sup> September 2021;
- Bat Activity Surveys: Final Report (July 2021), undertaken by Archer Ecology. Received 28<sup>th</sup> September 2021;
- Design and Access Statement, received 28<sup>th</sup> September 2021;
- Flood Risk Assessment (January 2021), undertaken by Roy Lobley Consulting. Received 28<sup>th</sup> September 2021;
- Natural England Licence Return Form. Received 28<sup>th</sup> September 2021;
- Planning Statement, received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-210 Rev A. Received 13<sup>th</sup> October 2021;
- Proposed Elevations, ref 2044-211 Rev A. Received 13<sup>th</sup> October 2021.

## Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

A Site Notice was posted near the site on the 10<sup>th</sup> October 2021, an advertisement was placed in the Newark Advertiser on the 7<sup>th</sup> October 2021.

## Planning Policy Framework

### The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

### **Allocations & Development Management DPD**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance online resource
- Newark and Sherwood Landscape Character Assessment SPD
- Residential Cycle and Car Parking Standards Design Guide SPD 2021
- District Wide Housing Needs Assessment (December 2020)

### **Consultations**

**Bleasby Parish Council** – *This application was considered at the meeting of Bleasby Parish Council on Monday 11 October 2021. The Parish Council SUPPORTED this application.*

**NCC Highways** – *Please note that our standing advice is applicable for this proposed development.*

**The Environment Agency** – *The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included and informatives are added to the application.*

**Tree Officer** – *Proposal is acceptable subject to recommended conditions.*

**NCC Rights of Way** – *No Comments Received.*

**Ramblers Association** – *No Comments Received.*

***No representations have been received from neighbouring/interested parties.***

### **Comments of the Business Manager**

#### **Principle of Development**

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council's position is that it can demonstrate a 5 year housing supply. Therefore the Development Plan is up-to-date for the purpose of decision making.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). 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. Spatial Policy 1 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (Policy DM8).

Development in the Open Countryside is then to be assessed under Policy DM8 which under subsection 3 refers specifically to new and replacement dwellings. The policy states that *"Planning permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historic merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced."*

The existing bungalow represents a lawful residential use and it is of modern construction with no architectural or historic merit.

The principle of a replacement dwelling in the open countryside is therefore acceptable subject to the criteria set out within this policy including consideration of whether the replacement dwelling would be of a similar size, scale and siting to that being (as considered in more detail in the 'Impact on the Character and Appearance of the Area' section below) .

#### Impact on the Character and appearance of the area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Core Policy 13 expects development proposals to positively address the implications of the Landscape Policy Zones in which the site lies and demonstrate that the development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The NPPF advocates that where a development is comprised of a poor design, which fails to take the opportunities available to it into account, for the purpose of improving both the character and quality of an area (including, the way it functions), then planning permission should be refused.

The application site lies within Landscape Character Policy Zone TW PZ 09 (Bleasby, Fiskerton and Morton Village Farmlands) with a policy to 'Conserve'; distracting features are noted as 'few' and the visual unity is 'strongly unified'. Core Policy 13 states that new development should positively address the relevant policy landscape zones. The Landscape Character Assessment SPD states that development within this area should be contained within historic boundaries, as to conserve the historic field pattern and any new development should respect the scale, design and materials used traditionally. As the proposal site lays outside of the settlement, within the open countryside

and is surrounded to the east, west and south by agricultural fields, it will be particularly prominent within the landscape. This is due to its scale, mass and the topography of the site.

Prior approval was granted on the 21<sup>st</sup> January 2021 (20/02400/HPRIOR) for an additional storey under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It is considered that this fallback position carries significant weight when considering this application submission. The reasons for this are set out within the sections below.



## Front (NE) Elevation

The Elevation Plan above provides comparison showing the existing dwelling (outlined in red), the Class AA additional floor approved under 20/02400/HPRIOR (in blue) and the previously refused scheme under 21/00773/FUL outlined in purple against the proposed scheme. The Front (NE) Elevation would face Boat Lane. Although set back, it is inevitable this would be visible. The proposed plan shows the only additional elements seen from Boat Lane would be the single storey side extension, which the applicant has stated could be undertaken under the provisions of permitted development rights that apply to the existing bungalow (hashed in green).

A public footpath runs along the eastern boundary of the site, the proposal would be highly visible due to the low lying hedging surrounding the site being the many boundary feature.



## Side (SE) Elevation

Applying the same key as stated above, again it can be seen that the only difference in the proposal from 20/02400/HPRIOR is same single storey side extension, front porch addition and single storey rear extension. This footpath also runs alongside 'The Manor House', situated approximately 180m to the rear of the site, this residential dwelling is considered to sit within the built form of the settlement of Gibsmere. This demonstrates that it is not uncommon to view built structures when using this footpath. Although the proposed dwelling would be two storey, the proposed elevations demonstrate that the roof type would be similar to the character of the existing bungalow. It is considered, on balance with the Class AA fallback position that the size and design of the proposed dwelling would not introduce an intrusive structure when viewed from both Boat Lane and the public footpath.

By way of background, the refused scheme (application no. [21/00733/FUL](#)) had a proposed footprint of 157 m<sup>2</sup> which represented a 56.09% increase. The proposal was two storey in height, with the ridge height measuring approximately 7.76m. The gross internal area of the existing dwelling measures approximately 82.96m<sup>2</sup> excluding the outbuildings and garage and the proposed dwelling measured 220.06m<sup>2</sup>, which was an increase of 165.26% over the existing. All of the existing outbuildings were proposed for removal in the refused scheme. In comparison to this application, the single spaced garage would remain to the west of the proposed dwelling, as would the container, woodshed and store to the north east.

	<b>20/02400/HPRIOR Class AA Fall Back</b>	<b>Proposed Dwelling</b>	<b>% Increase</b>	<b>Existing Dwelling</b>	<b>Proposed Dwelling</b>	<b>% Increase</b>
<b>Footprint</b> (measured externally)	100.58 m <sup>2</sup>	155.96 m <sup>2</sup>	55.06%	100.58 m <sup>2</sup>	155.96 m <sup>2</sup>	55.06%
<b>Floor Space</b> (measured internally)	178.68 m <sup>2</sup>	175.64 m <sup>2</sup>	-1.70%	82.96 m <sup>2</sup>	175.64 m <sup>2</sup>	111.72%

<b>Height (ridge)</b>	Single Storey Elements	N/A	4.54m	N/A	4.23m	4.54m	7.33%
	Highest Ridge Height	8.75m	8.75m	0%	6.0m	8.75m	45.83%

*N.B All measurements are approximate and do not include any outbuildings.*

As demonstrated in the above table, the scheme would create less floorspace than that approved under permitted development. The highest ridge heights would also be the exact same as previously permitted under 20/02400/HPRIOR meaning the proposal would not further impact the openness of the countryside when compared to the Class AA fallback. Given this, it is considered that this fallback position carries significant weight when considering this application submission. The figures above show the increase in floor space by 111.72% when comparing the existing and proposed dwelling which would not be similar in size, scale or siting to the dwelling being replaced. However, in now being the same height and lesser floor area than 20/02400/HPRIOR, the character and impacts of the proposed replacement dwelling would be severely reduced in comparison to 21/00733/FUL. Although the proposal itself would represent a modern design and evident increase in scale and size, it is accepted that the design has been altered to ensure there will be no greater impacts to the openness of the countryside than the fallback position. This is considered to represent a material consideration that justifies a departure from Policy DM8 in this instance.

In visual terms, it is considered the proposal would visually appear to be both sensitive and appropriate within its overall context. In order to ensure that the site does not adversely impact the open countryside through further development, it considered reasonable to remove permitted development rights by condition (if approved) to ensure the Local Planning Authority retains control over any future alterations to the scheme, and avoid large extensions/alterations to the development that could cause harm to the character and appearance of the open countryside or the character of the host dwelling.

Overall, the proposal is considered to overcome the previous reasons for refusal and would not conflict with Core Policies 9 and 13 and the relevant elements of Policy DM5.

### Housing Mix and Density

Core Policy 3 states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

The district wide Housing Needs Assessment (December 2020) has identified that within the Southwell Sub-Area that 3 or more bedroomed bungalows currently make up 6.1% of the housing stock with the market need profile being 15.2%. The current stock profile for 3 bedroom homes is 29% with the market need being 33.3%. As it stands, the need for a 3 or more bedroom bungalows as part of the rural housing stock is greater than the need for 3 bedroom houses. However, the Housing Needs Assessment still identifies a need for 3 bedroom homes which this proposal would deliver.

### Impact on Residential Amenity

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. Furthermore, the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The application site is situated within the Open Countryside with no residential dwellings in close proximity. The closest residential property, Meadowcraft, a small bungalow is approximately 110m away. As such it is not considered this proposal will adversely affect residential amenity and is therefore considered to comply with the relevant policies.

### Impact on Flood Risk

The application site falls within Flood Zone 3 as shown on the Environment Agency's Flood Map for Planning.

Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. Paragraphs 159 to 163 of the National Planning Policy Framework (NPPF, 2021) advise that more vulnerable uses such as new dwellings (Table 2 of the PPG) should not be permitted in these areas unless both the sequential test and exception test are passed.

In terms of the sequential test, it is accepted that development may be deemed necessary in this case, as the proposal is to replace an existing dwelling. However, the proposal would still need to satisfy the exception test, by demonstrating that a) it would provide wider sustainability benefits to the community that outweigh the flood risk; and it will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall (para. 164 of the NPPF).

The application has been supported by a Flood Risk Assessment in which the ground floor level of the replacement dwelling will be set at 16.30m Above Ordnance Data (AOD) where the highest possible breach in the area is 16.20 AOD. Thus, the replacement dwelling will reduce flood risk by having raised floor levels and a 1<sup>st</sup> floor safe refuge. The Environment Agency has been consulted and concluded that the proposed development will meet the NPPF requirements subject to conditions set out in the above comments.

In this regards, the proposal is deemed to comply with the relevant polices.

### Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.



Boat Lane is a single track road, which terminates at a Nursing Home (Hazleford Residential Home) located approximately 400m from the application site. As such, the highway carries a limited volume of moving traffic. The existing access to the dwelling will remain in situ as part of the development. The proposed vehicular entrance/exit point is considered to be acceptable to serve the proposed dwelling and there would be ample turning and parking amenity within the site. The existing garage on site is to be retained and two uncovered parking spaces have been demonstrated on the Proposed Site Plan (2044-PL-060 Rev A), I am therefore satisfied that the proposal complies with the Residential Cycle and Car Parking Standards Design Guide SPD 2021 and will not result in any unacceptable highway safety concerns.

### Impact on Ecology

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The preliminary survey required further bat emergency surveys to be undertaken. The follow up surveys confirmed that there is a single common pipistrelle emerge/re-enter a gap underneath a lifted roof tile and close to the apex of the east-facing gable of the property. The bat had reached the roost site via an intact hawthorn hedgerow and there was no other evidence of roosting activity recorded during the survey; with the roost site likely occupied by a single bat. The inspection of the loft interior did not produce any evidence of current roosting activity and no bats were recorded to enter or emerge from the loft. The works proposed would result in the demolition of the existing property and therefore a transitional/summer day roost accommodating a single common pipistrelle bat would be lost. A Natural England European Protected Species (EPS) development license was ascertained prior to the submission of this application. The single bat was relocated within the correct seasonal timeline.

It is therefore believed this application has met the criteria of all three derogation three tests set out in Regulation 53 of the Habitats Regulations as a license has already been granted. Therefore the submission complies with the aims of Core Policy 12 and paragraphs 174 and 180 of the NPPF.

### Impact on Trees

Mature trees and hedgerow often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development which protects, promotes and enhances green infrastructure. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The Tree Officer has reviewed the application submission and raised no objections. In order to ensure that the trees on site are protected during construction, an arboricultural method statement and scheme for protection has been requested to be conditioned. This is alongside prohibited activities that cannot take place on site to ensure the trees protection.

## **Planning Balance and Conclusion**

The site is located within the 'Open Countryside,' where upon the principle of a replacement dwelling at the site is considered acceptable, subject to compliance with the criteria as set out within Policy DM8. In particular, the siting, size and scale of the replacement dwelling should be similar to that of the existing dwelling. The proposed size and scale of the dwelling is not considered to be similar to the existing dwelling which means that the proposal represents a departure from the requirements of Policy DM8.

The proposal would however, result in an improved design and scale compared to the previously refused application and would be considered acceptable in visual amenity terms. Nor would the proposal would not result in any adverse flood risk, residential amenity, biodiversity impacts or highway safety impacts. A genuine fall-back position exists in the form of extant application 20/02400/HPRIOR for works under Class AA. This fall-back position is considered sufficient to justify the proposed development in this instance.

In light of the above assessment, the proposal is considered acceptable subject to its full compliance with the conditions set out below.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions.

### **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 complete accordance with the following-approved plans:

- Proposed Floor Plans, ref 2044-110. Received 28th September 2021;
- Proposed Elevations, ref 2044-210. Received 28th September 2021;
- Proposed Elevations, ref 2044-211. Received 28th September 2021;
- Site Location and Block Plan, ref 2044-PL-001. Received 28th September 2021;
- Proposed Site Plan, ref 2044-PL-060 Rev A. Received 28th September 2021;
- Proposed Elevations, ref 2044-210 Rev A. Received 13th October 2021;
- Proposed Elevations, ref 2044-211 Rev A. Received 13th October 2021.

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted flood risk assessment report reference: RLC/0696/FRA01 prepared by Roy Lobley Consulting on the 27th January 2021 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 16.30 mAOD (metres Above Ordnance Datum)
- The proposed development shall incorporate the flood resilient measures recommended within section 5.7 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

05

No part of the development, hereby permitted, shall be occupied until both a 'Flood Warning and Action Plan' has been both submitted to and approved in writing by the Local Planning Authority. The Plan shall include the provisions for signing up to the Environment Agency's Flood Warning Service, for all occupants to receive an early warning of any potential-flood events; details of how information would be disseminated; and finally, how the development's occupants would be evacuated.

Reason: To safeguard the development's occupants against the risk of flooding.

06

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).

- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

07

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

08

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.

Reason: In the interests of visual amenity and biodiversity.

09

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 and biodiversity.

10

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 shall be implemented prior to the occupation of the 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 through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of visual amenity.

11

No development shall be commenced beyond demolition of the existing bungalow until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

12

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: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Reason: 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

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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved.

Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

04

All future occupants of the development, hereby permitted, must sign up to receive Environment Agency Flood Warnings by either phone, email or text message; this is a free service, which is provided at <https://www.gov.uk/sign-up-for-flood-warnings>

05

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

06

This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership or control of the applicant.

07

The applicant is advised to refer to BS 5837:2005 – A Guide to the Protection of Trees in Relation to Construction prior to the development being commenced.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Isabel Verheul on extension 5860.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02104/FUL

