

COMMITTEE REPORT - 3 November 2020

Application No:	20/01280/FUL
Proposal:	Demolition of the existing dwelling and the erection of a replacement dwelling with associated works
Location:	Cosy Cot, Clifton Lane, Thorney, NG23 7DQ
Applicant:	Mr. Joe Hillier
Agent:	Rachael Skillen Planning Ltd – Rachael Skillen
Registered:	14.07.2020 Target Date: 15.09.2020
	Extension of time agreed until 19th October 2020
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being reported to the Planning Committee as it is being recommended for approval, although it goes against the Council’s Local Development Framework.

The Site

Located within the ‘Open Countryside,’ between Moor Lane and Clifton Lane - directly opposite a nameless no-through road - on the northern side of a t-junction, is found the application site, which encompasses a plot of land, comprising 0.14-hectares in size. The site comprises a previously extended, single-storey dwelling, named ‘Cosy Cot,’ along with a detached-brick-built outbuilding, and a vehicular access – the latter of which is found directly off the Lane. Surrounding the site, in all directions, are arable fields, which are predominantly used for farming. There is also a footpath (‘public bridleway’) found to the north-east of the site that connects to the ‘National Cycle Network 647,’ which then in turn, proceeds to connect to the ‘National Cycle Network 64 Route.’

Approximately 200-metres away to the east of the site, is found the closest-residential-neighbouring dwelling, which is two-storeys in height, along with several outbuildings within its vicinity. Where Cosy Cot’s existing materials are comprised of timber and clay pantiles, this neighbouring dwelling is instead comprised of London-stock brick and clay pantiles – as is the same for the overall design of all other neighbouring buildings.

Whilst there are exceptions, many of the front-boundary treatments found belonging to nearby-neighbouring dwellings, are predominantly comprised of soft landscaping, using either hedgerows or low-level timber fencing.

The site is located within Flood Zone 3 ('Highest Risk').

Relevant Planning History

19/02035/FUL – Proposed New Vehicular Access – Permitted on 24.12.2019

PREAPP/00152/19 – Proposed Replacement Dwelling – Advice given on 01.08.2019

19/01763/HPRIOR – Proposed Single Storey Rear Extension – Prior Approval was deemed to be not required on 31.10.2019

The Proposal

The proposal seeks full-planning permission for the demolition of the site's existing-single-storey bungalow, for the purpose of erecting a new 1.5-storey 'dwellinghouse,' within the host dwelling's existing footprint.

The applicant's design for a replacement dwelling had originally encompassed a traditional 2-storey dwelling, but this design has now been reduced to being comprised of only one-and-a-half storeys, following the advice that the applicant had received from the Council during the pre-application stage (reference PREAPP/00152/19). As such, the proposed-replacement dwelling would now comprise of the following rooms: a kitchen with utility, lounge, study and snug at the ground-floor level, as well as 3-bedrooms, an en-suite, and a bathroom at first-floor level. The proposed-updated design of the replacement dwelling would consist of a singular-roof light on both the dwelling's front and rear elevations; two first-floor gables to both the front and rear of the dwelling; both head and cill detailing; a single-storey side extension; an open-timber porch; and timber-casement windows. Finally, the proposed materials would comprise of clay pantiles for both the roof and porch coverings; London-stock brick for the dwelling's external walls, and an oak-frame for the proposed-open porch.

In respect of the proposal's location within the site, the proposed development would retain its existing-setback position of approximately 10-metres from the host dwelling's access with Clifton Lane / Moor Lane, and its proposed distance to its nearest-residential-neighbouring receptor would also remain the same as existing.

Various plans have been submitted to the Local Planning Authority, during the lifetime of this application. This application has been assessed against the following plans and documentation:

- Completed Application Form
- Site Location Plan (A 0001)
- Existing Scheme (JG 20 001)
- Existing Plans and Elevations (A 0002)
- Existing Block Plan (053JH-MBD-00-XX-A- 0003)
- Topographical Survey (053JH-MBD-00-XX-A- 0004)
- Revised Proposed Site Plan (053JH-MBD-00-XX-A1003 P06)

- Revised Proposed Floor Plans (053JH-MBD-00-XX-A1001 P05)
- Revised Proposed Elevations (053JH-MBD-00-XX-A1002 P05)
- Design and Access Statement (Final Version July 2020)
- Extended Phase 1 Habitat Survey (P2061 0620 – 02 V1)
- Revised Flood Risk Assessment (September 2020 Version 2)
- Addendum to Flood Risk Assessment (16th October 2020)
- Severn Trent Drainage Plan (418807 – 1)
- Tree Survey (P2061 0620 – 01 V1)
- Completed CIL Form
- EA Drainage Form
- Correct Fee Paid

Currently, the site's host dwelling comprises a total floor space of approximately 64.25m². The proposed-replacement dwelling would consist of two storeys in height, and consequently, comprise of the following proposed-floor spaces, with respect to each of its proposed-floor levels:

Ground Floor Area = 80.84m²

First Floor Area = 57.65m²

Combined Floor Area = 138.49m²

Therefore, the proposal's total floor area would see an increase of 74.24m² (or 116%) both over and above that of the host dwelling's existing floor area.

Departure/Public Advertisement Procedure

Occupiers have been notified of this proposal by a Site Notice displayed near the site.

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 2
- Spatial Policy 7 – Sustainable Transport
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD (adopted July 2013)

- 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 2019

Planning Practice Guidance (online resource)

Newark and Sherwood Landscape Character Assessment SPD

CONSULTATIONS

Thorney Parish Council – “The view of Thorney Parish Council is that there are no objections at all to this application. Therefore, we fully support this proposal.”

Trent Valley Internal Drainage Board – No comments.

Natural England – No comments.

NCC Landscape Officer – No comments.

NCC Flood Officer – No comments.

Environment Agency – The proposed development would only meet the National Planning Policy Framework’s requirements in relation to flood risk, if a condition dealing with flood risk planning condition is included.

NCC Highways Officer – No objections subject to conditions.

Tree Officer – No objections subject to conditions.

No neighbour representations have been received.

Comments of the Business Manager

Principle of the Development

The starting point for all development-management-decision making is S.38 (6) of the ‘Planning and Compulsory Purchase Act 2004,’ which states the following: *“The determination of planning applications must be made in accordance with the ‘Development Plan,’ unless other material planning considerations indicate otherwise.”*

The ‘Amended Core Strategy’ (ACS) of the ‘Development Plan’ details out the ‘Settlement Hierarchy,’ which helps to deliver both sustainable growth and development within the District. The intentions of this hierarchy is to direct new residential development to the Sub-Regional Centres, Service Centres and Principal Villages, which are all well served in terms of

both their overall infrastructure and services. Beyond these defined areas, however, all development will be considered against the criteria as set out for 'Other Villages' - called the 'Sustainability Criteria' - as detailed out in 'Spatial Policy 3 (Rural Areas).'

In light of the above, therefore, Spatial Policy 3 of the ACS states that development, which is neither located within villages nor settlements - but is found within the 'Open Countryside' - will both be *"strictly controlled and restricted to uses that require a 'rural setting.'* Policies to deal with such applications are set out in the 'Allocations & Development Management DPD.' Consideration will also be given to the re-use of rural buildings of architectural merit." The Policy then goes on to direct the Decision Maker to an open-countryside policy within the 'Allocations and Development Management DPD' (ADMDDP), being Policy DM8.

Policy DM8 of the ADMDDP states that any development, which is located away from the main-built-up areas of villages within the 'Open Countryside,' will be strictly controlled; however, this Policy also lists a number of exceptions, including no. 3, which concerns 'Replacement Dwellings.' Consequently, the Policy then proceeds to state the following: *"Planning permission will be granted, where it can be demonstrated that the existing dwelling is [both] in [a] lawful residential use and [one that is neither] of [an] architectural [nor] historical merit."*

Finally, Policy DM8 states that the advocating of the above policy is within the interests of minimising any visual impact upon the countryside, and maintaining a balanced-rural-housing stock. As such, the Policy proceeds to further state that all replacement dwellings should normally be comprised of a similar size, scale and siting to that which is being replaced.

It is considered that the site's host dwelling neither holds any significant architectural nor historical merit, and as such, its proposed demolition is deemed, therefore, to be acceptable. Furthermore, whilst I accept that this replacement dwelling would have an impact upon both the character and appearance of the area - by virtue of its larger scale - its built form does reflect that which one would expect to see within a countryside environment; it also reflects the applicant's desire to provide a safe-refuge area for themselves, in any future flooding event.

Referring back to Policy DM8, it is acknowledged that the proposal would have a similar siting to that of the existing-host dwelling. However, whilst the volume of the proposal would effectively double, on account of the proposed dwelling being comprised of an additional floor (albeit, half-a-floor), I do give weight to its overall-improved design, which I feel would better reflect the character of its rural locality, and would also recognise that its setback position from the roadside (in addition to the submission of a conditioned-approved-landscape scheme), would mean that its visual appearance, would be somewhat limited from the immediate streetscene.

It is considered that the proposal would, therefore, ensure the long-term availability of a good-quality-family sized dwelling within the area, which would also comprise of the Environment Agency's approved-flood-resilience measures, as well as an improved standard for energy efficiency.

In light of the above assessment, therefore, the principle of a proposed-replacement dwelling is considered on balance to be acceptable within the 'Open Countryside; when subject to the proposal's full compliance with the criteria as set out within Policy DM8 of the ADMDPD.

Impact upon the Character of the Area

Core Policy 9 of the ACS states that all new development should achieve both a high standard of sustainable design and layout that is considered to be comprised of both an appropriate form and scale, to its context, whilst complementing both the existing built and landscape environments.

Core Policy 13 of the ACS requires for the 'Landscape Character' of the surrounding area, to be conserved. Policy DM5 of the ADMDPD states that the rich-local distinctiveness of both the District's landscape and character of its built form, should be reflected within the proposal's scale, form, mass, layout, design materials and detailing.

The proposed use of the replacement dwelling's roof space - which also comprises the first floor - would help to provide sufficient living space for future occupation as well as a safe-refuge area in times of flooding; as is also required by both the Environment Agency and the Flood Risk Assessment. Furthermore, located within both the village of Thorney as well as its surroundings, are found a number of both one-and-a-half storey - with the roof space also occupying the first floor - and two-story dwellings. In addition, it is considered that the proposed-replacement dwelling, would deliver a significantly improved dwelling - in terms of both its size and adopted-flood-mitigation measures - to help preserve the overall-rural vitality of the area. As such, it is therefore considered that the proposal would represent one of a number of both similarly designed and sporadically located dwellings, within its overall-wider countryside setting; thereby, complementing both the existing built and landscape environments, in accordance with Core Policy 9.

Policy DM5 requires for all new development to achieve a high standard of both sustainable design and layout that is comprised of both an appropriate form and scale to its overall context; and finally, one which complements its existing-surrounding built and landscape environments.

In visual terms, and with particular regard to the proposal's architectural-design approach (including both its proposed-traditional-architectural-design details and its associated-good-quality materials), it is considered that the proposal would visually appear to be both sensitive and appropriate within its overall context. However, it is noted that although there would be an increase to the proposal's scale, this would be deemed to be on the cusp of acceptability, considering that the existing-host dwelling does not appear to be fit for its current purpose as a residential property, due to both its unusually small scale and size, as well as its current poor state of disrepair; according to the FRA, the latter of which, could be a huge risk to life, especially when considered in an extreme-flooding event.

Paragraph 130 of 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.

Consequently, in light of the above, it is also considered that the proposed development would not have an adverse impact upon its locality, and as such, it would thus in turn, not conflict with any of the above-stated policies. As such, within the context of assessing the proposal's impact upon the existing character of its immediate locale, I do not consider that the increase in the proposed development's overall siting, would appear to be either incongruous or out of place, nor would it detract from both the character and appearance of its surrounding locality.

As a result of the above, it is considered that the proposal, therefore, fully complies with both Core Policies 9 and 13 of the ACS, Policy DM5 of the ADMDPD, as well as the NPPF.

Impact upon Neighbouring Amenity

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of both land and buildings. Policy DM5 of the ADMDPD states that the layout of development within sites, along with each of their respective-separation distances from neighbouring development, should be sufficient, to ensure that neither suffers from an unacceptable reduction in their overall-respective-private amenities (including, overbearing impacts, loss of light and privacy).

Considering the remoteness of the site to its nearest-neighbouring dwelling - which is found to be located over 200-metres away to the east - and the fact that the proposal would continue to remain within an isolated plot of land, it is considered highly unlikely that the proposed-replacement dwelling would have either a negative or detrimental impact upon its nearest-neighbouring buildings. As a result, it is considered that the proposal, therefore, fully complies with both Policy DM5 and the NPPF.

Impact upon Highway Safety

Spatial Policy 3 of the ACS requires that all new development should not create excessive-vehicular traffic from out of the area, and should not have an undue impact upon the existing-transport network. Furthermore, Spatial Policy 7 of the ACS indicates that development proposals should be appropriate for the highway network, in terms of both the volume and nature of traffic that they generate; in addition to ensuring that the safety, convenience and free flow of traffic - which currently use the highway - is not adversely affected; and finally, that appropriate-parking provision is provided for within the site.

Policy DM5 requires for the provision of safe access to new development, along with appropriate-parking provision. Considering that the application is intended for a replacement dwelling (albeit, one which comprises two-additional bedrooms), I do consider it unlikely the replacement dwelling to result in any excessive-vehicular traffic, which is both over and above that of the existing.

Following the site's most recently approved application (reference 19/02035/FUL) for a proposed new access, it will be necessary to comply with the conditions suggested at the end of the report, if approved, which the NCC Highways Officer has felt it necessary for the Applicant to fully comply with.

As a result, subject to the inclusion of the conditions, it is considered that the proposal would comply with Spatial Policies 3 and 7 as well as Policy DM5.

Impact upon Flooding and Drainage

The NPPF states within paragraph 155 that inappropriate development, which is within areas at a high risk of flooding, should be avoided by directing development away to areas at a lower risk of flooding. However, where development is deemed to be necessary within such high-risk areas of flooding, the development should be made safe from the possibility of flooding, without increasing any flood risk elsewhere.

Core Policy 10 of the ACS requires for new development to be located away from areas at the highest risk of flooding. However, this Policy also states that when supporting an application within an area - which is at a high risk of flooding - a sequential-test approach should be taken; as detailed under Policy DM5. In line with the NPPF, upon having passed the 'Sequential Test,' the 'Exception Test' should then be applied. Where an 'Exception Test' is not required, proposals would still need to demonstrate that the safety of the development, and the prevention of its future occupiers from being impacted by any flooding events, can both be provided for by the proposal, over the whole life of the proposed development.

Policy DM5 states that for development proposals within either of the Environment Agency's Flood Zones 2 or 3, and areas with critical-drainage problems, proposals would only be considered, where they not only constitute appropriate development but can also demonstrate - by application of the 'Sequential Test' - that there are no reasonably available sites in any other areas, which have a lower risk of flooding. However, where development is deemed necessary within such areas at risk of flooding, it would need to satisfy the 'Exception Test,' by demonstrating that it would be safe for all intended users, without increasing flood risk, elsewhere.

According to the 'Environment Agency Flood Maps,' the site is located within Flood Zone 3 ('Highest Probability of Flooding'). However, it is considered that the proposed-floor levels of the replacement dwelling being raised to 6.66m ODN is acceptable from a flood-risk perspective. It is also noted that both the E.A. and the FRA have also confirmed this ODN to represent a significant betterment to that of the existing – especially in terms of a dwelling being found to be located within such a high-flood-risk zone.

In the context of the 'Exceptions Test,' it is considered that the proposal would secure wider-sustainability benefits, particularly in the view of the replacement dwelling having significantly better-flood-resilience measures - which have been approved by the E.A. - than that of the existing-host dwelling.

In addition to the above, the FRA has also confirmed that the proposal would not increase flood risk to others and that it fully complies with both the Sequential and Exceptions Tests.

In light of both the above assessment and the Environment Agency's comments, I consider for the reasons given that the proposal is acceptable.

Impact upon Trees and Ecology

Core Policy 12 of the ACS seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 states that natural features of importance, which are either within or adjacent to development sites should, wherever possible, be both protected and enhanced.

An 'Extended Phase 1 Habitat Survey' has been submitted with the application, which concludes that the proposal would not have any significant impacts upon either local biodiversity or any protected species. However, the Survey does state that some precautionary-mitigation measures would be required, and that there are also opportunities within the site for ecological enhancements, such as the use of both bird and bat-nesting boxes, refuge for hedgehogs, and the use of native species for landscape planting. Moreover, the Survey also identified that no species of bats were found to be present within 1km of the site; furthermore, the Survey found that there was no evidence of bats existing within the site's host dwelling.

A 'Tree Survey' (CBE Consulting - June 2020) has also been submitted along with this application, which confirms that all trees are located at a satisfactory distance away from the proposal. In addition, the Survey confirmed that the proposed dwelling - which had also been further reduced in scale due to the results of the 'Tree Survey' - is now clear of the 'Root Protection Area' (RPA) of the T7 (Birch), which the site's earlier design of its replacement dwelling had infringed upon.

In light of both these above points, therefore, it is considered that the proposal fully accords with Core Policy 12 ('Biodiversity and Green Infrastructure') as well as Policy DM7.

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 that the siting, size and scale of the replacement dwelling would be similar to that of the existing. The proposed-replacement dwelling is considered to be comprised of both an improved design to that of the existing, for the purpose of being able to suitably provide both adequate and sufficient-living accommodation as a dwellinghouse, for future occupants; in addition to also providing a safe-refuge area during times of extreme-flooding events.

The site is located within Flood Zone 3 in accordance with the 'Environment Agency Flood Maps,' but in accordance to the FRA, this application has demonstrated that the proposal

would in fact pass both the Sequential and Exception Tests as well as satisfying the Environment Agency's position of providing no objections to the proposal – in respect of the future possibility of flooding impacts within the area.

In light of the above assessment, therefore, I have arrived at the conclusion that the proposal would be considered on balance to be acceptable subject to its full compliance with both the relevant conditions and informatives, which would be attached to any grant of planning permission.

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:

- Revised Proposed Site Plan (053JH-MBD-00-XX-A1003 P06)
- Revised Proposed Floor Plans (053JH-MBD-00-XX-A1001 P05)
- Revised Proposed Elevations (053JH-MBD-00-XX-A1002 P05)

Reason: So as to define this permission.

03

No development, hereby permitted, shall take place until the manufacturer's details (and samples upon request) of all external-facing materials (including colour/finish) have been both submitted to and approved in writing by the Local Planning Authority. Development shall, thereafter, be carried out in full accordance with all the approved details.

Reason: In the interests of visual amenity.

04

The development, hereby permitted, shall be carried out in accordance with both the submitted 'Flood Risk Assessment' (ref. RM Associates, September 2020 Version 2) and

'Addendum to the FRA for Cosy Cottage' (sent via email by Rachael Skillen Planning Ltd on 09/10/2020) as well as in accordance with the following-mitigation measures:

- Finished-floor levels shall be set no lower than 6.66-metres above the Ordnance Datum (AOD);
- Flood-resilience measures shall be implemented either to a height of 7.7mAOD or above (as confirmed within the FRA Addendum); and finally,
- No sleeping accommodation shall be located on the ground floor.

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

Reasons: To reduce the risks of flooding to both the development, hereby permitted, and its future occupants; to reduce the impact of flooding (should it occur); to protect its future occupants from rapid-onset flooding; and to provide a safe-refuge area for its futures occupants in an extreme-flooding event.

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

Prohibited Activities

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 trees/hedgerows, which are found either on or adjacent to the site;
- b. No equipment, signage, fencing etc. shall be either attached to or be supported by any retained tree, which is found either on or adjacent to the site;
- c. No temporary access within the designated root protection areas, without first the prior written approval of the Local Planning Authority;

- d. No mixing of cement, dispensing of fuels or chemicals within 10-metres of any retained tree/hedgerow, which is found either on or adjacent to the site;
- e. No soakaways to be routed within the 'Root Protection Areas' of either any retained trees and/or hedgerows, which are found either on or adjacent to the site;
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of either a retained tree or hedgerow, which is found either on or adjacent to the site;
- g. No topsoil, building materials or such other to be stored within the root protection areas of either any retained trees or hedgerows, which are found either on or adjacent to the site; and finally,
- h. No alterations/variations of the approved works and/or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of both maintaining and enhancing biodiversity.

07

No works and/or development, hereby permitted, shall take place until the Local Planning Authority has approved in writing the full details of every tree, shrub, and hedge to be planted (including, its proposed location, species, size and date of planting) as well as details of any tree-planting pits (including, associated-irrigation measures, and tree staking/guards).

Reason: In the interests of both maintaining and enhancing biodiversity.

08

An approved Landscaping Scheme shall be carried out within 6-months of the first occupation of either any building within the site or the completion of the development, whichever is soonest. If within a period of 7-years from the date of the planting of any tree, shrub, hedgerow or replacement, either of such is removed, uprooted, destroyed or dies, then another of the same species and size of the original shall be planted at the same place.

Reason: In the interests of both maintaining and enhancing biodiversity.

09

In terms of highway access, the development, hereby permitted, shall not be carried out except in complete accordance with the approved-drawing number 053-JH A1003 Rev D under the planning application (ref. 19/02035/FUL).

Reason: Only for the sake of clarity in terms of the highway access.

10

The gate at the access point of the development, hereby permitted, shall only be able to open inwards and must also be set back at least 5-metres from the edge of the carriageway.

Reason: To avoid on-street parking occurring to the detriment of other road users, while the gates are either opened or closed.

11

No building on site shall be occupied until all details of bat, owl, swallow, and housemartin nest boxes and/or bricks have been both submitted to and approved in writing by the Local Planning Authority.

The nest boxes/bricks shall be installed prior to occupation, in accordance with the approved details, and retained thereafter, for the whole lifetime of the development.

Reason: In the interests of both maintaining and enhancing biodiversity.

12

No development, hereby permitted, shall commence until full details of how the foul drainage from the proposed development will be discharged to both a septic tank and soakaway system, in accordance with the details, which shall be both submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the following are fully adhered:

- a. There is no connection to any watercourse or land-drainage system, and no part of the soakaway system is situated within 10-metres of any ditch or watercourse;
- b. Porosity tests are to be carried out to demonstrate that both a suitable subsoil and an adequate land area are available for the soakaway.

The development, hereby permitted, shall be carried out, thereafter, in accordance with all the approved details.

Reason: To prevent the pollution of either any nearby watercourses or groundwater.

13

No development, hereby permitted, shall commence until details of the means of the surface-water disposal have been both submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out, thereafter, in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of surface-water disposal.

14

No trees, shrubs or hedges within the site, which are shown as being retained on the approved plans, shall neither be felled, uprooted, wilfully damaged/destroyed, cut back in any way, nor removed without the prior-written approval of the Local Planning Authority.

Any trees, shrubs or hedges, which either die, are removed, or become seriously damaged or diseased, within five years of being planted, shall be replaced with either trees, shrubs or hedge plants in the next planting season, with others that are of a similar size and species.

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

Notes to Applicant

01

The applicant is advised that all planning permissions, which are granted either on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL can be found on the Council's website: <https://www.newark-sherwooddc.gov.uk/cil/>. On the above assessment of the development, hereby permitted, however, it is the District Planning Authority's view that **CIL is PAYABLE** on the development, hereby permitted, because its gross-internal area exceeds 100-square metres.

02

The applicant is advised that the development, hereby permitted, may require approval under the Building Regulations. Any amendments to the hereby-permitted scheme, which may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority, in order for any planning implications arising from those amendments, to be properly considered.

03

The application as submitted is deemed to be acceptable. In granting permission without unnecessary delay, the Local Planning Authority has worked positively and proactively with both the Applicant and their Agent, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

04

The development, hereby permitted, makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent (Email: licences@viaem.co.uk / Tel. 0300 500 8080), Via East Midlands to arrange for these works to be carried out. Further information can be found at the following website address: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

05

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>

06

The applicant's attention is drawn to those conditions within the Decision Notice, which should be discharged, before any part of the development, hereby permitted, commences. It should be noted that if these conditions are not appropriately dealt with, then the development, hereby permitted, may be unauthorised.

07

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

08

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

09

Your attention is drawn to the fact that a separate licence will be required from the Highway Authority, in order to allow for any works in the adopted highway to be carried out.

10

The applicant is advised that badgers are a protected species under the 'Protection of Badgers Act 1992.' Any works, which are either carried out or cause interference in the area of a sett that is used by badgers; or where either the works or interference causes either the death or injury to the protected animal, are illegal. For further information, please contact Natural England at the following address:

Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham
NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: eastmidlands@naturalengland.org.uk