



**Castle House
Great North Road
Newark
NG24 1BY**

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Wednesday, 27 August 2025

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 4 September 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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1. Notification to those present that the meeting will be recorded and streamed online
2. Apologies for Absence
3. Declarations of Interest by Members and Officers
4. Minutes of the meeting held on 7 August 2025

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Part 1 - Items for Decision

5. Land At Godfrey Drive, Winthorpe - 23/02281/OUTM 8 - 48
6. Land At Fernwood South, Claypole Lane, Fernwood - 24/01672/RMAM 49 - 92
7. West View Farm House, Collingham Road, Besthorpe, Newark On Trent, NG23 7HP - 25/00707/FUL 93 - 114

Part 2 - Items for Information

8. Appeals Lodged 115 - 116
9. Appeals Determined 117 - 119

Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

10. Exclusion of the Press and Public

There are none.

Note – Fire Alarm Evacuation

In the event of an alarm sounding please evacuate the building using the nearest fire exit in the Civic Suite. You should assemble at the designated fire assembly point located in the rear car park and remain there until the Fire Service arrive and advise it is safe to return into the building

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 7 August 2025 at 4.00 pm.

PRESENT:

Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor K Melton, Councillor T Smith, Councillor L Tift and Councillor T Wildgust

ALSO IN ATTENDANCE:

Councillor N Allen

APOLOGIES FOR
ABSENCE: Councillor A Freeman (Chair), Councillor S Forde, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington and Councillor M Shakeshaft

29 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

30 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

31 MINUTES OF THE MEETING HELD ON 3 JULY 2025

AGREED that the minutes from the meeting held on 3 July 2025 were agreed as a correct record and signed by the Chair.

32 MINUTES OF THE MEETING HELD ON 21 JULY 2025

AGREED that the minutes from the meeting held on 21 July 2025 were agreed as a correct record and signed by the Chair.

33 LAND AT THE WEST LAWNS, SOUTHWELL - 25/00637/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the approval of a proposed detached dwelling.

Mr Pearson, spoke against the application.

Mr Grace, the agent, spoke in support of the application.

Members considered the presentation from the Senior Planning Officer, which

included photographs and plans of the proposed development.

Members supported the call-in of the application, suggesting that there was no need for a 5 bed house in this location and raised concern that they had not been involved in pre-application discussions. Several Members stated that they were uncomfortable with the proposal but recognised the need to consider the tilted balance in favour of sustainable development whilst the Council has a shortfall of housing land supply. Members recognised the logic in following the building pattern of the cul-de-sac, but felt uncomfortable with the position of the new house in proximity with neighbours. One Member stated that the design was not innovative and not acceptable in the countryside. There was recognition that the reinstatement of the orchard was a positive feature.

A recorded vote was taken for approval with 4 votes For and 5 votes Against.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was for Officer recommendation, a recorded vote had been taken.

Councillor	Vote
A Amer	For
C Brooks	For
L Dales	Against
P Harris	Against
K Melton	Against
D Moore	For
T Smith	For
L Tift	Against
T Wildgust	Against

AGREED with the Proposer Councillor P Harris and Seconder Councillor L Tift that contrary to Officer recommendation Planning Permission had been refused and all voted for the reasons given for refusal:

- a) Proposal is outside the Southwell Urban Boundary where there is a presumption against new development (SP3 and DM8);
- b) Design is not of exceptional quality or innovative;
- c) Adverse impact on neighbour at 18 Handford Court.

34 FIELD REFERENCE NUMBER 8890, MANSFIELD ROAD, EDWINSTOWE - 24/01195/RMAM

The Committee considered the report of the Business Manager – Planning Development, which sought an application for reserved matters (all matters) pursuant to outline application 21/02094/OUTM (Outline application for the development of up to 50 dwellings (including affordable housing), open space, children's play space and associated infrastructure, including a new access).

Councillor Celia Brooks declared an interest as a resident of the adjacent estate.

The agent, spoke in support of the application.

Councillor Paul Peacock spoke against the application.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members recognised the concerns from local residents regarding highways (Ollerton roundabout) and the impact of significant new development at Thoresby Vale. Members discussed the challenges of dealing with a site that has already been allocated for development and benefits from outline consent. Members recognised the positives of the scheme in terms of a good mix of 1, 2 and 3 bed properties. Members also recognised that there were already a significant number of bungalows locally.

Members encouraged the applicant to consider including solar panels and insulation in their project.

Concerns were raised about not meeting parking standards.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report.

35 90 KIRKLINGTON ROAD, SOUTHWELL NG25 0AX - 25/00628/S73

The Committee considered the report of the Business Manager – Planning Development, which sought for variation of condition 02 to replace approved drawings with revised to replace existing lean-to with minor extension attached to planning permission 22/01023/FUL; Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse.

A site visit had taken place earlier in the day of the Planning Committee for the following reasons:

There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection;

The impact of the proposed development is difficult to visualise; and

The comments of the applicant and/or objectors cannot be expressed adequately in writing.

Ms Kerry Corden, the applicant, spoke in support of the application.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members made positive comments about the quality of the annex conversion and broadly had no concerns with the design changes set out in the section 73 application.

Nevertheless, Members did query whether the lean-to was subservient or whether the annex was of a suitable scale. Clarity was sought that the condition requiring the development to remain as an annex ancillary to the main house would be retained.

Concerns were raised about the nature of retrospective development proposals and potential enforcement matters outside of the scope of the application (fences and outbuildings).

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained in the report.

36 PALACE THEATRE 16 - 18 APPLETON GATE NEWARK ON TRENT, NG24 1JY - 25/00877/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought internal and external refurbishment and repairs works, including new LED lights to the auditorium stairs of the Palace Theatre.

The application was referred for determination as the property is in the Newark & Sherwood District Council ownership.

Members considered the presentation from the Business Manager, which included a mock up example of the LED lights. The benefits of keeping an important historic building in a good state of repair were discussed, alongside the benefits of improving safety and wayfinding with lighting on the stairs.

AGREED (unanimously) for approval.

37 PLANNING REFORM UPDATE

The Committee considered the report of the Business Manager – Planning Development to update Members of the Planning Committee on the latest planning reform consultations.

The Business Manager explained that Member comments from the last Committee report on planning reform were considered and incorporated into the Council's formal response to government. This included concerns about having a limit to Committee size and the need for call-in for smaller sites.

AGREED that the Members of the Planning Committee noted the planning reform consultation responses.

38 APPEALS LODGED

AGREED that the report be noted.

39 APPEALS DETERMINED

AGREED that the report be noted.

Members raised concerns about the Greenaway appeal at Rolleston. The Business Manager agreed to reiterate those concerns to the Director and Chief Executive.

40 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report from the Planning Technical Support Manager relating to the performance of the Planning Development Business Unit over the three-month period April to June 2025 (Quarter 1), alongside a summary for the period April 2024 to March 2025.

The Business Manager talked through some of the key data sets for planning applications validated, planning decisions and appeals.

AGREED that the report be noted.

41 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report from the Senior Planner (Enforcement) to update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.

Members were also provided with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.

AGREED that the report be noted.

Meeting closed at 6.50 pm.

Chair



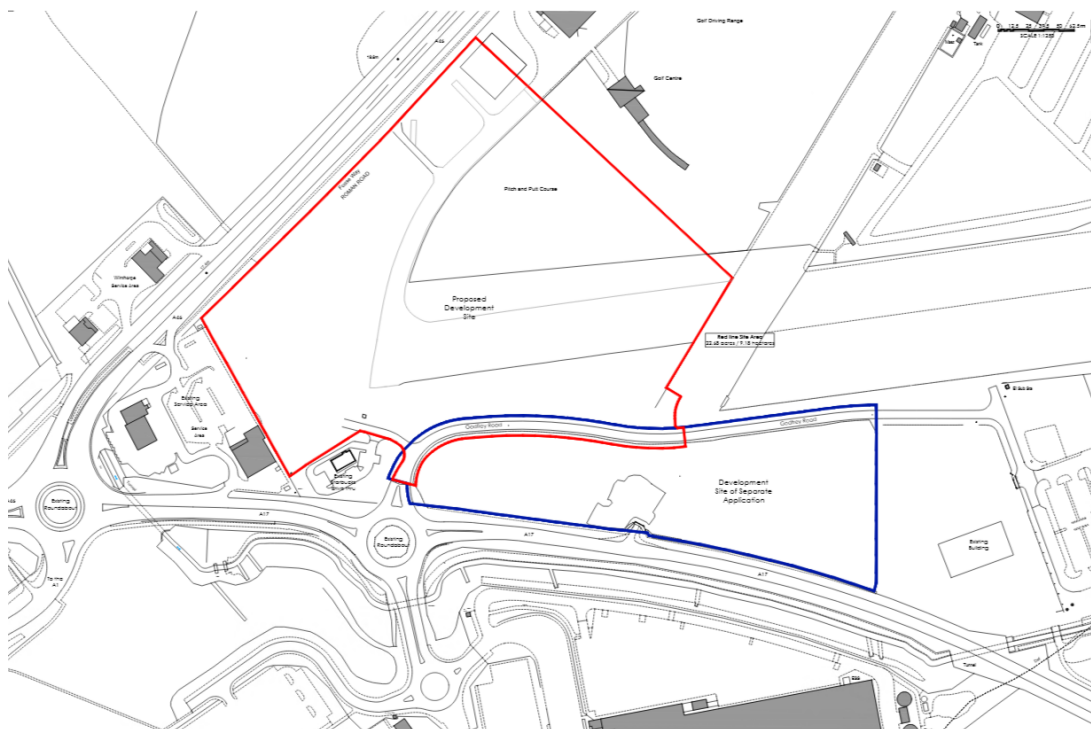
Report to Planning Committee 4 September 2025
 Business Manager Lead: Oliver Scott – Planning Development
 Lead Officer: Ellie Sillah – Senior Planner

Report Summary			
Application No.	23/02281/OUTM		
Proposal	Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground.		
Location	Land At Godfrey Drive, Winthorpe		
Applicant	Lindum Developments Ltd	Agent	Mr Andrew Pettifor - Aspbury Planning Ltd
Web Link	<u>23/02281/OUTM Outline Planning Permission (all matters reserved) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. Diversion of existing footpath and creation of new access into Newark Showground. Land At Godfrey Drive Winthorpe</u>		
Registered	28.12.2023	Target Date / Extension of Time	28.03.2024 / 10.09.2025
Recommendation	Approve subject to conditions set out at Section 10.0 of this report.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the proposal represents a departure from the Local Plan.

1.0 The Site

- 1.1 The application site relates to an approximate 9.21 hectares plot of land between Godfrey Drive (to the south) and the A46 (to the north west). Godfrey Drive serves the development on what is known as Overfield Park. The site was historically part of the Winthorpe Aerodrome used during the war. More recently, part of the site has been used in association with the adjacent golf course and the pitch and putt area operated by Newark Golf Centre. The site location plan is shown below:



1.2

1.3 Development in the area includes the Showground to the north east as well as commercial buildings such as Farol Ltd, an agricultural machinery dealership. Further to the east is the Wirtgen Group House. To the south of the site, at the roundabout of Godfrey Drive is a Starbucks coffee house and drive thru. Further south (beyond the A17) is Newlink Business Park occupied by the Currys/Knowhow Distribution Centre. Land to the south west is occupied by a service garage operated by Shell.

1.4 The site as existing is relatively flat with dispersed tree and vegetative cover (particularly within the part currently used by the golf course). There is a footpath which bisects the site in an east to west direction.

1.5 The site is within Flood Zone 1 and at very low risk of surface water flooding according to the Environment Agency maps.

1.6 The site boundary is around 130m away from the boundary of Winthorpe Conservation Area. The proposal site is partially within the former RAF Winthorpe site, which is identified on the Notts HER as being a heritage asset.

1.7 The site is within the Newark Showground Policy area to the north of, and outside of, the Newark Urban Area. Part of the site falls within the allocation NUA/MU/1 (Newark Urban Area – Mixed Use Site 1).

2.0 **Relevant Planning History**

2.1. The development has been screened against the Environmental Impact Assessment Regulations 2017 and it has been determined that the development does not require the submission of an Environmental Statement (24/SCR/00001).

2.2. *Applications affecting (part of) the site itself:*

- 08/01857/FUL - Change of use of golf driving range and 9 hole golf course to grassed overspill car park and use of building for storage. *Approved 28.10.2008.*
- 93/51829/FUL – Retrospective application for outdoor bowling clubhouse and facilities. *Approved 22.07.1993.*

2.3. *Land to the south:*

- 23/01283/OUTM - Outline Planning Permission for up to 12,008sqm employment development (use class B2, B8 and E(g) i, ii and iii) with associated internal access roads, landscaping and drainage (all matters reserved save for means of access from Godfrey Drive (detailed individual plot access to be dealt with via reserved matters)) ***Approved at December 2024 planning committee (decision issued March following completion of S106 agreement).***

2.4. *Land to east (now occupied by Farol Ltd):*

- 21/01736/S73M- Request for variation of condition 02 to replace approved landscaping plans and addition of drainage drawings attached to planning permission 20/01219/FULM; Erection of an agricultural machinery dealership comprised of maintenance, sale and repair with associated infrastructure. ***Approved 15.10.2021***
- 20/01219/FULM – Erection of agricultural machinery dealership comprised of maintenance, sale and repair with associated infrastructure. ***Approved 12.10.2020.***

2.5. *Land to further east (now occupied by Wirtgen):*

- 16/01796/FULM - Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping. ***Approved 27.01.2017***

2.6. *Land to west (now occupied by Starbucks):*

- 20/00217/FUL – coffee shop with drive thru. ***Approved 06.04.2020.***

2.7. *Land to south-east:*

- 22/02427/RMAM – RMA pursuant to 20/1452/OUTM Erection of one distribution building (Use Class B8) together with ancillary offices, plot access, car parking and landscaping. ***Approved 17.03.2023***
- 20/01452/OUTM- Development of site for distribution uses, including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping. ***Refused by Members (contrary to Officers) due to impact on open countryside 03.11.2021 but subsequently allowed at appeal by decision dated 29.11.2022.***

2.8. The site is also close to the A46 and the proposed bypass which is currently being

considered by the Planning Inspector as a Development Consent Order.

3.0 The Proposal

3.1 The Planning Application seeks Outline planning permission for up to 41,806sqm (450,000 square ft) of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. The application includes a new access to the Newark Showground off Godfrey Drive.

3.2 All matters are reserved albeit indicative masterplans have been produced for submission to establish the likely broad quantum of development on the site.

3.3 The application has been considered based on the following plans and documents:

- Amended Site Location Plan 105 Rev D received 14th July 2025;
- Existing Constraints Plan 107 Rev E received 17th April 2025;
- Parameters Plan 118 Rev E received 17th April 2025
- Letter from Transport Planning Associates (tpa) (includes technical drawings) dated 20th March 2025
- Proposed Footpath Diversion JV_OVP_521 Rev D received 10th March 2025
- Existing Site Plan 17857-THP_SITE-XX-DR-A-106B;
- Context Plan 17857-THP_SITE-XX-DR-A-108B;
- Proposed Site Plan – Masterplan Option 1 17857-THP_SITE-XX-DR-A-115C;
- Masterplan Option 2 17857 005 Rev S;
- Masterplan Option 3 17857-SK07C;
- Design and Access Statement DA02D;
- Spatial Planning Statement by Aspbury Planning;
- Letter of Support from Newark Showground Agricultural Society dated 1st August 2023;
- Evaluation Report 2775;
- Arboricultural Report & Impact Assessment 4902/DR.23;
- Arboricultural Survey TCP/4902/Y/100;
- Ecological Impact Assessment RHE.3814;
- Flood Risk Assessment & Drainage Strategy 7166-HJCE-XX-00-RP-D-3000.v2;
- Ground Conditions and Contamination Report 96385.575820_REP;
- Transport Assessment 2305-021/TA/01;
- Market Report dated 27th July 2023;
- Detailed UXO Risk Assessment 3658R;
- Archaeological Evaluation – 2775 dated December 2023;
- Geo-Environmental Assessment – Phase 2 – 96385.587715 dated February 2024;
- Heritage Statement Assessment (HIA) V2 AJP/LINDU/24/1925 received 11th June 2024;
- Project Overfield Indicative Elevational Treatment received 11th June 2024.
- Proposed Section – 17857 THPW XX XX DR A 152.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 14 properties have been individually notified by letter. A site notice has

also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 15th January 2024.

5.0 **Planning Policy Framework**

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

- Spatial Policy 1 - Settlement Hierarchy
- 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 6 – Shaping our Employment Profile
- 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
- NAP1 - Newark Urban Area

5.2. **Allocations & Development Management DPD (2013)**

- Policy NUA/SPA/1 – Newark Urban Area – Newark Showground Policy Area
- Policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1
- DM2 – Development on Allocated Sites
- DM3 – Developer Contributions and Planning Obligations
- DM4 – Renewable and Low Carbon Energy Generation
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and was publicly examined in November (albeit the Inspector's report is awaited). There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF) 2024
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

- Developer Contributions and Planning Obligations SPD 2013
- Landscape Character Assessment SPD 2013

6.0 Consultations and Representations

6.1. *Comments below are provided in summary - for comments in full please see the online planning file.*

(a) Statutory Consultations

6.2. **National Highways** – No objections but wish to be consulted on the reserved matters application where further detail will need to be provided.

6.3. **NCC Highways** – Raised concerns regarding the cumulative impact on the highway network and requested conditions and S106 agreement in relation to the submission of Transport Statements, and improvements to the roundabout. Additional information was requested and subsequently submitted (referred to in Highways comments as RtCC). Further discussion has taken place between the LPA, the applicant and NCC Highways and a suitably worded condition has been agreed upon instead of requiring a legal agreement. Concerns were also raised regarding the proposed new showground access, however a condition for a management plan for use of this access has been recommended. Subject to a number of conditions, there is no objection from NCC Highways. The most up to date comments (received 19th August 2025) are available to view online in full.

6.4. **Active Travel** – Requested further information including a review of the estimated number of full-time employees, submission of a Framework Travel Plan to include commitments to quantity and quality of cycle parking and other staff facilities to encourage active travel, and improvements to the TA .

6.5. **Environment Agency** – No objections subject to conditions.

6.6. **NCC Flood** – No objections subject to condition.

6.7. **NCC Rights of Way** - No objections subject to condition.

(b) Town/Parish Council

6.8. **Winthorpe Parish Council (host Parish)** – No comments received.

6.9. **Coddington Parish Council (neighbouring Parish)** – Coddington Parish Council OBJECTS to this application for Outline Planning Permission on the following grounds:

The Transport Assessment is inadequate:

With regard to use of Public Transport the nearest bus stop is 1.5 miles away and there is no safe pedestrian route available to the site of the proposed development without crossing the busy and often congested dual carriageway section of the A17.

With regard to peak traffic impacts from the new access to the Showground. It is noted

in the assessment that the majority of public access would be on Friday, Saturday and Sunday. Friday is already heavily congested along the A17 approaching the A17/A46/A1 roundabout, so the impact of additional peak Showground traffic must be taken into consideration rather than ignored as at present.

Coddington Village has already experienced a significant increase in through traffic along Beckingham Road due to increasing congestion on the A17 at its junction with the A46, and the existing approved development will only increase through traffic past a crossroads with regular vehicle collisions, and past the main pedestrian crossing for the school. Further development along the A17 should not be approved until the dualling of the A46 Newark Bypass has been completed.

The proposed diversion of the public footpath back towards the A17 is unacceptable, as there is no pedestrian route available which connects to the rest of the public footpath to Winthorpe. The same unsafe crossing over the A17 dual carriageway section mentioned above would in any case be required. A diversion which provides direct access to cross the A46 to Winthorpe is required, as already exists, supported by a safe pedestrian and cyclist crossing facility from the application area to the Winthorpe side of the road.

- 6.10. **Newark Town Council (neighbouring Town Council)** – Newark Town Council objects to this application as it considers the loss of green space and biodiversity, especially in the existing golf course area which is not justified and also on the basis of active transport comments made by other Consultees.

(c) Representations/Non-Statutory Consultation

- 6.11. **NCC Planning Policy –**

Minerals and Waste – No objections.

Transport and Travel Services – Agreed wording for a condition to require submission of a Sustainable Transport Delivery Plan upon the submission of an application for approval of reserved matters amounting cumulatively to more than 30,000 square metres gross internal floor area.

- 6.12. **NSDC Environmental Health (contaminated land)** – Concur with the recommendations within the summary document submitted with the application and request the use of the full phased contamination condition on any approval.
- 6.13. **NSDC Environmental Health (noise)** – Conditions required for air quality assessment; construction management plan; specification of plant / noise assessment and lighting scheme.
- 6.14. **NSDC Archaeological Officer** – It is considered there is a very low risk of further significant archaeology being found on the site, and therefore no conditions in relation to archaeology are required for this 'Phase 2' application.
- 6.15. **NSDC Tree Officer** - Square metres suggested in the outline of up to 41,806sqm, will not allow

- a. a reasonable level of landscaping integrating the proposal site Internet surroundings setting.
- b. Require the removal of all trees from the majority of the site only leaving a thin peripheral boundary.
- c. Will have a significant negative impact on the amenity and character of the local area.

6.16. **NSDC Ecology Officer** – No comments received to date.

6.17. The proposal has been supported by an appropriate level of ecological assessment and there would not be a significant impact on biodiversity if consent is granted and the site was subsequently developed. However, this is dependent on securing various precautionary measures via a CEMP: Biodiversity, a sympathetic lighting scheme and the provision of bat and bird boxes. Along with the above features, the design of the landscaping scheme for the proposed development will be important to ensure compliance with relevant sections of both national and local planning policy concerning biodiversity. Therefore, I would advise that these should be secured via appropriate planning conditions.

6.18. **NSDC Conservation** – The proposal would result in less than substantial harm to the setting of Winthorpe Conservation Area and some of the Listed Buildings on the eastern edge of the settlement, albeit the lower end of the scale of harm. It is acknowledged that some of the harm could be minimised by landscaping and palette of materials, which could be agreed at a reserved matters stage. It would be for the decision maker to weigh up any public benefits from the proposal against the heritage harm identified.

6.19. **Ramblers Association** – No comments received.

6.20. **NSDC Economic Development** - The proposal would deliver economic benefits through the investment made in the commercial building and the creation of employment opportunities.

6.21. **Trent Valley Internal Drainage Board** - The Board maintained Winthorpe Airfield Drain, an open and culverted watercourse, exists to the South of the site and to which byelaws and the Land Drainage Act 1991 applies.

6.22. **Arqiva** – No adverse effect on operations – no concerns.

6.23. **One letter of representation has been received:**

- Great idea for the future success of the Newark town centre and its surrounding villages;
- The planning decision must have the flexibility to save as many of the existing trees as possible and the size of units must be of a smaller/medium size for small and medium sized enterprises.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

1. Principle of Development
2. Loss of Existing Facility
3. Impact on Visual Amenity
4. Impact on Highway Safety
5. Sustainable Travel Modes
6. Diversion of Footpath
7. Impact on Trees and Ecology
8. Impact on Heritage Assets
9. Impact on Archaeology
10. Flood Risk and Drainage
11. Land Contamination
12. Impact upon Residential Amenity
13. Developer Contributions
14. Benefits of the Proposal

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

- 7.3. Spatial Policy 1 sets out the Settlement Hierarchy for the District, identifying the Sub Regional Centre as the Newark Urban Area and setting out that the function of it is to be the main focus of housing and employment growth in the District over the Development Plan period. Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark. The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.4. Whilst the site is located outside of the defined Newark Urban Area, part of the site is within policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1 within the adopted Allocations and Development Management DPD. Policy DM2 states that within sites allocated by the DPD, proposals will be supported for the intended use where they comply with the remainder of the Development Plan and the site specific issues set out within the allocation.
- 7.5. The premise of this policy area is to accommodate a hotel/conference facility, restaurant facilities to support the wider showground uses and employment uses. The application site also sits within the Newark Showground Policy Area (NUA/SPA/1), which seeks to facilitate new development which will support and complement the

East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on the site.

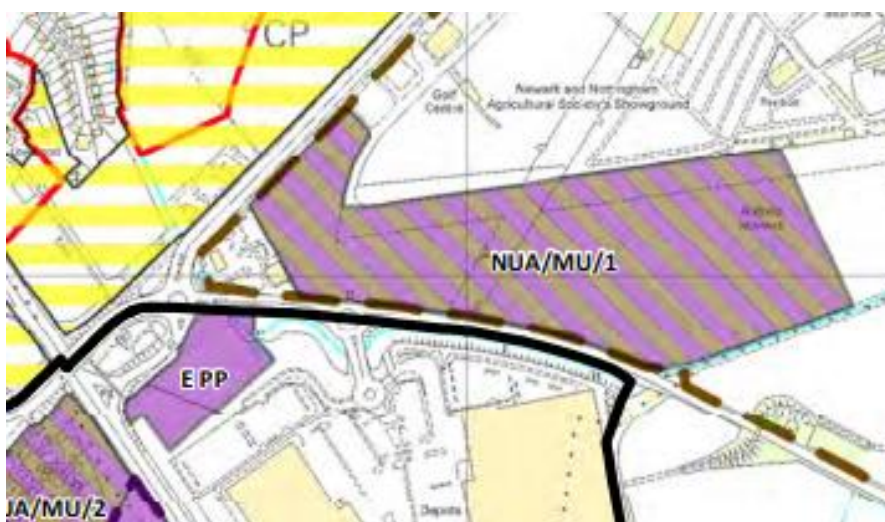
7.6. In addition to general policy requirements development on the site shall be subject to the requirements of the Newark Showground policy area (NUA/SPA/1) notably;

- Addressing access constraints relating to the A1/A46/A17 junctions;
- Need to adequately screen new development;
- Investigation of potential archaeology on site;
- Address any issues regarding potential impact on neighbouring amenity.

7.7. Policy NUA/MU/1 further states that development on site will be subject to the following:

- The preparation of a site specific master plan for the allocation setting out the location of various land uses and a phasing policy for new development;
- Until appropriate improvements have been made to the A1/A46/A17 junction employment development will not be considered appropriate. Any proposed development will need to demonstrate that it will not generate significant am and pm peak traffic as part of any planning application.

7.8. The below is an extract from the Allocations Map which shows the area covered by the allocation in hatching:



7.9. As is set out within the Planning Statement, the current application seeks to 'offset' part of the original allocation in favour of developing the application site. The area shaded in blue (3.75 hectares) is proposed for development outside of the site allocation but it is stated that the area in green (4.8 hectares) is no longer proposed to be released for development.



7.10. The premise for this is set out below and at paragraph 2.3 of the Planning Statement:

7.11. *Newark & Nottinghamshire Agricultural Society has written separately to confirm that, unlike the allocated area within the Showground demise, the unallocated part of the Application Site is peripheral to the Showground and surplus to functional/operational requirements; as well as highlighting other significant benefits to the Society/Showground conferred by the Application (set out at 4.16 below). These include; a new all-purpose access/egress to the south side of the Showground to-and-from Godfrey Drive/the A17 Trunk Road, which will facilitate a better distribution of traffic generated by events at the Showground, both internally and externally (on the public highway), reducing congestion, queuing and consequent delays for all road users.*

7.12. The letter referenced has been submitted as a supporting document accompanying the application. Written representations have been made to the ongoing Local Plan update of the Allocations and Development Management and the revision being added into the Main Modifications document for the Plan Review, but as it stands part of the site is outside of the site allocation and outside of the Newark Urban Area. Whilst the intentions of the offsetting are not disputed, this cannot be secured through the application process. Essentially the land shown in green above, even if this application were to be approved, would still be land allocated for development. It is not possible to remove an allocation through condition or legal agreement (which would not prevent applications by third parties) and therefore this application must be considered on the basis that it would expand the developable area rather than replace other land within the allocation.

7.13. For the part of the site within the allocation NUA/MU/1 there is a policy requirement for a site specific Masterplan. Various indicative Masterplans have been submitted for the site itself but unlike the application on the land to the south (23/01283/OUTM) by the same applicant, an updated Masterplan for the site and the remainder of the allocation have not been presented. However, it is noted that this application (irrespective of the proposed offsetting discussed above) would be the last parcel of

land available to come forward within the allocation and therefore the provision of an overall Masterplan becomes less crucial.

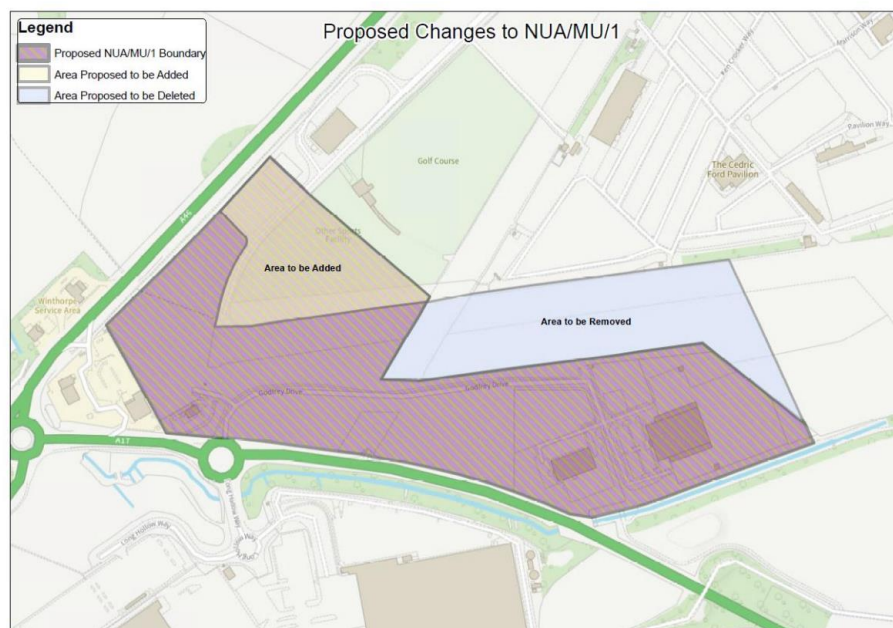
- 7.14. Both this application and the application to the south are for commercial uses (Class E (G) (i) (ii) (iii); B2, B8 Business, General Industry, Distribution). This would leave no available land with the policy area of NUA/MU/1 for the delivery of a hotel/conference facility or restaurant facilities as envisaged by the policy allocation.
- 7.15. This was raised as an issue in the assessment of application 23/01283/OUTM and a supporting letter was provided by Newark & Nottinghamshire Agricultural Society (the charity that operates the activities from Newark Showground) seeking to comment on the provision of hotel facilities on or adjacent to the Showground.
- 7.16. It is stated within that letter (available to view on the planning file for application 23/01283/OUTM) that discussions regarding the requirement for a hotel close to the Showground have been ongoing for many years but that one of the biggest drawbacks is that the Showground is so well located geographically that many users typically make the journey in a day without staying overnight. Moreover, the nature of the events at the Showground has not historically been seen to support a consistent demand for hotel accommodation with demand typically being sporadic. The Showground has limited facilities in the immediate vicinity (albeit it is appreciated that these have in part come forward through the site allocation, for example the now operational Starbucks). This means that users of the hotel would potentially need to travel further afield to access shops, restaurants and entertainment. These are all deemed as negative factors in considering a prime location for a hotel.
- 7.17. The supporting letter presents a persuasive argument in that it is in part based on previous studies for potential demand and viability of a hotel which have to date concluded that there is unlikely to be sufficient demand to attract a hotel developer / operator to consider the location. Moreover, the District Council has been informed that the landowners have placed a covenant on the land that would prevent the development of a hotel or conference facility. This in a sense makes such development unrealistic and under these circumstances, and noting that the Council has no robust evidence to demonstrate that a hotel would be viable within the policy zone, it is not considered reasonable to resist the application purely based on it not satisfying this aspect of the policy.
- 7.18. The overarching Showground Policy Area policy (NUA/SPA/1) is potentially permissive of leisure uses which support and complement the East Midlands Events Centre and therefore if a need did arise in the future, then a hotel could potentially be brought forward through this policy.
- 7.19. Nevertheless, strictly speaking, the proposed development is contrary to both Policy NUA/SPA/1 – Newark Urban Area – Newark Showground Policy Area and Policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1 in that it does not present development which supports or complements the East Midlands Event Centre or other leisure uses and does not provide for the hotel provision envisaged by Policy NUA/MU/1. The application has been advertised as a departure on this basis.

- 7.20. For the parts of the site outside of the specific NUA/MU/1 allocation, the relevant policy assessment is Policy DM8 (Development in the Open Countryside) in line with Spatial Policy 3 (Rural Areas). The site is not in Newark Urban Area because it is not within the area defined as such on the policies map. Therefore, it must be in the Rural Areas. The extent to which it is in the main built up area of a settlement is therefore relevant in terms of discussing the status of the site. The Showground is not within a settlement. It is separate from Winthorpe, Coddington and the Newark Urban Area therefore, as matter of policy, it is in the open countryside.
- 7.21. Policy DM8 of the Allocations and Development Management Document, in reference to employment uses, states that *'Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test'*. This approach is supported by Core Policy 6 which seeks to retain and safeguard existing employment areas.
- 7.22. Neither the policy wording nor the supporting text for DM8 defines what it meant by small scale. Given the outline nature of the proposal, scale cannot be fully assessed in the context of the height / floor space of buildings or the level of employments generated.
- 7.23. However, the fact that the application forms a major scheme with a site area of over 9 hectares (notwithstanding this would not all be used for employment uses) would lead to any reasonable observer to conclude that the proposal is not small scale. Moreover, in the absence of the exact types of employment being proposed here there is no compelling evidence as to why the proposal needs a rural location. The proposal would therefore not comply with this element of Policy DM8.
- 7.24. It is relevant that the Council is currently reviewing the Allocations and Development Management Plan with the potential to including allowances for larger scale employment uses where they are justified (this would not remove the need to demonstrate a need for a rural location). At this stage, the weight which can be attached to the proposed modifications of Policy DM8 is limited due to outstanding objections.
- 7.25. It is also worthy of note that the 2024 NPPF places a greater emphasis on delivering commercial development to meet the needs of a modern economy. In relation to storage and distribution operations, paragraph 87(b) outlines support of such developments where they are needed to support the supply chain, transport innovation and decarbonisation.
- 7.26. Paragraph 49 of the NPPF (2024) is clear that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 7.27. In respect to the first point, the Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. It was examined in November 2024 and is therefore at an advanced stage of preparation.
- 7.28. As mentioned, there are unresolved objections to Policy DM8 and therefore the weight to be attached to the proposed modifications to Policy DM8 are limited. However, consideration of Policy DM8 is only triggered for the elements of the site which are outside of the site allocation NUA/MU/1. This is a site specific policy whereas above, representations have been made on behalf of the applicant to propose changes to the site allocation which would align with the development proposed through this application. (See proposed amendment to allocation below).

Main Modification 17 – NUA/MU/1 Proposed Boundary Amendments



- 7.29.
- 7.30. The amendments to the allocation have been endorsed by the District Council in including them as proposed main modifications which have been accepted by the Inspector (albeit the Inspector's report is still awaited therefore the amended plan is not yet adopted).
- 7.31. In this respect, some weight can be given to the proposed modification of the allocation area (which would align with this application) in the context of paragraph 49(b) of the NPPF.
- 7.32. Also of relevance to the application is an appeal decision for a nearby site to the south of the A17 – Newlink Business Park. 'Phase 1' (ref 20/01452/OUTM) was for the

‘Development of site for distribution uses, including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.’ The application was refused by Planning Committee due to the open countryside location, therefore contrary to Policy DM8.

- 7.33. The appeal decision (APP/B3030/W/22/3292692) allowed the development due to the significant economic benefits that the proposal would bring to the district, including a notable number of job opportunities despite the open countryside location and the loss of greenfield land.
- 7.34. The above considerations are discussed further in the planning balance section of the report, however in summary, although the proposal at present represents a departure from the local plan, there would be significant economic benefits that attract significant weight in the planning balance.

Loss of Existing Facility

- 7.35. The north eastern portion of the site is currently in use as a nine-hole (foot) golf course (previously pitch and put and now foot golf). The proposed development would lead to the loss of this facility. Despite being a private commercial facility operated by Newark Golf Centre, it still forms an existing leisure facility, the loss of which requires consideration against Spatial Policy 8. There is no requirement to consult Sport England however as golf facilities are not a protected playing field.
- 7.36. Spatial Policy 8, in line with the NPPF, is discouraging of the loss of existing community and leisure facilities, unless one of the following can be demonstrated:
- Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
 - 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.
- 7.37. The Planning Statement recognises the existing use taking place in part of the site stating that the course is generally in poor condition and is therefore of a low quality from a purely golf perspective. It is also stated that due to the location of the site, the majority of users access the facility through the use of private car. It is presented that the course is held on a lease from the Society (the owners of the wider Showground site) which can be terminated on demand at two days notice by either party. It is understood that this part of the facility is separate to the Golf Club Shop and Driving Range which are outside of the application site and therefore unaffected by the proposals.
- 7.38. The applicant fundamentally disagrees that the facility should be regarded as a community facility requiring assessment against Spatial Policy 8. Notwithstanding this, they have provided further commentary during the application outlining that the use

of the facility such as it is, is no longer feasible. A case is made that to market / dispose of this element of the course in isolation to any other party is neither appropriate, practicable nor feasible because of the particular locational, land ownership and tenurial context and constraints. Officers do have some sympathy to this argument in that to separate the facility from the existing Driving Range (which remains unaffected by the application) would be illogical. Nevertheless, the evidence provided is not considered sufficient to meet the requirements of the first bullet point.

- 7.39. It then falls to assess if there is sufficient provision of such facilities in the area. It is understood that the original 9-hole golf course was developed simultaneously to complement the Driving Range but that it failed to be commercially viable being in poor condition and too short for effective golf other than pitch and putt. The foot golf facility (which the agent describes as a marginal activity) was developed as an alternative but that the use as such has further adversely affected the ground surface conditions. It is appreciated that foot golf is not a recognised sport by Sport England and that the original facility was intended as a 9 hole golf course. Taking a pragmatic approach, I do consider it reasonable to extend consideration of alternative facilities to golf courses rather than specifically foot golf (noting that with demand presumably other facilities could also deviate into foot golf in the available space).
- 7.40. There are 9-hole Golf Courses at Newark Golf Club (3kms); Southwell GC (Racecourse)(9kms), Norwood Park GC (13 kms) and Lincoln Golf Centre (15kms). These facilities are considered to be accessible in distance terms to those who may have used the facility within the site. As such, it is considered that sufficient provision of such facilities are available in the area and the proposal would comply with the second bullet point of Spatial Policy 8. Therefore, the loss of this facility is acceptable in principle.

Impact on Visual Amenity

- 7.41. Core Policy 9 of the Core Strategy requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 echoes this stating that the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy NUA/SPA/1 also refers to screening of any development, which implies securing appropriate siting, landscaping/and or boundary treatment.
- 7.42. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. The site is situated within Landscape Character Zone: ES PZ 4 Winthorpe Village Farmlands. The landscape condition here is defined as moderate and landscape sensitivity is also described as moderate. The policy zone has a landscape action of 'conserve and create'. This includes new hedgerows and enhancing tree cover and landscape planting generally and conserving what remains of the rural landscape by concentrating new development around existing settlements and reflecting the local built vernacular.
- 7.43. The site as existing features semi-improved grassland that was sown when the site was an airfield, areas of hardstanding partially colonised by grassland and a large area

of disturbed land developing into a grassland that is flanked to the northwest by a roadside hedgerow. There are dispersed trees within the site, particularly in the area used by the golf course. The site is relatively flat however there is a fall in gradient towards the north west boundary. The land immediately surrounding the site comprises a variety of uses including large scale industrial buildings.

- 7.44. The proposal is for outline permission and therefore the exact visual impacts of the development cannot be known at this stage. However, the proposal relates to a significant amount of proposed floor space and there is a suggestion that the buildings would have a considerable scale of up to just over 21m in height. Clearly, a development of this scale would alter the character of the current site from predominantly arable land to an industrial development. The site also occupies a prominent position close to heavily trafficked road networks.
- 7.45. Part of the site is allocated and therefore there is an explicit acknowledgement that the visual characteristics of the site are expected to change. However, the area which is not allocated site adjacent to the A46 is in a more prominent location than the area to be 'offset'. This therefore has the potential to lead to an encroachment of development. There is a suggestion that there would be a landscaped buffer along the A46 shown as being a minimum of 5m (3m along other boundaries). Although this would not fully mitigate the visual impact of the development, it would soften the impacts of the proposed level of development.
- 7.46. Overall, given the surrounding context of the road network and other recent commercial development in the immediate locality (E.G Newlink Business Park), it is considered that the visual impact would not be unacceptable, subject to design, scale and landscaping which would all be reserved matters. Impact on heritage assets and their settings is discussed further below.

Impact on Highway Safety

- 7.47. Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this. Policy NUA/MU/1 requires development to be acceptable in respect of the A1/A46/A17 junctions and states:

'Until appropriate improvements have been made to the A1/A46/A17 Junction, employment development will not be considered appropriate. Any proposed development will need to demonstrate that it will not generate significant a.m. and p.m. peak traffic as part of any planning application.'

- 7.48. Although the proposal is for employment, improvements to the A1/A46/A17 Junction have not proposed as part of the application as access is a reserved matter. For this reason, the proposal does not fully accord with this aspect of NUA/MU/1. However, improvement works to the roundabout are proposed to be secured condition – this

would therefore comply with the intention of this part of the policy and is considered acceptable. Further detail is included below.

- 7.49. The application has been accompanied by a Transport Assessment which in part uses information from the National Highways A46 corridor study. The document also incorporates a Travel Plan Statement. Following comments received from NCC Highways, further technical information has since been submitted (letter dated 20th March 2025) and NCC Highways consulted.
- 7.50. Throughout the lifetime of the application, concerns have been raised by NCC Highways regarding the capacity of the roundabout, as the end users of each phase are currently unknown, and therefore the full impact of the proposal is unknown. Because of this, the improvements required to facilitate employment development on the site are also unknown at this stage. The applicant has made it clear that they are not against carrying out improvements, but consider this should be secured by condition.
- 7.51. Initially, NCC Highways requested that the applicant enters into a S106 agreement to require a transport statement at each reserved matters application/each phase of the development, to take into account the cumulative impact of the development and secure improvements where necessary via the agreement.
- 7.52. To avoid delays to the determination of the application, the applicants do not wish to enter into a legal agreement and suggested a condition is attached to ensure any improvement works are carried out when necessary, rather than a S106 agreement. A condition is considered to be appropriate and the wording has been agreed with NCC Highways, to require a Technical highways submission with each reserved matters application that comes forward, which must consider the cumulative transport-related impact of the development proposed within the RMA being applied for, together with any development permitted by previous RMA on the site. In the event the Technical highways submission identifies that the A17/Long Hollow Way/Godfrey Drive roundabout would operate above capacity within the local network weekday periods, then a scheme for appropriate improvement works to that roundabout will be required to be submitted to and approved in writing by the LPA as part of that RMA, and implemented prior to occupation of that phase. *(To address the potential issue of the costs of this landing disproportionately on a small application site, the landowner can address this by securing Equalisation Agreements, but this is outside of the scope of planning.)*
- 7.53. In relation to the roundabout improvements, the applicants provided two potential mitigation measures (2201-012-SK02 rev B – Proposed Roundabout Improvements and 2201-012-SK03 - Proposed Alternative Roundabout Improvements). However, NCC have noted potential safety issues with 2201-012-SK03 and state for clarity, they would require drawing number 2201-012-SK02 rev B to be provided. This entails relatively minor widening on the eastbound exit, alongside the changes to the white lining on the approach.
- 7.54. In relation to the new Showground access, NCC Highways initially requested a condition to restrict parcel delivery uses on site to ensure no conflict with the access,

however the LPA does not consider this reasonable given the context of the application. It has now been clarified that the showground access will be gated and use reserved for special major events and emergencies and (with the exception of emergencies which cannot be planned) it is stated that traffic would not impact on traffic during peak hours. However, in the absence of any information quantifying this and demonstrating that there will not be an impact on highway during these hours, such restrictions would need to be captured in a management plan which can be secured by condition. This will limit use of the Showground Access rather than the development.

- 7.55. The design of the showground access now provides an access at 90° to Godfrey Drive, ensuring visibility to the left is not compromised and encouraging vehicles to give way and subject to the standard technical checks for inclusion in the Section 38 Agreement is acceptable.
- 7.56. NCC Highways also noted in their comments that a Framework Travel Plan was not submitted to support this application and given that a S106 is not proposed to be entered into for this development, the necessary monitoring fee cannot be collected by these means to enable the County Council to monitor it. NCC Highways have therefore requested a condition for third party monitoring to be secured. However, whilst the applicant is happy to agree to a unilateral undertaking for the monitoring fee, they are concerned that it would be a difficult to discharge as they are not sure how they can secure 'third party' monitoring. Given that the LPA agreed to a monitoring fee secured via legal agreement for Phase 1, officers feel that the same approach should be applicable for phase 2. Condition 10 sets out the monitoring requirements, and the recommendation is subject to a legal agreement.
- 7.57. Further to the above, as per the comments received 19th August 2025, the Highway Authority (NCC Highways) have no objections to the development, subject to conditions.
- 7.58. National Highways have commented on the proposals raising no objections noting the access is from Godfrey Drive which is controlled by Nottinghamshire County Council. They have however acknowledged that any reserved matters application will need to include further details on various matters including landscape and boundary treatments to prevent encroachment onto National Highways land. This would be a reserved matter in any case.

Sustainable Travel

- 7.59. It is noted that Active Travel requested further information in relation to sustainable travel modes and further detail about the proposed development. At present, the number of employees is unknown and therefore it is not possible to assess this in detail. As such, a condition has been suggested that would require a Sustainable Transport Delivery Plan setting out any measures necessary to facilitate and enable non-car transport access to the site to be submitted for approval, upon the submission of an application for each phase or sub phase, approval of reserved matters amounting cumulatively to more than 30,000 square metres gross internal floor area, taking into account any phases already approved.

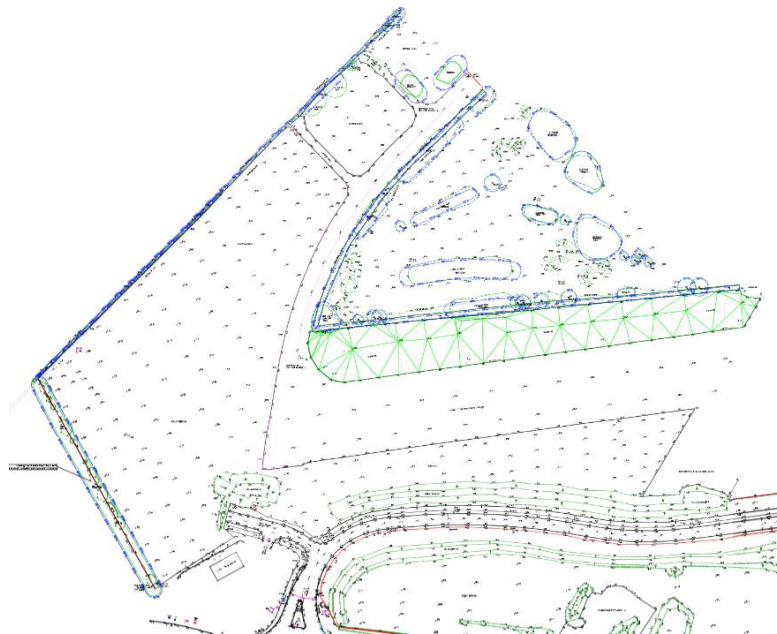
- 7.60. In addition, a condition requiring covered cycle storage to be provided for each phase can be attached, with details to first be approved by the LPA, to ensure the provision is adequate for that phase.
- 7.61. The above conditions are considered reasonable and adequate to address the need to encourage sustainable travel.

Diversion of Footpath

- 7.62. There is an existing footpath which bisects the site and would be required to be diverted to facilitate the development. A plan showing the location of the existing footpath and the proposed location has been submitted during the lifetime of this application. Although the diversion would require a separate legal process (which has been commenced) the principle of the diversion is a matter for consideration and as such has been included in the description for the development.
- 7.63. The Rights of Way Officer at Nottinghamshire County Council has commented that there is no in-principle objection to the diversion. It would be appropriate to agree details of the diversion at reserved matters stage once the exact quantum and location of the development is known. Although a proposed route has been submitted, this has not been confirmed, and in any case further details will be required such as the width and surfacing of the footpath. This can be secured by condition. Subject to conditions securing further details of the diversion, no specific harm has been identified to the public right of way network.

Impact on Trees and Ecology

- 7.64. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 states that new development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision.
- 7.65. There are existing features of potential biodiversity value with the site including dispersed trees and hedgerows. The submitted Tree Survey has assessed the quality of numerous specimens within the site including 6 individual specimens, 3 hedgerows and 23 groups of trees. Of these, there are 3 Category B individual specimens; 11 Category B groups of trees and all the hedgerows are Category B. The remainder of the surveyed specimens and groups are classified as Category C. These are predominantly located in the centre of the site around the existing golf course (i.e. the part of the site outside of the site allocation) as shown by the extract from the Tree Survey Plan and aerial photograph below:



- 7.66. The exact impacts to trees and hedgerows are not known at this stage due to the outline nature of the proposals. Nevertheless, given the positioning of several of the trees and groups of trees within the centre of the site, it is inevitable that the development would lead to a significant loss of the existing vegetative cover within the site.
- 7.67. The Tree Survey describes the impact of the loss of these specimens in this location to be "*slight*". It is stated that the trees provide a limited contribution to the significance of the site and its setting. It is acknowledged that the impact in terms of the loss of trees will be most keenly felt in the immediate environs of the site but that it is concluded the trees are not of such importance and sensitivity as to be a major constraint on development.

- 7.68. There appears to be an acceptance within the report that all trees would be lost as a result of the proposed development. Despite stating that “*replacement provision will be extensive*”, there is no evidence to support this statement (which arguably is to be expected given that landscaping would be a reserved matter). Although retaining as many trees as possible is preferable, and would accord with Core Policy 12 and DM7, it is noted that none are covered by Tree Preservations Orders (nor would be considered appropriate to be), and the trees are not within a conservation area therefore at present are afforded no protection. Given the positioning and quantum of the trees, there is no realistic prospect of them being incorporated into the development.
- 7.69. Notably the positioning of the trees is largely outside of the extant site allocation which somewhat compounds the potential harm of developing this area, rather than maintaining the boundaries set by the allocation. Notwithstanding this, it is appreciated that as the Plan Review moves forward the land where the trees are positioned is proposed to become formally allocated as part of the same allocation and therefore in this instance it would be accepted that the trees would be removed. The Plan has been examined, and the Council are currently awaiting the Inspector’s report therefore although full weight cannot be attributed to the amended plan, it is at an advanced stage and therefore some weight can be attributed.
- 7.70. Considering the above, the fact that the trees are not protected, and the intention to plant replacement trees as part of each reserved matters proposal, the loss of the existing trees on site is not considered a reason to refuse the application. A condition can be attached to ensure that any proposed landscaping that comes forward as part of a reserved matters application includes replacement tree planting which is of better quality and native.
- 7.71. For the avoidance of doubt, the application was submitted prior to 12th February 2024 when Biodiversity Net Gain legislation coming into force and therefore is exempt from the statutory 10% net gain.
- 7.72. An Ecological Survey has also been submitted which concludes that the site has a moderate level of ecological interest. None of the trees within the site contained any features that could provide roosting opportunities for bats at the time of the survey albeit the hedgerows and grasslands within the site provide potential foraging and dispersal routes for bats. No further surveys are recommended but the document does include a number of mitigation measures which could be conditioned. These include a suitable lighting scheme to minimise a potential adverse impact on bats and nesting birds and avoiding site clearance within bird nesting season.

Impact on Heritage Assets

- 7.73. The proposal site is partially within the former RAF Winthorpe site, which is identified on the Notts Historic Environment Record. Although the site itself is not affected by any designated heritage assets, it is approximately 150m away from the boundary of Winthorpe Conservation Area. Despite the outline nature of the application, there is an indication that the scale of the proposed development would be significant and therefore it has the potential to impact upon the setting of the Conservation Area.

- 7.74. Core Policy 14 (Historic Environment), along with Policy DM9, require the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy.
- 7.75. Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.76. The former airfield has been significantly altered by later 20th Century operations and includes more recently approved development of a similar nature. It is therefore considered that little weight should be afforded to the identification and there is no direct conflict with the relevant non-designated heritage asset policies.
- 7.77. Section 72(1) requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The duties in s.72 do not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight.
- 7.78. The Conservation team has been consulted on the proposals and have raised concerns that the potential scale of the buildings, and lack of space for landscaping could have a negative impact on the setting and significance of the Conservation Area. A Heritage Impact Assessment (HIA) has been submitted (and subsequently updated) during the application on the basis of these comments.
- 7.79. Nevertheless, the conclusions of the Conservation Officer are still that the scale and massing of the building(s) would dominate and detract from the character of the buildings in the Conservation Area and the industrial character would detract from the rural and parkland character of the eastern fringe of the Conservation Area boundary. Overall, there is an identification of less than substantial harm to the setting of the Conservation Area and some of the Listed Building on the eastern edge of the settlement 'albeit the lower end of the scale of harm'.
- 7.80. Paragraph 215 of the NPPF is clear that where a proposal will lead to less than substantial harm, this will need to be weighed against the public benefits of the proposal.
- 7.81. In this case the public benefits relate primarily to the significant employment opportunities. Noting that this is partly an allocated site, and noting the level of harm identified, it is considered that the economic benefits would be sufficient to outweigh the heritage harm in this instance. There would be opportunity to mitigate further the level of harm at reserved matters stage through appropriate landscaping but also a sensitive external palette of materials. As such, the impact on heritage assets and their settings is considered acceptable.

Impact on Archaeology

- 7.82. In accordance with the requirements of the Newark Showground policy (NUA/SPA/1), an Archaeological Evaluation Report has been submitted in support of the application (this includes both the site and the land to the south).
- 7.83. Further to the work that has already been carried out for Phase 1, and a recent site visit, the Historic Environment Officer has confirmed that on balance, it is considered there is a very low risk of further significant archaeology being found on the site, and therefore no conditions in relation to archaeology are required for this 'Phase 2' application.
- 7.84. As such, it is not considered that the proposed development would adversely impact on archaeological remains in accordance with Policy NUA/SPA/1, Core Policy 14 and DM9.

Flood Risk and Drainage

- 7.85. Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This reflects the advice in Part 14 of the NPPF.
- 7.86. The site lies within Flood Zone 1 which is at lowest risk of fluvial flooding as well as being at very low risk of surface water flooding.
- 7.87. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted which confirms that soil infiltration may be a means of disposing of surface water but that this would be confirmed by further soakaway tests in the areas proposed for infiltration devices. If infiltration drainage is not feasible it is proposed to discharge surface water to the drainage system within the adjacent site and ultimately Winthorpe Airfield Drain. Foul drainage is proposed to be discharged to a public foul sewer to the south east of the site subject to a capacity review by Severn Trent Water. The NCC Flood Team as the Lead Local Flood Authority have reviewed the application and raised no objections subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme which could come forward through a reserved matters submission once the detailed design of the proposals is known.
- 7.88. Based on the above, it is not considered there would be any adverse impacts relating to flooding or surface water run-off and therefore the proposal accords with CP10, DM5, and Part 12 the NPPF in flood risk terms.

Land Contamination

- 7.89. A Preliminary Geo-Environmental Risk Assessment report carried out by Delta Simon has been submitted to support the application. This 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.

- 7.90. Colleagues in Environmental Health have reviewed the document and concur with the recommendations which require a Phase 2 intrusive investigation to be completed. This can be secured by condition.
- 7.91. However, the Environment Agency have also reviewed the document in the context of risks posed to controlled waters raising uncertainty with the dataset provided. The EA has recommended 4 conditions, which are very similar to the phased condition requested by the Environmental Health Officer. The EA have confirmed in an email dated 11.7.2025 that 3 of the conditions are covered by the Environmental Health condition and therefore can be consolidated, but the fourth condition relates to infiltration drainage systems and should be included separately.
- 7.92. Subject to the conditions, the impact in relation to contamination is acceptable.

Impact upon Residential Amenity

- 7.93. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The Newark Showground policy (NUA/SPA/1) details that developments should address any issues arising from proposals which may adversely affect nearby residents.
- 7.94. There are no residential properties located within close proximity to the site. The closest residential accommodation to the site would be the properties at the southern edge of Winthorpe to the north west (over 250m away). Given the degree of separation and the intervening road network it is not considered that the proposed development would result in a loss of neighbouring amenity, including from noise impacts. The proposal is therefore considered to comply with policy DM5 & policy NUA/SPA/1.

Developer Contributions

- 7.95. Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that local infrastructure and served that are essential for a development to take place are secured through an associated legal agreement. Policy DM3 (Developer Contributions and Planning Obligations) states that the delivery of planning growth set out in the Core Strategy is dependant upon the availability of infrastructure to support it.
- 7.96. For a development of this nature, there are no 'automatic' contributions triggers which would be hit in terms of the Developer Contributions SPD. However, it is acknowledged that contributions may be required towards transport infrastructure which will be assessed on a case by case basis.
- 7.97. Nottinghamshire County Council have made a specific request for a 'Public Transport Delivery Strategy' to be secured by condition with details to include an enhanced bus service to connect the development and travel hubs such as Newark's train stations and the main bus stops within Newark. This is intended to allow the development to

align with the Governments 'National Bus Strategy' (2021) which requires Local Transport Authorities to implement ambitious bus priority scheme and Bus Service Improvement Plans (BSIPs). Requests are also made for conditions relating to details of a bus turning facility / bus stops within the site and a scheme for the provision of free bus passes.

- 7.98. The agent has responded to this request on behalf of the applicant contending that given the outline nature of the development, it is not possible to determine whether the level of patronage of any bus service would be sufficient to justify and support a viable service diversion. They do not consider that the proposed development is of a scale which would clearly justify bus service provision. They have however stated that the applicant *may* at an appropriate time be prepared to consider making land available for a bus stop at a later date (partially in line with the wider operations at the Showground).
- 7.99. A condition to secure sustainable travel modes to and from the site has been put forward by the applicant and agreed with County Council. The condition will require the submission of a 'Sustainable Transport Delivery Plan' setting out any measures necessary to facilitate and enable non-car transport access to the site where the RM amounts to more than 30,000 square metres gross internal floor area, cumulatively, taking into account any phases already approved. It is considered that this condition will cover the provision of bus services if necessary and is therefore acceptable.

Benefits of the Proposal

- 7.100. In order to apply the planning balance, it is necessary to ensure that all associated benefits of the proposal are considered.
- 7.101. It is stated within the Application Form that the scheme can anticipate to provide 440 full time jobs (albeit the exact levels of proposed employment are unknown noting the outline nature of the proposals). This must weigh positively in the overall balance of the scheme.
- 7.102. The application has been accompanied by a Market Report which identifies that the site is well suited as a logistics site, benefitting from direct access off the A17 whilst also fronting the A46. Demand in the local market is expected to remain steady and it is anticipated that the site will attract a good level of demand, a conclusion which is not disputed.
- 7.103. The economic benefits of the proposal would be significant. Even without knowing the exact figure of employment, the floor area proposed would undoubtedly lead to job creation which is welcomed in the context of Core Policy 6. The revised NPPF (2024) states in paragraph 85 that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 87 goes on to say that planning decisions should recognise and address the specific locational requirements of different sectors, and includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods. There is a clear drive from national

government to strengthen the UK's economy. The proposal would support this ambition and therefore significant weight should be given to the economic benefits of the proposal.

Other Matters

- 7.104. The precise end users of the development are not known at this stage and therefore it is not possible to fully assess the potential impacts of the development in terms of lighting and noise. These matters could be conditioned to come forward at reserved matters stage. As per the residential amenity section above, sensitive receptors would be some distance away such that it is not considered noise or lighting would be a barrier to development.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

- 8.2. Legal implications - LEG2526/2105

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Planning Balance and Conclusion

- 9.1. The outline proposal for employment use does not fully accord with the relevant allocation policies, nor DM8. Notwithstanding this, it is acknowledged that the section of the site which does not currently form part of the mixed use site is proposed to become part of the allocation, as a modification (for which confirmation from the Inspector is awaited). The allocation is for mixed use, however, what is proposed is employment only. Employment is listed in the policy as one of the uses, therefore the use is not in direct conflict with the policy. It is also noted there is strong demand for this type of large scale employment development within the district, which is also supported by the NPPF.
- 9.2. Site specific impacts have been assessed. There would be a minor amount of less than substantial harm to the setting of Winthorpe Conservation Area, and the proposal would also likely result in the loss of a number of trees. The economic benefits of the proposal however would be significant, and therefore would be a public benefit that would outweigh the harm to the setting of the conservation area (in line with paragraph 215 of the NPPF), as well as the loss of trees. It is also acknowledged that replacement tree planting can be incorporated into the landscaping schemes submitted at reserved matters stage, which would mitigate this loss at least in part (the level of mitigation may be constrained due to the space available).

- 9.3. In relation to highway impact, although no improvements to the roundabout have been proposed specifically, the applicant acknowledges that improvements may be required dependent on the end users of the buildings, and a condition has been recommended and agreed to ensure that these improvements are carried out when necessary. Access is a reserved matter and therefore would need to be considered at each reserved matters application. NCC Highways have worked with the LPA and the applicant throughout the application process and following an initial objection to the scheme, now has no objection subject to conditions, which have all been included at the end of this report.
- 9.4. In summary, there are no site specific impacts that would warrant refusal of the application when taking into consideration the allocation and the benefits that the proposal would bring to the district – notably the number of job opportunities. There would also be economic benefit throughout the construction phase which although temporary, would also create jobs in the area and weighs positively in the overall balance.
- 9.5. There are similarities between this application and the appeal which was allowed for Newlink Business Park due to the economic benefits, however it is noted that the appeal site was located within the open countryside. The officer recommendation was for approval at the time however the decision to refuse was a committee overturn. In this instance, the current application site is largely already allocated for development, with the remainder of the site proposed to be included in the allocation as part of the amended local plan.
- 9.6. Visually there would inevitably be some harm due to the large scale, however the site is allocated to include employment use, and given the surrounding employment uses and road network, the development would not appear incongruous within its context.
- 9.7. Overall, it is considered that the proposal would result in significant economic benefits and that it broadly complies with the aims of the Local Plan and the NPPF when taken as a whole. The recommendation is therefore to approve outline permission subject to the conditions listed below and a legal agreement for the monitoring of the Travel Plan.

10.0 Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') for each phase or sub phase of the development (pursuant to condition 03) shall be submitted to and approved in writing by the Local Planning Authority before development in that phase or sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme. The approved phasing plan for each phase or sub phase shall be adhered to throughout the construction period.

Reason: In order to allow for a phased development and ensure that appropriate mitigations are delivered in a timely manner

04

Each reserved matters application for each phase or sub phase of the development shall be accompanied by a detailed landscaping scheme that includes tree planting throughout the site (or relevant part of the site) including within car parking areas, amenity areas, and along the boundaries of the site to provide screening. The scheme should demonstrate how biodiversity value has been maximised through design. The approved soft landscaping shall be implemented within the first planting season following first occupation of that phase or sub phase.

Reason: In the interests of visual amenity, biodiversity, and climate change, and to mitigate the loss of existing trees on site, to accord with Core Policy 12 and DM7.

05

The land required for purposes of widening, as shown on a drawing to be first submitted to and approved in writing by the Local Planning Authority, shall then be safeguarded from development and remain available for widening works for the lifetime of the development. For the avoidance of doubt, the full extents of the highway corridor required are as shown on Drawing Number 2201-012 SK01 rev B.

Reason: To ensure that the development can be delivered with safe and suitable access.

06

Each application for reserved matters for any phase or sub phase shall be accompanied by details of parking and turning facilities, access widths, visibility splays, gradients, surfacing, structures and drainage. All details submitted to the Local Planning Authority for approval

shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved.

Reason: To ensure that the development is built to safe and suitable standards.

07

Access to the showground shall not be made available until the junction as indicatively shown on drawing number 2305-021-PL01 as included within the 'Response to Highways' letter dated 20 March 2025 is provided.

Reason: To ensure that vehicles can enter and leave highway in a controlled manner, in the interests of highway safety.

08

The access to the Showground hereby approved shall not be brought into use until a Management Plan detailing measures to control the use of the Showground Access is submitted to and agreed in writing by the Local Planning Authority. An updated Management Plan shall be submitted with each reserved matters application for approval by the Local Planning Authority and the latest approved Management Plan shall then be adhered to for the lifetime of the application.

Reason: To ensure that the development will not result in the capacity of the highway being adversely affected

09

The overall gross floor area of use class E(g)(i) (office) within the development shall not exceed 10%, unless as otherwise agreed in writing by the LPA.

Reason: To ensure that the capacity and safety of the surrounding highway network is sufficient to accommodate the development.

10

No phase or sub phase of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority for that particular phase. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable travel.

11

The development will require the diversion of a public right of way and no part of that development hereby permitted or any temporary works or structures shall obstruct the public right of way until successful diversion of the way has been confirmed and the alternative route has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the RoW is safeguarded.

12

Prior to the commencement of the development in any relevant phase or sub phase, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority for the A1 and A46 trunk roads.

The Plan should include details on the following:

- a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities;
- b) the hours of construction work and deliveries;
- c) Construction phasing
- d) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours)
- e) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- f) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- g) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- h) waste management;
- i) protection measures for hedgerows and grasslands.
- j) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details.

Reason: To ensure that the A1 and A46 Trunk Roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the

Highways Act 1980, and in the interests of road safety.

13

No development shall take place (including demolition, ground works, vegetation clearance) of any phase or sub-phase of the approved development until an annotated construction environmental management plan (CEMP: Biodiversity) plan has been submitted to and approved in writing by the local planning authority.

The annotated CEMP: Biodiversity Plan is to show the following:

- a) Clearly mark "biodiversity protection zones" that are to be protected on-site.
- b) Use of protective fences, exclusion barriers and warning signs.
- c) Details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) Details of the location and timing of sensitive works to avoid harm to biodiversity features.
- e) List key personnel and communication lines.

The approved annotated CEMP: Biodiversity plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity as required by the NPPF, and maximise opportunities to conserve biodiversity as required by Core Strategy Policy 12.

14

Every Reserved Matters Application (RMA) for each phase or sub phase shall include a Technical highways submission which will be prepared in accordance with the scale of each reserved matters application being submitted at any one time and which will be in accordance with the Department for Transport 'Guidance on Transport Assessment' document which shall determine the need for the implementation of the highway works consisting of capacity improvements to the A17 shown indicatively on drawing number 2201-012- SK02 Rev B. The Technical highways submission will consider the cumulative transport-related impact of the development proposed within the RMA being applied for together with any development permitted by previous RMA pursuant to this outline permission (23/02281/OUTM). In the event that the aforementioned assessment pursuant to the Technical highways submission identifies that the A17/Long Hollow Way/Godfrey Drive roundabout would operate above capacity within the local network weekday periods, as a result of the introduction of the development proposed by the RMA under consideration, then a scheme for appropriate improvement works to that roundabout shall be submitted to and approved in writing by the LPA as part of that RMA. Improvements works to that roundabout, if required shall be implemented before the development to which the relevant RMA relates is first occupied.

Reason: In the interests of highway safety and to ensure adequate capacity at the roundabout.

15

No part of the development hereby permitted shall be brought into use in any phase or sub phase until provision has been made within the application site for parking of cycles for that

phase or sub phase in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interest of promoting sustainable travel.

16

Upon the submission of an application for each phase or sub phase, approval of reserved matters amounting cumulatively to more than 30,000 square metres gross internal floor area, taking into account any phases already approved, a Sustainable Transport Delivery Plan setting out any measures necessary to facilitate and enable non-car transport access to the site, shall be submitted to and approved by the Local Planning Authority. The Plan shall be amended and updated for any/each subsequent application for the approval of reserved matters. The measures provided for in the Plan shall be implemented before the completion and occupation of more than 35,000 square metres gross internal floor area.

Reason: To promote sustainable travel.

17

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Holloway Jennings Flood Risk Assessment (FRA) and Drainage Strategy ref 7166-HJCE-XX-00-RP-D-3000.v2 dated 26.07.23 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site

drainage infrastructure.

- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

18

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

19

Development other than that required to be carried out as part of an approved scheme of remediation or for the purposes of archaeological or other site investigations linked to this permission must not commence in any phase or sub phase until Parts A to D of this condition have been complied with in relation to that phase or sub phase. 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 including an UXO 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:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

- o adjoining land;
- o ground waters and surface waters;
- o ecological systems;
- o 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. 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.

20

Prior to the installation of any external plant equipment or machinery (E.G ventilation, air condensers, extraction systems) in any phase or sub phase of the development, full details, including the specification and location shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of amenity and to minimise noise.

21

No works or development within any phase or sub phase, other than site investigations, shall take place until an Arboricultural method statement and scheme for protection of the retained trees/hedgerows for that phase or sub phase has been agreed in writing with the Local 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 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 Arboricultural method statement and tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the area.

22

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority with each application for reserved matters for any phase or sub-phase of the approved development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims

and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Amended Core Strategy Core Policy 12

23

A. A bat and bird box plan shall be submitted to, and be approved by, the local planning authority with each application for reserved matters for any phase or sub-phase of the approved development. The plan is to show the type and location of the proposed boxes within the landscaped areas, and details for fixing them into place.

B. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Amended Core Strategy Core Policy 12.

24

If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 1 year from the date of the planning consent, the approved ecological measures secured through Conditions X, Y and Z shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i) Establish if there have been any changes in the presence and/or abundance of the species and species-groups that the conditions are concerned with and the baseline habitats recorded in 2023; and
- ii) Identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new ecological measures and timetable.

Reason: To ensure compliance with the NPPF requirements to minimise impacts on priority species and compliance with Amended Core Strategy Core Policy 12 requirements for the protection and conservation of species of principal importance

25

Each application for reserved matters for any phase or sub phase shall be accompanied by the submission of a detailed lighting scheme for that phase or sub phase, and be approved in

writing by the local planning authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, and structures they illuminate; a horizontal and vertical illuminance plan to include details of:

- Light intrusion, source intensity, and upward light;
- The lighting fittings including their design, colour, intensity and periods of illumination;
- Those areas/features on site, or immediately adjacent to it, that are particularly sensitive for bats and where light intrusion is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Where external lighting will be installed (through the provision of appropriate lighting contour plans showing lux levels and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained thereafter in accordance with the scheme.

No external lighting works shall be installed within any part of that phase or sub phase other than in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure compliance with the NPPF requirements to minimise impacts on priority species and compliance with Amended Core Strategy Core Policy 12 requirements for the protection and conservation of species of principal importance.

26

The development hereby permitted shall be carried out in accordance with the following plans:

- Amended Site Location Plan received 14th July 2025
- Parameters Plan Drawing Number 118 Rev E received 17th April 2025

Reason: To ensure the development comes forwards as envisaged.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero

rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

This planning permission shall not be construed as granting permission to close or divert any right or rights of way that may be affected by the proposed development and in respect of which separate legislation/procedures may apply.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences.

04

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply:

- o Major development for an application made before 12th February 2024.

Waste on Site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works is waste or has ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

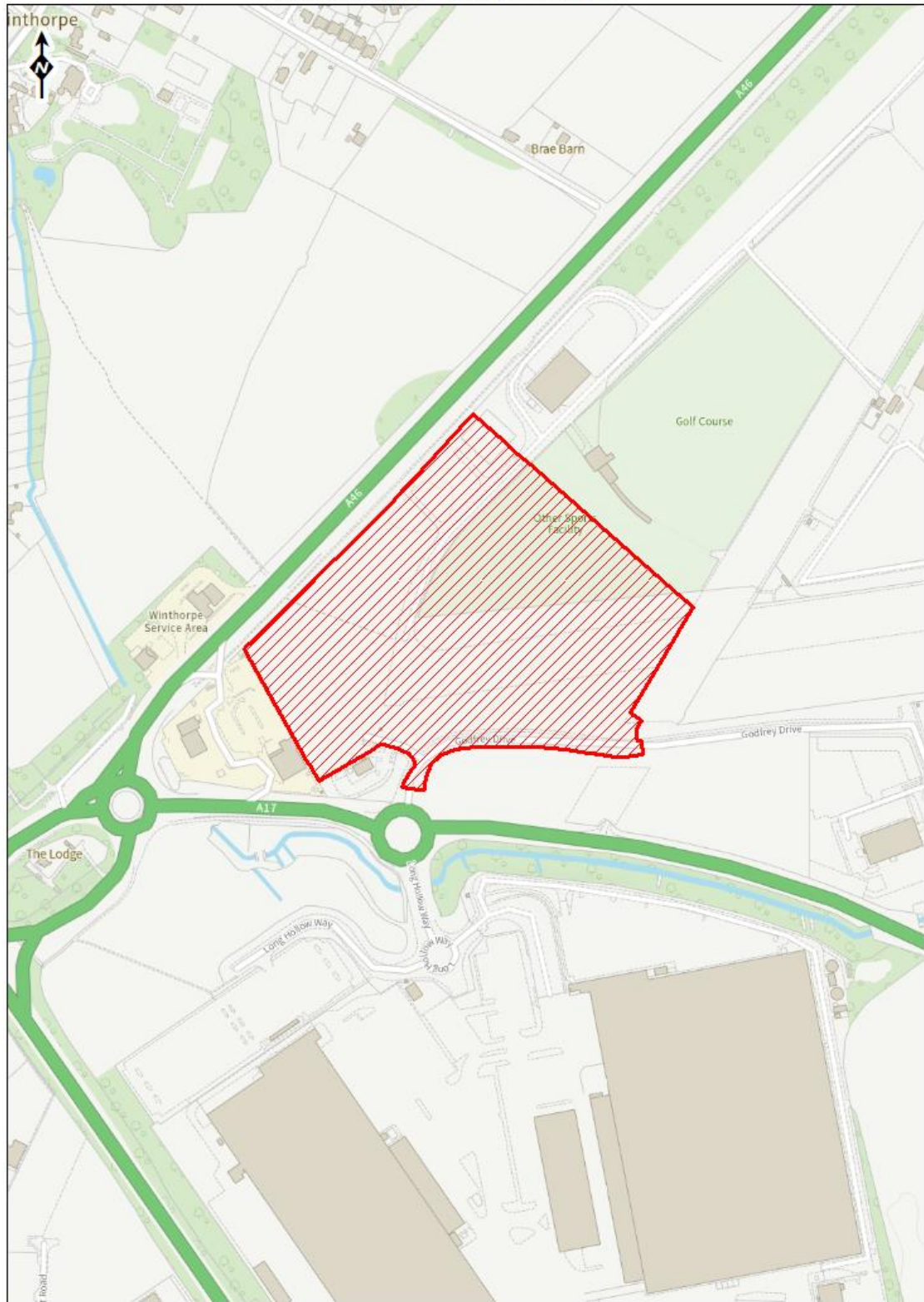
- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on gov.uk

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/02281/OUTM



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Report to Planning Committee 4 September 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston, Senior Planner

Report Summary			
Application No.	24/01672/RMAM		
Proposal	Reserved matters application relating to appearance, landscaping, layout and scale for 430 dwellings with associated wider infrastructure including SUDs, public open space (inc. play area), sports pitches with changing facilities and allotments (in relation to Phase 1a of outline permission 16/00506/OUTM)		
Location	Land At Fernwood South, Claypole Lane, Fernwood		
Applicant	Mr Robbie Steel - Persimmon Homes	Agent	N/A
Web Link	<u>24/01672/RMAM Reserved matters application relating to appearance, landscaping, layout and scale for 430 dwellings with associated wider infrastructure including SUDs, public open space (inc. play area), sports pitches with changing facilities and allotments (in relation to Phase 1a of outline permission 16/00506/OUTM) Land At Fernwood South Claypole Lane Fernwood</u>		
Registered	30.09.2024	Target Date / Extension of Time	30.12.2024 / 20.09.2025
Recommendation	Approve, subject to the conditions in Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Allen due to impacts on highways safety; housing density; flood risk and noise concerns.

1.0 The Site

- 1.1 The parcel(s) of land to which this phase relates comprise two distinct elements both currently forming agricultural fields. The first is broadly rectangular in shape and occupies approximately 13 hectares in extent. This part of the parcel is boarded by Shire Lane to the south; residential development to the north and another agricultural field adjacent to the B6326 to the west. Land to the east forms part of the wider

application site which will come forwards as a residential parcel in later phases. To the south east corner of the parcel is an existing residential dwelling which is excluded from the application site.

- 1.2 Further to the east (separated by future residential parcels) is an area of approximately 7 hectares in extent which would form the sporting provision to come forwards in this phase. This area of land is within Flood Zone 3 according to the Environment Agency maps. It would be connected to the land to the west through two highway accesses. There is an existing sewage farm in this part of the site.
- 1.3 The application site also includes parts of the existing highways network including Shire Lane to the south and Great North Road along the western boundary.
- 1.4 The wider site is bounded to the east by the Shire Dyke which also forms the County boundary between Nottinghamshire and Lincolnshire. The adjacent District Authority is South Kesteven District Council.
- 1.5 The site is subject to the following constraints:
 - Partially within Flood Zone 3a;
 - Presence of Gas Pipeline and associated easement;
 - Presence of electricity pylons.

2.0 **Relevant Planning History**

- 2.1. Outline planning permission (with access) was granted in February 2024 for 1800 dwellings and associated facilities (including a local centre and sporting facilities) (reference **16/00506/OUTM**). This is the first reserved matters application to come forwards following the approval.
- 2.2. The permission is subject to numerous conditions as well as an associated Section 106 agreement which secures the following:

Contribution	Detail	Trigger
<i>Affordable Housing</i>	Not less than 13% of the total number of dwellings split into the following mix: <ul style="list-style-type: none"> • Affordable Rent – 43%; • Discount Open Market Value – 32%; • First Homes – 25% 	Not to commence development on any phase until an Affordable Housing Scheme for that phase has been approved. Not to occupy more than 60% of the dwellings within any phase until the affordable housing within that phase has been provided and transferred.
<i>Bus Service</i>	£525,000	Not to occupy any dwelling until 20% of the contribution has been paid and thereafter on each of the four anniversaries following the

		first occupation of a dwelling to pay 20% until paid in full.
<i>Community Facilities</i>	Community Hall with a floor space of at least 1,113m ² including provision of a badminton court measuring at least 17.4m x 9.1m x 6.7m	<p>Not to commence development until the Community Facilities specification has been approved.</p> <p>Not to occupy any more than 60% of the dwellings on the Phase 1 land until the community facilities have been constructed.</p>
<i>Healthcare</i>	<p>£1,710,000 towards existing facilities off site</p> <p><i>OR (pending healthcare review)</i></p> <p>Construction of a health centre having a maximum gross floor area of 300m²</p>	<p>Not to occupy more than 700 dwellings until a Healthcare review has been carried out.</p> <p>CCG responsible for obtaining permission for the Health Centre within 2 years of the Healthcare Review if said review confirms should be built on site.</p> <p><i>Contribution:</i></p> <ul style="list-style-type: none"> • No more than 750 dwellings shall be occupied until 20% has been paid; • No more than 1000 dwellings until a further 20% paid; • No more than 1350 dwellings until a further 20% paid; • No more than 1700 dwelling until paid in full.
<i>On site Open Space (and associated Maintenance contribution)</i>	<p>Sports facilities on site including:</p> <p>a) an Adult and Youth Cricket Pitch measuring at least 111.56m x 106.69m;</p> <p>b) two Adult Football Pitches measuring at least 106m x 70m and comprising one grass pitch and one artificial grass pitch;</p>	<p>Not to commence development on any Phase until an Open Space specification has been approved and the amount of the Maintenance contribution has been calculated.</p> <p>Not to occupy more than 60% of the dwellings within any phase until the on site open space and on site sport facilities for that phase have been provided.</p>

	<p>c) an Adult Rugby Pitch measuring at least 106m x 70m;</p> <p>d) Claypole Lane Changing Facilities with floorspace of at least 70m² to be located to the north of Claypole Lane;</p> <p>e) a Junior Football Pitch measuring at least 88m x 56m;</p> <p>f) two Mini Football Pitches each measuring at least 61m x 43m;</p> <p>g) four Tennis Courts each measuring at least 36.57m x 18.29m; and</p> <p>h) a Sports Pavilion which will include changing facilities with a combined floorspace of at least 252m².</p> <p>Amenity space on site including:</p> <p>a) Allotment and Community Gardens as defined in the Allotment Act 1972 and which shall occupy a minimum of 2 hectares;</p> <p>b) Amenity Green Space of 6.4 hectares of land to include:</p> <p>i) pocket parks</p> <p>ii) SUDs</p> <p>iii) multi-use games areas</p> <p>iv) Public Open Space</p> <p>v) Children and Young People Open Space</p> <p>vi) Children's Play Equipment</p> <p>and which shall include both grass and hard surface areas, an activity zone of 1,000 square metres and a hard surfaced area of at least 464</p>	
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	<p>square metres and which shall achieve a minimum distance between the activity zone and any Dwelling of at least 30 metres;</p> <p>c) Children Young Person Open Space: means an area to be used as equipped areas of play for children and teenagers within the meaning of Section 336 of the TCPA;</p> <p>d) Children Play Equipment: comprising two (2) local equipped areas for play (LEAP) and one (1) neighbourhood equipped area for play (NEAP) to be provided within the Children and Young People Open Space;</p> <p>e) Natural and Semi-Natural Green Space: comprising 19.1 hectares of land to be used as land naturally colonised by plants and animals and area where the intensity of the management allows natural processes to predominate and which shall be used as open space within the meaning of section 336 of the TCPA; and</p> <p>f) Landscape Buffer: comprising 6.7 hectares of land which shall be used as a landscape buffer and for structural planting.</p>	
<i>Primary School / Land</i>	<p>Site of 2.2ha and an area of 0.8ha to be reserved for possible future expansion</p> <p>£7,491,738.66 to fund the construction of the Primary School</p> <p>OR</p>	<p>Not to commence development until election in writing as to whether intention is to building Primary School or pay the contribution.</p> <p><i>To build:</i></p> <ul style="list-style-type: none"> • Not to occupy more than 50 dwellings unless school scheme

	<p>A two form entry primary school with a nursey built in accordance with the requirement of the Department for Education Primary School Design Criteria</p>	<p>has been submitted and approved;</p> <ul style="list-style-type: none"> • Not to occupy more than 450 dwellings until the First Form of Entry has been delivered; • Not to occupy more than 1,400 dwellings until the Primary School has been completed. <p><i>Contribution:</i></p> <p>To pay the Primary School Contribution to the County Council in the following instalments;</p> <ul style="list-style-type: none"> • 10% of the Primary School Contribution prior to the Commencement of Development; • 37% prior to the Occupation of 30 Dwellings; • 15% prior to the Occupation of 330 Dwellings; • 23% prior to the Occupation of 780 Dwellings; and • 15% prior to the Occupation of 1,280 Dwellings.
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- 2.3. The site forms part of a wider Strategic Housing allocation with other housebuilders (Allison Homes and Barrat David Wilson Homes) delivering developments to the north of the site. The following planning applications are relevant to parcels of land located to the north of the site and which also forms part of the larger strategic allocation NAPC2.
- 2.4. **14/00465/OUTM** Proposed residential development for up to 1050 dwellings and associated facilities. Application approved September 2017 (Barrat David Wilson Homes).
- 2.5. **18/00526/RMAM** Reserved matters submission for 1050 residential dwellings, public open space, sports provision, allotments and associated infrastructure. Application approved August 2018 (Barrat David Wilson Homes).
- 2.6. **17/01266/OUTM** Outline planning application for the construction of up to 350

dwellings, formal and informal open space and infrastructure. Application approved December 2018 (Allison Homes – formerly Larkfleet Homes).

- 2.7. **19/01053/RMAM** Reserved matters application for the construction of 350 dwellings with associated public open space and drainage infrastructure. Application approved September 2020 (Allison Homes – formerly Larkfleet Homes).

3.0 The Proposal

- 3.1 The application seeks reserved matters approval for the appearance, landscaping, layout and scale of 430 dwellings. The dwellings would be a mixture of market and affordable dwellings (at a percentage in line with the outline Section 106 agreement). There would be various house types ranging between bungalows and 2.5 storey dwellings as set out in the schedule below (which has been updated during the application):

Housetype	Ref	Beds	Storey Height	TOTAL
Market Dwellings				
Alnmouth	Al	2 Bed	2 Storey	37
Addleborough	Ar	2 bed	2 Storey	40
2 Bed Total				77
Galloway	Ga	3 Bed	2 Storey	46
Sherwood	Sh	3 Bed	2 Storey	38
Darwin	Dw	3 Bed	2 Storey	10
Saunton	Sa	3 Bed	2.5 Storey	52
Barndale	Be	3 Bed	2 Storey	27
Silverdale	Sv	3 Bed	2 Storey	9
Sullivan	Sl	3 Bed	2 Storey	18
3 Bed Total				200
Burnham	Bu	4 Bed	2 Storey	10
Marston	Ma	4 Bed	2 Storey	9
Kennet	Ke	4 Bed	2.5 Storey	36
Greenwood	Gw	4 Bed	2.5 Storey	3
Lambridge	Lb	4 Bed	2 Storey	15
Cherry	Ch	4 Bed	2 Storey	15
Kielder	Ki	4 Bed	2 Storey	5
Langford	Lg	4 Bed	2 Storey	4
4 Bed Total				97
Market Total				374
Affordable Rent				
Fleet Bungalow	Fe	1 Bed	1 Storey	4
Audley	Au	1 Bed	2 Storey	10
Wareham	Wa	2 Bed	2 Storey	4
Haldon	Hd	2 Bed	2 Storey	3
Rendlesham	Re	3 Bed	2 Storey	3
Affordable Rent Total				24
DOMV				
Audley	Au	1 Bed	2 Storey	2
Haldon	Hd	2 Bed	2 Storey	11
Rendlesham	Re	3 Bed	2 Storey	7
DOMV Total				20
First Homes				
Haldon	Hd	2 Bed	2 Storey	6
Rendlesham	Re	3 Bed	2 Storey	6
First Homes Total				12
Affordable Total				56
Grand Total				430

- 3.2 This phase of the development also includes associated infrastructure including SUDs, public open space, formal sports pitch provision, changing facilities with parking and allotments.
- 3.3 The sporting facilities and allotments are proposed to be delivered in the eastern parcel of the site comprising the following:
- Junior football pitch;
 - Adult rugby pitch;
 - Adult football pitch;
 - Mini football pitch;
 - 21 allotments (total of 0.6hectares).
- 3.4 The residential element will be served by two separate accesses forming a looped network from the existing highway to the southern boundary of the site. A further access would be provided for the sporting facilities both from the south but also further northwards within the site through the residential estate.
- 3.5 The application includes circa 10.2 hectares of public open space including a central landscaped square, an hourglass shaped green space with gas easement running through along with the land for sports pitches and a landscaped buffer to the east. A local area of play equipment (LEAP) would also be provided as part of Phase 1a and details have been provided.
- 3.6 The application has been considered based on the following plans and documents:

Plans

- Site Location Plan - P24-0414_DE_003 Rev: B;
- Phasing Plan - P24-0414_DE_013_B;
- Street Scenes - P24-0414_DE_014_A;
- House Type Pack - P24-0414_DE_G002_B;
- Context Masterplan P24-0414_DE_005_X-03 Rev X
- Planning Layout P24-0414_DE_005_Y_01 Rev Y
- Presentation Layout P24-0414_DE_005_Y_02 Rev Y
- Materials Plan P24-0414_DE_006_E Rev E
- Boundary Treatments Plan (1 of 2) P24-0414_DE_007_01 Rev F
- Boundary Treatments Plan (2 of 2) P24-0414_DE_007_G_02 Rev G
- Key Dimensions P24-0414_DE_012_G Rev G

Landscaping Plans & Public Open Space Plans

- Landscape Masterplan P24-0414_EN_P24-0414_EN_0003_F_0001
- Detailed Soft Landscape Proposals (sheet 1 of 9) P24-0414_EN_001_M_0001 Rev M
- Detailed Soft Landscape Proposals (sheet 2 of 9) P24-0414_EN_0001_M_0002 Rev M
- Detailed Soft Landscape Proposals (sheet 3 of 9) P24-0414_EN_0001_M_0003 Rev M
- Detailed Soft Landscape Proposals (sheet 4 of 9) P24-0414_EN_0001_M_0010

Rev M

- Detailed Soft Landscape Proposals (sheet 5 of 9) P24-0414_EN_0001_M_0011 Rev M
- Detailed Soft Landscape Proposals (sheet 6 of 9) P24-0414_EN_0001_M_0012 Rev M
- Detailed Soft Landscape Proposals (sheet 7 of 9) P24-0414_EN_0001_M_0013 Rev M
- Detailed Soft Landscape Proposals (sheet 8 of 9) P24-0414_EN_0001_M_0014 Rev M
- Detailed Soft Landscape Proposals (sheet 9 of 9) P24-0414_EN_0001_M_0015 Rev M
- Detailed Soft Landscape Proposals Composite Plan P24-0414_EN_0001_M_0004 Rev M
- Detailed Allotment Proposal P24-0414_EN_0001_M_0005 Rev M
- Detailed Junior Football Pitch Proposal P24-0414_EN_0001_M_0006 Rev M
- Detailed Adult Rugby Pitch Proposal P24-0414_EN_0001_M_0007 Rev M
- Detailed Adult Football Pitch Proposal P24-0414_EN_0001_M_0008 Rev M
- Detailed Mini Football Pitch Proposal P24-0414_EN_0001_M_0009 Rev M
- Play Area Design by Public Open Space;
- Changing room (105sqm) Plans and Elevations Highways Plans;

Highways Plans

- Visibility Extents 20084/SK20 Rev J
- Pedestrian Visibility Plays Along Bus Routes and Private Drives Serving >1 dwelling 20084/SK36 Rev A

Other Documents

- Application form;
- Design Compliance Statement (including Building for Healthy Life Assessment) Ref: P24-0414_G001 B;
- CGI Visuals x 3;
- Planning Statement (Includes Affordable Housing and Statement of Community Involvement) by Persimmon Homes dated September 2024;
- Noise Impact Assessment by Noiseair;
- External Lighting Scheme by MJM;
- Habitat Creation and Management Plan. Reference: 6534-E- dated September 2024;
- Phase 1 Travel Plan by Milestone dated September 2024;
- Technical Statement to address NCC Consultation Response (18.10.2024) Document Reference No. 20084/Reports/TS Rev. A.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 51 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 7th October 2024.

5.0 **Planning Policy Framework**

5.1. **Fernwood Neighbourhood Plan (adopted 2017)**

- NP1: Design Principles for New Development
- NP2: Housing Type
- NP3: Residential Parking on New Development
- NP5: Green Spaces, Landscaping and Biodiversity
- NP6: Protecting and Enhancing Heritage Assets
- NP7: Supporting Better Movement and Connections
- NP8: Enhancing the Provision of Community Facilities

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 5 – Delivering the Strategy
- Spatial Policy 6 – Infrastructure for Growth
- 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 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment
- NAP2C – Land around Fernwood

5.3. **Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM2 – Development on Allocated Sites
 DM3 – Developer Contributions and Planning Obligations
 DM4 – Renewable and Low Carbon Energy Generation
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

- 5.4. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. It was examined in November 2024 albeit the Inspectors report is yet to be received. This is therefore at an advanced stage of preparation. There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.5. **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (updated 2025)
- Planning Practice Guidance (online resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- Newark and Sherwood Residential Cycle and Car Parking Standards SPD (June 2021)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places (October 2019)

6.0 **Consultations and Representations**

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.2. Nottinghamshire County Council (Highways) – No objections subject to the imposition of conditions.
- 6.3. Nottinghamshire County Council Transport and Travel Services - Planning Condition 4 of the 16/00506/OUTM consent provides for bus stop infrastructure: 04 The development hereby approved shall be implemented in accordance with the Phasing Plan (drawing no. 6534-L-06) and each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:

II. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways and bus stop infrastructure.

The Phase 1 planning layout has been appraised. Bus stop locations included on the Phasing Plan drawing ref. 'DRWG: P24-0414_DE_013_B' and the Planning Layout drawing 'DRWG: P24- 0414_DE_005_M_01' are noted. Comments are summarised below;

The bus stop adjacent to plots 170/171 should be reviewed to be displaced from the frontages to enable the required infrastructure to be installed without impacting on the amenity of the residents. The bus stop seems to be adjacent to a 3-metre footway which is assumed to also be a designated cycle path. The developer should contact Nottinghamshire County Council to discuss the configuration for the bus stop location, layout and design at this location. It is also noted that this bus stop appears to be located close to a raised table at the junction to the south. Please note that bus stops should not be located within 30 metres of a raised deflection unless the bus can straddle the deflection and align correctly with the raised kerbs.

The bus stop adjacent to plot 111 also appears to be located close to a raised table at the junction to the north. Please note that bus stops should not be located within 30 metres of a raised deflection unless the bus can straddle the deflection and align

correctly with the raised kerbs.

Neither drawing includes the agreed bus stop pair to be located on the north/south route linking to the Allison Homes site to achieve walk distance guidance as agreed with the applicant on 08/05/2024. The plans should be revised to include a bus stop pair to accord with the locations discussed at the meeting and marked on the supporting indicative plan issued after the meeting.

Layby stop – the applicant should provide detailed drawings and provide all relevant dimensions and tapers. The developer must be able to demonstrate the safe arrival and departure of a bus from this stop.

The bus stop infrastructure standard should meet the standard set out in the Council's Public Transport Planning Obligations Funding Guidance including the following: real time bus stop flags, poles & displays including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in bus shelter; raised kerbs; enforceable bus stop clearway; lowered access kerbs; additional hard stand (3.7 metres depth x 8 metres width if required), black top dressing (tarmacadam) and the above to be installed to an agreed timescale.

- 6.4. Active Travel – The applicant has addressed the previous comments raised such that ATE is content with the active travel merits of the application subject to the amended plans being secured by condition.
- 6.5. National Highways – No objection (suggested note to applicant).
- 6.6. Environment Agency – No objections.
- 6.7. NCC Flood – No objection subject to conditions.
- 6.8. Natural England – No comments.
- 6.9. Sport England – Considers the details to be satisfactory and withdraws the original objection. Recommended condition in relation to assessment of ground conditions.
- 6.10. Network Rail – No comments received.
- 6.11. National Grid - No comments received.
- 6.12. NSDC Ecology – The minor omissions in the Habitat Creation and Management Plan to that required by Condition 18 are relatively minor and I would advise, non-material and the plan is generally acceptable. However, I would encourage that the proposed seed mix for the attenuation basin is reviewed with a view to utilising an alternative mix more suitable for damper conditions. Whilst it is clear from the Habitat Creation and Management Plan that an updated ecological walkover survey has been undertaken in advance of Phase 1 of the development, I would recommend that this is further evidenced by the report arising from that survey.

The lighting report submitted provides no commentary as to how the strategy has been designed to minimise light spill onto the retained and created habitats. In the

absence of this information, and no obvious features in the design (like back plates) or justification for not using such features to minimise light spill, this report falls short.

Town/Parish Council

6.13. Fernwood Parish Council - Comments on the amended plans (Jan 2025):

Fernwood Parish Council have considered application 24/01672/RMAM and resolved not to support the application and oppose it on the basis of Highway Safety, Housing Density, Provision of SUDS and Noise abatement.

- **Highway Safety:**

- o We note changes to this revised application mitigate some of our highways concerns regarding the road layout for the proposed bus routes however they are not fully met with regards to the narrowing and re-configuration of Great North Road. Since this time the A1 services have opened and the Southern Link Road will open imminently. Both of these had not come forward at that stage; there is no evidence in the application that they have been considered and or any studies have taken place on the impact and increase of traffic along Great North Road heading south to join the A1 from the services, or the traffic type. A lorry park has opened at the services thus there is a probable increase in HGV traffic. Without any evidence Fernwood Parish Council deem the proposed scheme to be unsafe and there must be studies both desktop and physical carried out to ensure a safe highways plan is in place.

- o Application includes closure of the left turn into Fernwood onto the Great North Road off the A1 at the southern end of the proposed development. We sight the closure of the A1 this week and its effect on local journeys as is. This closure of a left turn will impact further by with a need to take an approximate 9 mile detour to Long Bennington, turn around and come back. We note that there is proposed work to extend the right turn north bound slip road, and increase of traffic traveling in and out of Fernwood raises our concerns that this would make this manoeuvre dangerous. We are also concerned that this extension to the layout of the junction may be contrary to National Highways policy, and that there may be a policy to reduce the number of such junctions.

- o The proposed bus routes have been changed but still do not fully take in to account the possibility of vehicles parked on the internal roads within the planed site, the ratio of road parking per household is 2. A recent study of Fernwood carried out by Fernwood Parish Council indicates there is a ratio of between 3 and 4 vehicles per household. Fernwood has an example of Goldstraw lane where the off road parking ration is low and parked vehicles along the road around bends has caused accidents involving busses hitting parked cars. o Provision of parking for the sports facilities and allotments is too low; this will result in cars pared unsafely on Shire Lane which runs from Fernwood to Claypole. Should matches take place on all pitches at any time there are likely to be in excess of 60 vehicles that need parking; there is only a provision for 20.

- **Housing density:**

o The housing density within this phase of building is concerning; as mentioned above the parking ratio for off road vehicle parking is too low to sustain a viable safe bus route. Spine roads which busses will travel should be wide enough to manage the larger vehicles safely and parked cars, with suitable pavement space for pedestrians.

- SUDS and the prevalence of flooding on the land within the proposed site:

o Environment Agency data shows that the land proposed for the provision of sports facilities is in flood zone 3 and has a high and regular risk of lying water on the land. There is inadequate evidence within the application to demonstrate that the mitigation of flooding is adequate to sustain these facilities or water intake.

o We sight the floods this week, w/c 06/01/2025 as an example when the Witham burst its banks at Claypole causing dykes in the surrounding area to back up including areas for proposed development towards the Claypole end of the site where lying water on fields is still present on 09/01/2025. The run off of water will be impacted by the additional properties.

- Noise & environmental impact:

o Noise monitoring was undertaken in August school holidays and will not reflect peak traffic times including school traffic.

o Noise is noted in the Noise Impact Assessment Report as a potential issue for plots on the Southern Boundary; clarity is requested on what steps Persimmon will be taking to ensure ventilation for these impacted homes is adequate.

o Dale Brain, Senior Environmental Health Officer notes that noise from the proposed development phase to the west area has not been considered.

- Proposed School

o Although the build of a school is not part of this application, we note that we have been informed by Nottinghamshire County Council that it is unlikely that a school will be built for several years if at all on the proposed school site. To mitigate that the land proposed for the school may be used for other purposes we urge that the land is either used for other recreational purposes. If it is used for building houses we insist that the surrounding infrastructure takes this into account.

6.14. Balderton Parish Council – (Comments on revised plans):

Balderton Parish Council objects to the above application (10 object, 1 abstain). The reasons are much the same as our previous objection – copy attached.

We have the following requests/concerns which we would be grateful if your planning committee could consider:

a) What the map calls Claypole Lane is in fact Shire Lane. It is important for Balderton residents to be able to walk or cycle to Claypole without having to go along the old A1 which is full of HGVs. The way we should want to do so is along Hollowdyke Lane to

the very end, when it suddenly stops and turns right angles west back to the old A1 and forces you onto that main road again. It is key that (i) Hollowdyke Lane remains friendly for walkers, cyclists and wheelers; and (ii) that at the point where it currently turns right angles westwards, people can proceed due south to join Shire Lane without being forced onto a long detour and onto the old A1. This route goes back to medieval times and does not appear to have been preserved. The development currently in construction (immediately north of this development) which could be skirted to the east and then the route could progress alongside the playing fields of this development. An active travel route from that right angle bend on Hollowdyke Lane (what3words ref: ///honest.smudges.establish) due south to Shire Lane is requested.

b) Shire Dyke follows the eastern boundary of this site. It is crucial that the drains and dykes are accessible to humans and wildlife, are well maintained and that this development doesn't exacerbate flooding problems. There appear to be no SUDS or action planned to temper flood problems. This land is to the south of the ridge so the water wouldn't flow into Lowfield Drain, but it would flow into Shire Dyke which does flow down to Fen Lane and onto Barnby; this land could become liable to flooding if not properly maintained.

6.15. (Comments on original plans) - Object:

Density of houses in the planned area seems too high. This coupled with the low parking space provision per property leads to highway safety concerns within the development. Councillors are also concerned regarding the knock-on effect highways issues from the A1 and B6326 – this development will exacerbate issues on the when there are accidents on the A1. When there are accidents and roadworks this can gridlock London Road and significantly affect Balderton.

The following concerns were also raised by our committee members:

- Lack of parking for planning sporting facilities;
- The increased demand on medical provision in Balderton and Newark;
- Location of sporting facilities in a flood zone 3 area;
- Noise monitoring was conducted during the school holidays and does not reflect peak times.

6.16. Claypole Parish Council – No comments received.

Representations/Non-Statutory Consultation

- 6.17. South Kesteven District Council - The Council would ask that the previous comments made on the outline application be taken into consideration in the determination of this current submission. Points previously made that are of relevance to this application are: The impact on the setting of grade I listed St Peters Church Claypole must be carefully considered as it is a very prominent landmark and has an extensive landscape setting, especially when viewed from the west, northwest and south west. NSDC must be satisfied that any harm to the setting is adequately mitigated. - The

edge of the development which runs along the boundary with SK should be sensitively landscaped to ensure that visual impact (from views within SK) is minimised.

- 6.18. Lincolnshire County Council (Planning) – No comments received.
- 6.19. Lincolnshire County Council (Archaeology) - To date, two phases of geophysical survey and archaeological field evaluation (see attached report dated June 2024) have been undertaken as part of the Phase 1 programme. These surveys and field investigations have demonstrated the presence of significant archaeology, dating primarily to the Middle Iron period, with later Roman to post-medieval activity also identified. This evidence extends over the majority of the site, with a main east-west axis of activity, field systems and potential ponding; a north-south track and entrance way has also been identified. Several zones of significant archaeology have been identified (see Fernwood Outline Mitigation Strategy) and where further archaeological mitigation will be required, in addition to monitoring of groundworks, such as SUDS, associated with the development outside these areas. The strategy for the next phase of archaeological investigations has been provisionally discussed (on 10.10.2024) with the applicant's heritage consultant and I am awaiting submission of a draft WSI.
- 6.20. Cadent Gas – No comments received.
- 6.21. National Gas - no National Gas Transmission gas assets affected in this area.
- 6.22. NSDC Environmental Health (noise) – Internal and external noise levels at the proposed dwellings will be acceptable. Later residential phases may need to consider noise from the sports pitches proposed through this application.
- 6.23. NSDC Environmental Health (contaminated land) – No objections, await CEMP with dust management plan and phase 2 SI report for sewage works in due course.
- 6.24. Severn Trent Water – No comments received.
- 6.25. 11 letters of objection have been received for the original round of consultation, details of which can be summarised as follows:
- There is not enough infrastructure to support additional housing;
 - The extra traffic will be detrimental to Fernwood and Balderton residents;
 - Claypole will also be affected but cannot object because they are in a different county;
 - The traffic is even worse when accidents happen on the A1;
 - Object to building on the flood plains;
 - The area marked for community facilities is vague;
 - New build developments focus on profit rather than infrastructure or community facilities;

- The application does not take into account the southern relief road impact or the lorry park or new services;

- Application includes closure of the left turn into Fernwood, if the other exits be closed there would be no safe entrance to Fernwood;

- The bus routes don't take account of car parked on the internal roads;

- Parking for sports facilities and allotments is too low;

- Noise monitoring was undertaken during the school holidays and will not reflect peak traffic times;

- No improvements to an already dangerous A1 south access including having to cross lanes from the A1 north;

- The current bridge is inadequate for the proposed increased traffic;

- Sports pitches will put added pressure on traffic;

- Housebuilder has mixed to poor experiences from homeowners in respect of quality and workmanship;

- Little detail regarding renewable technologies;

- Bought the dwelling specifically to be away from properties and near fields;

6.26. An additional 3 letters of objection have been received for the revised drawing pack:

- The development will be ugly;
- The houses will be very overlooked;
- The development is poorly planned with a substantial lack of greenery;
- Impact on Claypole village;

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

1. Principle of Development
2. Phasing of Development
3. Housing Density, Type and Mix
4. Design, Layout, Visual Impact
5. Impact on Highways
6. Impact on Amenity
7. Landscaping and Green Infrastructure including Sports Infrastructure
8. Impact on Ecology and Trees
9. Impact on Flood Risk and Drainage

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

- 7.3. Fernwood, along with Newark and Balderton forms the 'Sub Regional Centre' identified in Spatial Policy 1 and are expected to accommodate 70% of the district's overall growth over the Development Plan period according to Spatial Policy 2.
- 7.4. Core Strategy Policy NAP 2C sets out that land around Fernwood has been identified as a Strategic Site for housing (for in the region of around 3,200 dwellings) a high quality business park of 15 hectares, a local centre comprising retail, service, employment and community uses together with associated green, transport and other infrastructure.
- 7.5. The principle of the development is established through the outline consent with the means of access being the only matter that was formally considered. Reserved matters including appearance, landscaping, layout and scale of the development proposed is open for consideration as well as the internal highway layout.

Phasing of Development

- 7.6. Condition 4 relates to a Phasing Plan which was submitted with the outline submission reference 6534-L-06. It has always been anticipated that the development will come forward in a number of phases (and indeed sub-phases) as presented here.
- 7.7. The parcels of land to which this application relates falls within Phase 1 of the overarching Phasing Plan and includes a residential parcel to the east of the Local Centre and Primary School Land. These elements of the wider development do not form part of the current application, but the Section 106 requires the delivery of the Community Hall by 60% occupation of Phase 1. The Section 106 also governs that the decision on who will build the Primary School will have been resolved prior to the commencement of development.
- 7.8. This application also includes part of the sporting provision and the changing facilities towards the east of the site which is welcomed in principle to allow for early on-site delivery.

Housing Density, Type and Mix

- 7.9. Policy NAP 2C seeks to achieve density levels of 30-50 dwelling per hectare, with higher levels in areas of greatest accessibility in and adjacent to the local centre. Both

Fernwood and Balderton Parish Councils have raised concerns that the density of development proposed in this phase is too high. The residential parcel of the application amounts to approximately 13 hectares. When the areas of open space; pipeline easement and drainage areas are discounted, it would be more akin to approximately 11.8 hectares (still including the highways network). This calculates at an average housing density of approximately 36.4 dwellings per hectare. This would be within the scope expected by Policy NAP 2C but if anything towards the lower end given that this parcel sits adjacent to what will be the Local Centre.

- 7.10. Policy NP2 (Housing Type) from the Neighbourhood Plan requires that housing schemes deliver *'a housing mix that reflects the need in the Strategic Housing Market Assessment 2015 (or equivalent). This should include smaller market dwellings to suit older people that will also be suitable for younger people as first time buyer homes.'*
- 7.11. Since the adoption of the Neighbourhood Plan, the Council has released updated housing needs data (2020) which is explicitly referenced in condition 07 of the outline permission. For the Newark sub area, the following overall housing mix is required:

Table 5.9 Dwelling mix and future development priorities: Newark				
Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2-bedroom house	19.2	19.5	11.7	6.0
3-bedroom house	44.2	30.7	14.8	35.8
4 or more-bedroom house	12.0	25.5	19.5	35.8
1-bedroom flat	6.2	4.0	7.1	0.0
2 or more-bedroom flat	6.6	4.9	0.0	0.4
1-bedroom bungalow	2.4	0.0	19.8	2.4
2-bedroom bungalow	4.4	7.4	27.1	7.9
3 or more-bedroom bungalow	2.6	6.7	0.0	11.7
Other	2.3	1.3	0.0	0.0
Total	100.0	100.0	100.0	100.0

- 7.12. The affordable tenure split is set by the outline application and embedded into the Section 106 (Affordable Rent – 43%; Discount Open Market Value – 32%; and First Homes – 25%). 13% (56 in total) of the dwellings within this Phase would be affordable to meet the requirements within the Section 106. The split doesn't precisely match the percentages set out above in terms of tenure but that is not considered fatal given that this applies to the whole residential development (i.e. 1800 dwellings). There will therefore be plenty of opportunity for the split to realign with the Section 106 in later phases.
- 7.13. The following table sets out the affordable mix presented through this application against the housing needs for the area. The housing needs data was collated before First Homes was introduced so for simplicity has been incorporated into the intermediate figures.

Dwelling type and number of bedrooms	Affordable rented need profile (%)	Affordable rented proposed no.	Intermediate need profile (%)	Intermediate proposed no.
1 to 2-bedroom house	11.7	7 (29.2%)	6.0	17 (53.1%)
3 bedroom house	14.8	3 (12.5%)	35.8	13 (40.6%)
4 or more-bedroom house	19.5	0	35.8	0
1-bedroom flat	7.1	10 (41.7%)	0	2 (6.3%)
2 or more-bedroom flat	0	0	0.4	0
1-bedroom bungalow	19.8	4 (16.6%)	2.4	0
2-bedroom bungalow	27.1	0	7.9	0
3 or more-bedroom bungalow	0	0	11.7	0
Other	0	0	0	0
Total	100	24	100	32

- 7.14. The above shows a clear over reliance on smaller 1-2 bed dwellings and flats when compared to the demonstrated need. This is to the detriment of providing larger 4 or more bedroom properties and bungalows (albeit there would be a marginal contribution of one bed bungalows).
- 7.15. This has been raised during the application process in an attempt to negotiate a mix which better aligns with the identified housing needs. However, the affordable mix has not changed through the revised plans. The applicant has responded by referring to the benefits of including the four bungalows (when these were not explicitly expected through the outline permission). According to discussions with a registered provider (albeit not secured for delivery at this stage), bungalows are preferable over larger 4-bed units and the applicant is not willing to provide both. It is stated that there are significant concerns regarding the affordability of 4-bed units as intermediate types given the respective open market value of the dwellings would make the properties unfeasible from an affordability perspective for potential purchasers.
- 7.16. The inclusion of the bungalows is considered a benefit of the scheme. Whilst it would have been desirable for the affordable mix to better align with the housing needs, this is not considered fundamental to make the development acceptable, particularly given that this is the first phase of development to come forwards. It is hoped that later phases with affordable provision will include provision for larger dwellings.

7.17. Moving then to the market mix presented when compared to the housing needs data:

Dwelling type and number of bedrooms	Market need profile (%)	Market proposed no.
1 to 2-bedroom house	19.5	77 (20.6%)
3 bedroom house	30.7	200 (53.5%)
4 or more-bedroom house	25.5	97 (25.9%)
1-bedroom flat	4	0
2 or more-bedroom flat	4.9	0
1-bedroom bungalow	0	0
2-bedroom bungalow	7.4	0
3 or more-bedroom bungalow	6.7	0
Other	1.3	0
Total	100	374

7.18. The market mix is a much better alignment with the housing needs data following the ranking of the three most needed house sizes. There is a notable over provision of three bed units which corresponds with a total lack of market bungalows. However, I am conscious that the outline application set parameters within the Design and Access Statement specifically acknowledging that *‘the majority of housing will be 2 storey in height, with some 2.5 and 3 storey homes in selected locations.’*

7.19. Although condition 7 of the outline permission referred to housing mix, it also required any reserved matters application to respond to the design principles contained within the Design and Access Statement. Given that the premise of 2 storey dwellings would have governed the viability case presented at outline stage, I do not consider it would be reasonable to insist on market bungalows. Clearly if any later phases of development do include bungalows then that would be seen as a benefit but their inclusion is not considered fundamental to a successful scheme.

Design, Layout, Visual Impact

7.20. Good design is also one of the core principles of the NPPF and is a material planning consideration. The NP also outlines the importance of good design specifically encouraging major applications to include a report demonstrating that the scheme

has met national design standards against the Building for Life Criteria. This uses a traffic light system to demonstrate compliance against the following headings:

14 INTEGRATED NEIGHBOURHOODS	38 DISTINCTIVE PLACES	62 STREETS FOR ALL
Natural connections	Making the most of what's there	Healthy streets
Walking, cycling and public transport	A memorable character	Cycle and car parking
Facilities and services	Well defined streets and spaces	Green and blue infrastructure
Homes for everyone	Easy to find your way around	Back of pavement, front of home

An Integrated Neighbourhood

- 7.21. The application site is just part of a much wider strategic allocation for both residential and associated commercial uses. It is therefore important that the site responds not just to the later phases of this development, but also preceding development currently being delivered by other housebuilders.
- 7.22. The internal road network shows a clear connection to the Allison Homes site to the north (which is still in the process of being built out at the point of connection). This is welcomed as it will enable potential bus route connections but also cycle and pedestrian connectivity between the sites. The Allison Homes site is of a much smaller scale which won't be served by specific infrastructure (other than areas of open space) and so the connection will give the wider community the opportunity to easily access the proposed sporting facilities on this site but also the facilities within the adjacent local centre when this comes forward within a later phase.
- 7.23. It is acknowledged that the application will specifically provide points of connection between the residential element of this phase and the proposed sporting facilities. Whilst in the short term this may be an unusual arrangement (essentially forming two roads through a field) in the longer terms it will serve a further residential phase. The inclusion at this stage is beneficial as it would give residents within the earlier phases of occupation a more direct route to the associated facilities.
- 7.24. Pedestrian connectivity around the site is well structured. Although predominantly based on pavements adjacent to roads for vehicular traffic there are some solely pedestrian linkages, for example through the main area of central open space. There would also be a pedestrian loop around the play area to the east of the residential parcel and a slight pedestrian shortcut along Shire Lane.
- 7.25. Although the detail of the local centre is not known at this stage, there would be opportunity for both pedestrian and vehicular access at appropriate points along the western boundary.
- 7.26. Path linkages would be in front of homes (rather than to the rear) and therefore would lead to a well overlooked public realm.

- 7.27. The site is in close proximity to a number of existing services in both Fernwood and the wider Newark Urban Area. Notwithstanding this, the later phases of development will bring forwards further facilities to allow the development to become a self-sufficient community. The delivery of these facilities is governed by the associated legal agreement. Whilst there will inevitably be residential occupation prior to all of the facilities being operational, the space required for their delivery would be unaffected by this development.
- 7.28. The inclusion of a number of sporting facilities within this phase is beneficial in securing their early delivery. Overall, this is likely to be a desirable residential location where facilities and services are concerned being close to what will be the local centre but also connections to existing nearby settlements.
- 7.29. Housing mix and type has already been discussed in more detail in the preceding section. Building for Healthy Life promotes affordable plots being dispersed across the site. The revised plans have successfully been amended to provide better dispersion throughout the site. Whilst there are still pockets of affordable units, this is inevitable from a management perspective. The clusters are now up to 15 units (rather than the original scheme which had 36 affordable units in one area) which is considered an acceptable approach to pepper potting for a development of this scale.

Distinctive Places

- 7.30. The nature of the application, on a predominantly greenfield site, means that there is limited opportunity to utilise existing features. Nevertheless, the constraints of the site, for example the areas at risk of flooding and the gas pipeline easement, have to some degree dictated the form of the development. This follows the principles of the outline parameters plan.
- 7.31. The residential parcel has been designed through distinctive character areas which helps in setting a street hierarchy. Although the house types would be Persimmon standard products, the materials would be reflective of the locality and the varying number of house types would still provide visual interest. The use of contrasting materials at prominent locations will also assist in giving a sense of place.
- 7.32. Structural landscaping along primary and secondary streets, and within the defined areas of open space will assist in creating a memorable character which is often lacking in modern developments. There is also opportunity for additional planting along the Shire Lane corridor whilst largely retaining existing hedgerows.
- 7.33. The residential development blocks are outward facing giving active frontages. Open spaces are well overlooked with principal elevations facing towards them. This has been improved since pre-application stages through the removal of car parking spaces along the open space edge. Where appropriate, corner plots have been designed with dual frontages.
- 7.34. Internal vistas are predominantly towards principal elevations albeit there are some instances where these plots would still have parking spaces in front of them which is less desirable. Where these occur, there tends to be nearby street trees which would to some degree mitigate the impact of the hardstanding.

Streets For All

- 7.35. Street lined trees are specifically expected through the NPPF and their inclusion has been subject to discussion at pre-application stages. Street trees are frequent along the primary and secondary streets.
- 7.36. The positioning of the areas of open space are well designed to serve the development. The central area in particular would offer the opportunity for informal congregation at a connecting point between what will be the local centre and the sporting facilities which will be provided through this application.



- 7.37. The play area to the east of the site would have an appropriate buffer to the nearest residential dwellings (at least 20m as per Fields Trust Guidance).
- 7.38. One of the key issues in existing Fernwood is the tendency for on street parking partially due to the initial design of the development which includes rear parking courts. This is no longer a design approach advocated as it restricts the opportunity for natural surveillance. The optimum parking arrangement is to include spaces to the side of properties so that the visual impact of the parking is somewhat mitigated by the presence of the dwellings.
- 7.39. Policy NP3 (Residential Parking on New Development) provides that schemes for major residential development should provide a street layout and housing design that accommodates the car parking required based on Fernwood's location and associated car ownership levels and in accordance with NPPF criteria. Proposals are required to be in accordance with; a) Residential Car Parking research, Highways and Development Control Guidance (or equivalent); and b) the findings in the Fernwood BFL12 Assessment at Appendix A. It goes on to say that proposals should demonstrate how parking solutions are integral to a high quality, well designed scheme in accordance with NP1.
- 7.40. The Council's adopted Supplementary Planning Document (SPD) on parking and cycle provision requires 1 bedroom dwellings to have 1 parking space, 2 and 3 bedroom dwellings to have 2 spaces and any properties with 4 or more bedrooms to have 3

parking spaces.) The SPD also sets out the required dimensions for spaces and design principles such as ensuring appropriate landscaping between rows of parking spaces and avoidance of tandem (particularly triple tandem) parking.

- 7.41. Based on the revised plot schedule, a total of 941 parking spaces are required to serve the dwellings. Due to some dwellings having more than their allocation, there is around 100 extra spaces. Crucially, based on the revised plans, every plot is allocated the required number of spaces according to the SPD. There are no specific allocated visitor spaces but given that there is an overall over-provision within plots, this is unlikely to be a major issue. Despite the concerns raised by the Parish Council, a 'Key Dimensions plan' has been submitted showing where vehicles could park on the highway without detriment to highways safety and this would provide sufficient overspill visitor parking if required.
- 7.42. Matters of parking provision have been subject to discussion leading to amendments throughout the application. One of the biggest issues with the original plans was that four of the four-bedroom house types have internal garages which are not big enough to be counted as a space as set out in the SPD. The revised plans now show these plots with three spaces side by side outside of the garage (wide enough to meet the dimensions within the SPD). Any garage space could then either be used as overspill parking for smaller cars or just as storage (including bike storage). The revisions have therefore successfully overcome this issue.
- 7.43. Whilst triple tandem parking arrangements (which is specifically discouraged by the SPD) do feature throughout the site, there are now only 2 plots (Plots 2 and 15) which would have to rely on this arrangement to meet their parking requirements set by the SPD. In all other cases, the third space is an additional one. This is another improvement through the revised plans where triple tandem originally affected 11 plots. On a development of this scale, triple tandem parking for 2 plots is considered an acceptable compromise.
- 7.44. On the whole, spaces are well allocated to the plots which they would serve. There are a few instances of slight displacement, mainly around corner plots, but this are in the minority. In my view, where the displaced cases occur, occupiers are still likely to favour parking their vehicles in the allocated spaces off road rather than risk parking on the highway on a bend in the road. The spaces are connected to the allocated dwelling by pathways.
- 7.45. The scheme has taken advice from pre-application stages and in the main there are sufficient areas of landscaping breaking up parking spaces which will soften their appearance in the street scene. The presence of street trees along the primary and secondary routes will provide further mitigation from the hardstanding created through the spaces.
- 7.46. The original plans had three parking courts where spaces dominated with no space for appropriate landscaping. The revised plans have amended these areas now allowing modest space for landscaping which will soften the appearance of the parking. These parking courts are not the dominant form of parking and would be discrete in the public realm (albeit still overlooked by the dwellings which they serve).



- 7.47. It is stated that cycle parking numbers are provided in accordance with the appropriate standards but this is not demonstrated further and the majority of plots would not be served by garages. The applicant has confirmed that they would be willing to accept a condition to demonstrate cycle parking provision at a later date.

Design, Layout, Visual Impact Conclusions

- 7.48. In their Design Compliance Statement, the applicant considers that the proposal achieves 9 green and 3 amber scores. On the whole this is deemed a fair conclusion to reach. The scheme has evolved in a positive way since pre-application stages and through the application, and now demonstrates good connectivity through both the site and other neighbouring sites including areas for future infrastructure. The revised plans demonstrate a much improved parking layout which on the whole meets the aspirations of the Council's SPD.

Impact on Highways

- 7.49. The assessment of the outline application included a detailed account of the impacts of the development on the wider highways network. Notably this was done in the context of the whole strategic site allocation which will undoubtedly have an impact on the operation of the highways network. The outline decision (as is the case with the applications for Allison Homes and Barratts David Wilson) included conditions attributing each developer to their 'fair share' of the wider highways works. These conditions still require compliance for the development to come forward.
- 7.50. It is understood that there remains local concern (from representations and the Parish Council) regarding the local highways network in terms of existing traffic and congestion. Given the outline consent is extant, and noting the associated conditions (and within the S106) which relate to the highways network, it is not considered appropriate nor necessary to re-rehearse the entire traffic scenario. The works suggested by Balderton Parish Council to Hollowdyke Lane are outside of the remit of this application. NCC Highways have commented stated the existing highway network is suitable in capacity terms to accommodate the development but there is no existing or suitable footway/cycleway links to the development. The red line boundary

encompasses the above works and it may be that the developer intends to deliver them sooner than the triggers in the S106, but this is not secured as a variation. Highways have therefore requested a condition for a shared route of a minimum of 3m is installed around the site boundary linking to existing facilities, otherwise this site will be unsafe and unsustainable as there is no access for pedestrians and cyclists from the north. However as stated above, as this relates to an existing S106 trigger and is managed that way, a separate condition cannot be imposed at reserved matters stage which alters this already agreed approach. Although I resonate with the position of the County Council, unfortunately this is beyond the scope of this stage.

- 7.51. To clarify, with the works required by all developers, the strategic road network can accommodate the development proposed. It is notable that National Highways have raised no objections to the application.
- 7.52. Notwithstanding the above, the reserved matters submission still requires assessment in terms of the internal road network. This has been subject to discussions at pre-application stage leading to a significant reduction in the use of private drives so that the majority of the dwellings would now be accessed from adoptable highway. Internal dimensions of the road network have been carefully considered to ensure that they meet the requirements for a bus route where necessary.
- 7.53. Condition 24 of the outline permission requires a scheme of implementation for the details within the Travel Plan which was submitted to support the outline application. It also requires the Travel Plan to be updated if required as part of each reserved matters submission. The current application includes the submission of a Travel Plan dated September 2024. The overarching aim of the Travel Plan is to reduce the need to travel by private car where possible by encouraging safe and viable alternatives. Although this has been submitted with this application, NCC Transport and Travel Services have not provided commentary on it. However the applicant has submitted it for review as part of a formal Discharge of Condition request associated with the Outline application, which is currently pending consideration with Officers. (25/01320/DISCON)
- 7.54. For a scheme of this size, Active Travel is a statutory consultee. Their original comments raised two specific concerns relating to the original layout. The first was that there was no bound surface connecting the southern central part of the site to the footway and the other relating to traffic calming measures. Both have been resolved through the revised plans and Active Travel have therefore confirmed that they have no objections to the plans as revised.
- 7.55. NCC as the Highways Authority (HA) have commented on the reserved matters submission who had originally objected to the proposal on the basis of the future bus stop provision, shared routes, speed attenuation, swept path analysis, visibility, access to the school and local centre, parking, sports pitches and allotments and other general matters such as bin collection. However through prolonged negotiation with the applicant, these matters have been addressed and NCC Highways are now satisfied that the amended proposal addresses all of their concerns, although some conditions are requested on detailed matters. These are set out in the recommendation below.

- 7.56. The streetlighting scheme was based on a previous layout and it was previously highlighted, where trees are proposed, even in private land when that is adjacent to highway, it is important that the canopies of these trees do not overshadow the streetlights, in the interests of highway safety. The HA have recommended a condition to ensure that the proposed trees do not overshadow the street lighting design (once complete).
- 7.57. Visibility - The developer has addressed the comments of the HA regarding intervisibility between the parking spaces and the shared route by introducing a 2-metre buffer on the loop road linking the development to Shire Lane and setting car parking spaces back on the north-south link (where there are less dwellings having an impact). It is expected that the developer will be required to inform buyers on the north-south link of the need to keep relevant visibility splays clear under the New Homes Quality Code. However, the buffer on the loop road should be managed so that the strip is not absorbed into the adjacent curtilages. The HA therefore request a condition in this regard, including how this will be managed and demarcated. Drawing number 20084/SK20 rev I has been submitted showing visibility splays for dwellings abutting the shared route. Unfortunately, these are shown at a 2.4m setback which means that some of these splays cross parking spaces and as such would be unreasonable to condition. There are also some splays lines to the east which appear to link to the junction crossing points over a distance greater than 17m. These cross private curtilages which is unreasonable and unnecessary and therefore mean that we cannot request this drawing to be conditioned. Whilst visibility splays from the private drives on the radii have been shown, these are not drawn correctly, as they are required to be vehicular visibility splays and are also required to be drawn from Plots 12-15 inclusive and Plots 119-122 inclusive. The HA request a condition for a drawing showing suitable visibility splays.
- 7.58. Swept Paths - The Highway Authority are in receipt of revised swept path drawings which demonstrated that the bends and junctions are suitable to accommodate buses. However, there are some minor differences between these and the submitted Planning Layout (Dwg no P24-0414_DE_005_Y_01) and it is therefore recommended that a condition is applied to require the roads to be approved prior to commencement as this will allow minor amendments to the planning layout to be made, in the event that this is required to accommodate an adoptable highway layout. The Highway Authority would point out that any such amendments, if required, would not be material in nature.
- 7.59. Bus Stops - The Planning Layout drawing shows 6 bus stops throughout the development which will support sustainable transport options. There are 3 x full spec shelters with real time information boards (RTI), a cantilever shelter with RTI outside Plot 172 with 2 pole and RTI only stops on the north-south route. All will require Bus Stop Clearways and a low voltage power supply. All details should be submitted at Technical Approval stage with the HA.
- 7.60. General Matters - There are a number of locations where the in-curtilage parking is identified to potentially be an issue, creating obstruction and potential highway safety issues along the bus route. We will therefore request a condition that the applicant provide traffic management measures to prevent such parking. (Please note that it is

also recommended that the developer applies for the required Bus Stop Clearways at the same time as making that application.)

- 7.61. It is intended for the north-south route to connect to third party land to the north, which in time will enable penetration by buses in addition to general connectivity. However, the timings of the link to this land cannot be controlled and as such, the north south link may be left with an over-long section of highway with no turning ability. As such, the developer has indicated a temporary turning head within the curtilage of Plot 416. This takes the place of the parking associated with that dwelling so a condition will be requested that this specific plot cannot be occupied until a link to the development to the north is made and is available to traffic, otherwise vehicles will have to reverse over a long distance, contrary to highway safety. We will also request a condition to secure that the bellmouth kerbs required for the turning head are reinstated to a vehicular footway crossing to serve the in-curtilage parking so that core principles related to pedestrian priority are adhered to.
- 7.62. The HA have also suggested other conditions which have been reviewed for their ability to meet the 6 tests, and these have been reworded to accord to ensure they are enforceable.
- 7.63. Therefore on the basis of the lack of objection from NCC Highways and other statutory consultees on this, it is considered that the proposal would not result in harm to highway safety and is in accordance with the development plan and other material considerations notably the NPPF.

Impact on Amenity

- 7.64. For a development of this size there will clearly be numerous amenity relationships which require careful assessment. Expected distances between properties formed part of the pre-application discussions. On the whole, back to back relationships within the site achieve at least 21m. Where the relationship is rear to side elevation, the aim would typically be to provide at least 12m between (albeit this is not formally set in policy).
- 7.65. The original scheme presented some compromises in terms of amenity, particularly affecting some of the affordable plots. Rear to side gable distances were in some cases less than 10m which would not afford an attractive outlook, particularly since the affected plots were modest in size. These have been largely resolved through the revised submission. In order to achieve this, a verge along the secondary street has been omitted. Whilst this would have been attractive in urban design terms, in this case securing appropriate amenity provision is considered more important.
- 7.66. There are still some areas where the distances between plots are relatively tight, some under 21m back to back distances. However, these affects the minority of plots which on a scheme of this size is considered an acceptable compromise. The revised plans represent an improvement, particularly for the affordable plots where there is a less of a case for 'buyers being aware'.

- 7.67. Other than the Audley house type – which comprise ground and first floor flats, each plot is afforded an area of private rear outdoor amenity space. A lack of private amenity space for flats is not uncommon and is not considered fatal particularly since these plots would be a short walk from the central area of open space and would still have a small area of shared provision.
- 7.68. The size of the gardens do vary, but they would all allow for some space to site out / hang washing etc.
- 7.69. Despite being a greenfield site, there are a number of existing residential curtilages which have been excluded from the application site area but would inevitably be surrounded by the proposed development. Clearly this would be fundamental change from their current environment and therefore the impact on their amenity requires consideration.
- 7.70. For this phase, there is an existing residential dwelling in the south eastern corner of the site. The boundaries of the plot would be surrounded by rear gardens of properties which is considered appropriate in principle. To the rear (north) of the existing dwelling, there would be four bungalows which is welcomed in terms of reducing an overbearing impact from the development. The distance from the two storey rear elevation of the neighbour to the bungalows would be over 20m which is considered an acceptable relationship. The closest dwelling (plot 135) to the west would be around 17m away but the existing dwelling has only one small ground floor window facing westwards and so this relationship would be acceptable.
- 7.71. There is also another nearby dwelling on the opposite side of Shire Lane but this would be over 30m away from the nearby proposed built form so there are no concerns from an overbearing or overlooking perspective. Both existing occupiers are likely to experience an increase in comings and goings (with one of the proposed site accesses being close to their curtilages) but this is inevitable through the site allocation and has been accepted in principle through the outline consent.
- 7.72. The other amenity assessment to consider is the relationship with the development site to the north being brought forward by Allison Homes (formerly Larkfleet Homes). Separation distances proposed are acceptable being at least 22m where the relationship is back to back.
- 7.73. There are two plots on the Allison Homes development which are closer to the shared boundary. These would be next to proposed plots 328-330 and 379. Having reviewed the plans for the approved house types, there would only be secondary windows at first floor (bathrooms and landing) facing the shared boundary and so this relationship becomes less sensitive and is ultimately acceptable.
- 7.74. A Noise Impact Assessment (NIA) has been submitted to support the application as required by condition 14 of the outline permission. This presents updated glazing and ventilation specifications and assesses garden noise levels based on the results of an updated noise survey at the site.
- 7.75. Plots along the southern boundary of the site would require alternative ventilation than open windows due to the presence of the road. This would essentially be specific

double glazing and trickle vents. External amenity noise levels would be below the 50 dB threshold with standard fencing. It is noted that Fernwood Parish Council are concerned that the report took place within the school holidays but irrespective the survey has clearly identified traffic noise as a constraint and suggested mitigation accordingly.

- 7.76. The NIA has been assessed by colleagues in Environmental Health and they have raised no issues in respect to this phase. It is not necessary to seek compliance with this document through condition as this would be controlled through the original outline condition. The comments of the EHO do also refer to the potential for the phase to the west to be affected by noise from this phase (i.e. the sports pitches). This would need to be assessed at the time of that application albeit there is an implicit acknowledgement in the outline consent that the wider development will have a mix of uses.
- 7.77. Overall, the impacts on residential amenity to both existing and proposed residents is considered acceptable and in compliance with the NP and Policy DM5.

Landscaping and Green Infrastructure including Sports Infrastructure

- 7.78. Policy NAP2C sets out that the provision of Green Infrastructure in line with SP8 will be required which secures landscaping and structural planting throughout the development, buffer zones to the A1, railway and boundaries with the countryside amongst others.
- 7.79. The application site falls within the South Nottinghamshire Farmlands regional character area, partly within the Cotham Village Farmlands (SN08) and partly within the Cotham Meadowlands (SN09) character types. The topography in this area is flat and open with land use being predominantly intensively arable with hawthorn hedgerow boundaries where views are interrupted by power lines, pylons and the A1. Landscape condition here is defined as poor and there is a low-medium sensitivity to change.
- 7.80. This phase of development would deliver a local area of play (LEAP) and a central area of open space. Details of the equipment within the LEAP have been provided with the application. There would also be a landscaped buffer along the eastern and most of the southern boundary. Landscaping would be interspersed throughout the development including street trees with specifications and species provided. Soft landscaping proposed is supported by a Habitat Creation & Management Plan.
- 7.81. The landscaping proposed would greatly assist in softening the visual impacts of the development and is considered appropriate for this phase. Its delivery would need to be conditioned through this application.
- 7.82. The associated Section 106 for the outline application secures the level of green infrastructure required in terms of the sporting facilities. Some of these would be provided within this phase including the Changing facilities. The Section 106 agreement requires that no more than 60% of the dwellings on any phase can be occupied until the on site open space and on site sports facilities to be provided within

that phase have been provided. There is therefore no need to separately condition their delivery.

7.83. Sport England have been invited to comment on the details submitted. Their comments on the original plans raised an objection for the following summarised reasons:

- Layout of rugby pitch does not meet design guidance;
- Amount of car parking is insufficient;
- Proximity of the changing room to the football pitch has the potential to cause ball strike issues;
- Not clear on the safety measures between the playing pitches and the attenuation basin.

7.84. The revised plans have sought to overcome the concerns raised by Sport England. The rugby pitch has been increased in size; appropriate run off and respect areas have been provided around the football pitches and the changing room location has been revised as well as the internal layout being amended. Protective knee rail fencing is now proposed around the drainage basin (which will be predominantly dry in any case).

7.85. Sport England (in consultation with relevant bodies) have confirmed that the amended plans have overcome the reasons for their original objection. Their comments also request a condition for a ground conditions assessment. However, I would agree with the applicant's position on this that this should have been requested at outline stage. Any conditions placed on a reserved matters consent would need to relate solely to the reserved matters detail being sought. The principle of the sporting facilities in this location have been accepted at outline stage without such a requirement and therefore to impose a condition now would not meet the tests set out in Planning Practice Guidance.

7.86. In addition to the above, car parking has been increased from the originally proposed 20 spaces to 50 spaces (including 2 disabled spaces). 24 cycle stands are also proposed. Sport England have deferred to the Highways Authority in terms of the suitability of the parking but have confirmed that the revised proposal demonstrates an improved position and addresses their previous concerns. NCC Highways have stated that they do not consider that this requirement would be frequently exceeded and there is adjacent land available which may be used as informal parking. They also state that despite the improvements, the risk of stray balls entering the highway is limited, however they suggest the fencing is increased from the proposed 1.8m high mesh fencing between the car park and the adjacent pitch, as damage to cars from loose balls could make the car park undesirable. Therefore, a condition to secure this is required.

7.87. The outline permission required upgrades to the Shire Lane corridor but not only is this not required until completion of Phase 1 which could mean that there is no pedestrian access to the sports pitches until the further sub-phases are approved and

constructed, but the shared route for pedestrians and cycles as shown on the approved drawing stops short, at the Phase 1A residential development. The developer has agreed to provide this, as identified on the Context Masterplan and a condition will be requested to secure this, prior to the sports pitches being made available for use.

Impact on Ecology and Trees

- 7.88. As existing the majority of the site does not feature notable ecological features or substantial tree specimens which would require removal.
- 7.89. The original outline application was accompanied by a Tree Survey but the specimens affecting this phase relate solely to the curtilage of the existing residential property and trees in front of their curtilage along Shire Lane. These have already been accepted for removal as part of the S278 works along Shire Lane to provide the upgraded road and cycleway (which was considered as part of the outline consent).
- 7.90. The boundary hedgerows will be overall retained (other than in respect to the creation of accesses). Two substantial native hedgerows will be incorporated along the length of the development in the eastern extent to buffer the green infrastructure from proposed residential areas and to protect the Shire Dyke to the west. Where possible, retained hedgerows will be infilled in their natural gaps to increase the diversity and structure of these features.
- 7.91. The outline consent has a number of conditions relating to ecology including the requirement for a Habitat and Creation Management Plan (HCMP) and external lighting details. Both have been provided through this submission.
- 7.92. The HCMP has been reviewed by the Council's Lead Ecologist and they state that they are satisfied with the plan submitted. Although the applicant has submitted this plan with the Reserved Matters application, it is a requirement of the Outline application that no development shall take place within each Phase or sub phase until the plan has been submitted and approved. As such the applicant has submitted this plan separately under 25/01320/DISCON and the amendments requested by the Ecologist will be resolved through that process.
- 7.93. The lighting strategy demonstrates that the proposed street lighting would not have any significant impact on the immediate environment in terms of light pollution. Condition 19 of the original outline permission 16/00506/OUTM, however requires that a lighting scheme must be provided for within each subsequent reserved matters application and that also includes details of flooding lighting. The applicant has confirmed that no floodlighting is proposed around the site or the sports pitches and that this would be the responsibility for the provider to install.
- 7.94. The approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain (as they are not a grant of planning permission). The original outline application was submitted long before biodiversity net gain legislation came into force and therefore is not applicable to this application.

Impact on Flood Risk and Drainage

- 7.95. The majority of the site is within Flood Zone 1 but the eastern area where the sport pitches are proposed is within Flood Zone 3a given the closer proximity to the Shire Dyke. The outline consent accepts the principle of the development so it is not necessary nor appropriate to apply the sequential or exception tests at this stage.
- 7.96. Conditions were attached to the outline permission requiring details of both foul and surface water drainage (and therefore it is not reasonable or necessary to attach them again as suggested by NCC Flood team comments). The Planning Statement submitted to accompany this application confirms that precise details will be provided through a later discharge of condition application. Nevertheless, the scheme will be designed in accordance with the sustainable urban drainage principles set out at outline stage. The submitted layout makes provision for the SUDs basin in the public open space area to the east, as well as provision for a swale to the south adjacent to Shire Lane.

Other Matters

- 7.97. There are no designated heritage assets within the site or within 500m of the site. The closest listed building is around 1.4km away and no issues were raised in respect to setting at outline stage. Archaeology would remain to be controlled by conditions imposed on the outline application.
- 7.98. There is a slight error in the Planning Statement at paragraph 6.54 which refers to noise instead of air quality. The applicant has confirmed that it should read 'air quality' and has further confirmed that a construction management plan with dust management plan will be submitted as a separated discharge of condition application. Colleagues in Environmental Health (contaminated land) have raised no objections in the context of the outline conditions securing this and further investigatory works for contamination elsewhere in the wider site.
- 7.99. A neighbouring comment has raised concern that residents of Claypole will not be able to comment on the application despite their close proximity. This is not the case, the public consultation (advertised by press and site notice) is open to anyone, and a specific consultation was undertaken with Claypole Parish Council and Lincolnshire County Council.
- 7.100. Cil is liable for this development.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.
- 8.2. Legal implications - LEG2526/244

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application

9.0 Conclusion

- 9.1. The principle of development for 1800 homes and the delivery of an appropriate quantum of associated infrastructure to serve the development has already been secured at outline stage. This is the first reserved matters phase to come forwards but the phased delivery of the allocation was always envisaged. The inclusion of sporting facilities through this early phase is welcomed.
- 9.2. The scheme has evolved in a positive way since pre-application stages and through the application and now demonstrates good connectivity through both the site and other neighbouring sites including areas for future infrastructure. The revised plans demonstrate a much improved parking layout which on the whole meets the aspirations of the Council's SPD.
- 9.3. There still remain some compromises to the housing mix, notably a lack of larger affordable plots and a lack of market bungalows. However, the applicant has provided justification for both of these and it is not considered that the housing mix sought is inappropriate on the whole.
- 9.4. The plans have carefully considered amenity provision both in the context of existing occupiers and proposed occupiers. The revised scheme demonstrates adequate distances between dwellings to safeguard amenity and other than the flats, each plot would be afforded an area of private amenity space.
- 9.5. The applicant has sought to address concerns from statutory consultees (namely NCC Highways and Sport England) during the application and these are now satisfied and there is no reason why the application should not be granted.

10.0 Conditions

01

No dwelling forming part of the development hereby permitted shall be occupied until details of storage units / sheds / cycle stores have been provided for those plots without garage accommodation. The approved details shall be provided on site prior to the occupation of the plot to which they relate.

Reason: To provide occupiers with the opportunity to securely store cycles promoting sustainable travel.

02

The approved soft landscaping as shown on plan references:

Landscape Masterplan P24-0414_EN_P24-0414_EN_0003_F_0001

Detailed Soft Landscape Proposals (sheet 1 of 9) P24-0414_EN_001_M_0001 Rev M

Detailed Soft Landscape Proposals (sheet 2 of 9) P24-0414_EN_0001_M_0002 Rev M

Detailed Soft Landscape Proposals (sheet 3 of 9) P24-0414_EN_0001_M_0003 Rev M

Detailed Soft Landscape Proposals (sheet 4 of 9) P24-0414_EN_0001_M_0010 Rev M

Detailed Soft Landscape Proposals (sheet 5 of 9) P24-0414_EN_0001_M_0011 Rev M
 Detailed Soft Landscape Proposals (sheet 6 of 9) P24-0414_EN_0001_M_0012 Rev M
 Detailed Soft Landscape Proposals (sheet 7 of 9) P24-0414_EN_0001_M_0013 Rev M
 Detailed Soft Landscape Proposals (sheet 8 of 9) P24-0414_EN_0001_M_0014 Rev M
 Detailed Soft Landscape Proposals (sheet 9 of 9) P24-0414_EN_0001_M_0015 Rev M
 Detailed Soft Landscape Proposals Composite Plan P24-0414_EN_0001_M_0004 Rev M

shall be completed during the first planting season following the first occupation 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.

Reason: In the interests of visual amenity and biodiversity.

03

Prior to the occupation of each plot, the boundary treatments for that plot shall be installed in full as shown on the approved plan "Boundary Treatments Plan (1 of 2) P24-0414_DE_007_01 Rev F and Boundary Treatments Plan (2 of 2) P24-0414_DE_007_G_02 Rev G".

Reason: In the interests of visual and residential amenity.

04

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

Plans

- Site Layout Plan - P24-0414_DE_005_Q_01;
- Site Location Plan - P24-0414_DE_003 Rev: B;
- Phasing Plan - P24-0414_DE_013_B;
- Street Scenes - P24-0414_DE_014_A;
- House Type Pack - P24-0414_DE_G002_B;
- Context Masterplan P24-0414_DE_005_X-03 Rev X
- Planning Layout P24-0414_DE_005_Y_01 Rev Y
- Presentation Layout P24-0414_DE_005_Y_02 Rev Y
- Materials Plan P24-0414_DE_006_E Rev E
- Boundary Treatments Plan (1 of 2) P24-0414_DE_007_01 Rev F
- Boundary Treatments Plan (2 of 2) P24-0414_DE_007_G_02 Rev G
- Key Dimensions P24-0414_DE_012_G Rev G

Landscaping Plans & Public Open Space Plans

- Landscape Masterplan P24-0414_EN_P24-0414_EN_0003_F_0001
- Detailed Soft Landscape Proposals (sheet 1 of 9) P24-0414_EN_001_M_0001 Rev M

- Detailed Soft Landscape Proposals (sheet 2 of 9) P24-0414_EN_0001_M_0002 Rev M
- Detailed Soft Landscape Proposals (sheet 3 of 9) P24-0414_EN_0001_M_0003 Rev M
- Detailed Soft Landscape Proposals (sheet 4 of 9) P24-0414_EN_0001_M_0010 Rev M
- Detailed Soft Landscape Proposals (sheet 5 of 9) P24-0414_EN_0001_M_0011 Rev M
- Detailed Soft Landscape Proposals (sheet 6 of 9) P24-0414_EN_0001_M_0012 Rev M
- Detailed Soft Landscape Proposals (sheet 7 of 9) P24-0414_EN_0001_M_0013 Rev M
- Detailed Soft Landscape Proposals (sheet 8 of 9) P24-0414_EN_0001_M_0014 Rev M
- Detailed Soft Landscape Proposals (sheet 9 of 9) P24-0414_EN_0001_M_0015 Rev M
- Detailed Soft Landscape Proposals Composite Plan P24-0414_EN_0001_M_0004 Rev M
- Detailed Allotment Proposal P24-0414_EN_0001_M_0005 Rev M
- Detailed Junior Football Pitch Proposal P24-0414_EN_0001_M_0006 Rev M
- Detailed Adult Rugby Pitch Proposal P24-0414_EN_0001_M_0007 Rev M
- Detailed Adult Football Pitch Proposal P24-0414_EN_0001_M_0008 Rev M
- Detailed Mini Football Pitch Proposal P24-0414_EN_0001_M_0009 Rev M
- Play Area Design by Public Open Space;
- Changing room (105sqm) Plans and Elevations Highways Plans;

Reason: So as to define this approval.

05

No development shall take place until a Construction Method Statement (CMS) has been submitted to and has been approved in writing by the Local Planning Authority including a works programme. For each part of the works programme (i.e., site clearance, foundations, structures, roofing) the CMS shall include:

- a quantitative assessment of site operatives and visitors,
- a quantitative assessment of the size and number of daily deliveries,
- a quantitative assessment of the size, number, and type of plant,
- a plan identifying any temporary access arrangements,
- a plan of parking for site operatives and visitors,
- a plan of loading and unloading areas for vans, lorries, and plant,
- a plan of areas for the siting and storage of plant, materials, and waste,
- the surface treatment of temporary access, parking and loading and unloading areas, and
- the routing of vehicles to and from the site exceeding 3.5 tonnes.

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance

with the approved CMS and thereafter any temporary access, parking, load and unloading, and storage areas shall be set out and utilised in accordance with the approved CMS and programme. The designated parking, loading, and unloading, and storage areas shall be used for no other purpose during the respective part of the programme.

Reason: To minimise the impact of the development on the public highway during construction in the interest of highway safety.

06

No part of the development shall take place until full technical details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to safe and adoptable standards.

07

Prior to the completion of any site clearance, site stripping, or site establishment an application shall have been made for the introduction of a Traffic Regulation Order to restrict parking, in accordance with a plan to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

08

Prior to the completion of any site clearance, site stripping, or site establishment details of the proposed arrangements for the management and maintenance of the streets (prior to an agreement being entered into under Section 38 of the Highways Act 1980) including associated streetlighting and drainage shall be submitted to and be approved by the Local Planning Authority. The streets including streetlighting and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under Section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the street infrastructure is maintained to an appropriate standard.

09

Notwithstanding the submitted landscaping drawings, prior to the first occupation of any dwelling, a drawing showing the proposed location of trees alongside the street lighting details approved under Condition 6 shall be firstly submitted to and agreed in writing by the LPA. The development shall then be carried out in accordance with the approved details.

Reason: In order to prevent 'shadowing' of street lighting that may be detrimental to highway safety.

10

Notwithstanding submitted drawing reference 20084/SK20 rev J, the vehicular visibility splays as shown on a drawing to be first submitted to and approved in writing by the local planning authority shall be provided prior to first occupation and nothing thereafter shall be planted, erected, or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level. The visibility splays shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Reason: In the interests of vehicular safety.

11

The pedestrian visibility splays as shown on drawing number 20084/SK36 rev A shall be provided and nothing shall be planted, erected, or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level. The visibility splays shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Reason: In the interests of pedestrian safety.

12

Prior to the first occupation of any dwelling, the streets and footways affording access to that dwelling shall be completed up to binder course level and shall be street lit. All streets and footways hereby approved shall be surface coursed prior to the completion of the last dwelling's first fix building works.

Reasons: To ensure that the streets serving the development are sufficiently completed and are available for use by the occupants and other users of the development in the interest of highway safety.

13

Prior to the first occupation of any dwelling, the access and parking area to that dwelling shall be provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.

Reason: To ensure appropriate access and parking arrangements are available, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

14

Plot 416 shall not be occupied until the vehicular link to the land to the north of the site is available and open to traffic. The temporary turning head shall be reinstated to a vehicular footway crossing prior to occupation of that dwelling.

Reason: To ensure that there is an ability for vehicles to be able to turn in the general interests of highway safety.

15

The sports pitches shall not come into use until suitable boundary treatments to prevent pedestrian access from the residential development are provided in accordance with a drawing to be first submitted to and agreed in writing by the local planning authority.

Reason: To ensure that parking associated with the leisure use does not take place within the residential roads causing obstruction, in the general interests of highway safety.

16

Notwithstanding drawing number P24-0414_DE_007_G_02, the sports pitches shall not come into until a 3m fence is provided to prevent errant balls within the car park, in accordance with a drawing to be first submitted to and agreed in writing by the local planning authority.

Reason: To encourage use of the car park, to reduce the chances of parking on highway.

17

The dwellings shall be constructed in accordance with the materials as stated on P24-0414_DE_006_E Materials Plan.

Reason: In the interests of visual amenity

Notes to Applicant:

01

Construction Traffic Management Plan (CTMP) Regarding the CTMP and the impact of construction traffic on the A1, proposed routing plans, access arrangements and level of construction traffic (arrival and departure times to/from the site to include staff trips, deliveries etc) should be submitted to the LPA in consultation with National Highways for approval.

02

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. 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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

The applicant's attention is drawn to those conditions on the decision notice AND those contained on the outline permission which are also relevant, 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. The applicant is advised that the decision notice should ALSO be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

05

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

06

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England and National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011). Informative: The applicant is advised that playing pitches should be provided in accordance with the size requirements set out in 'Comparative Sizes of Sports Pitches & Courts (outdoor)' (Sport England, 2015 Update).

07

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible.

b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Correspondence with the HA should be addressed to hdc.north@nottsc.gov.uk

08

In order to carry out the off-site works required, the applicant 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 the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

09

The applicant should email hdc.north@nottsc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

10

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

11

Any hedge/tree/shrub line on the boundary of the development land (either proposed or retained) is the responsibility of the owner/occupier (including subsequent owners/occupiers) of the adjoining land, whether or not a fence or other boundary treatment is installed behind it. It is an offence under Section 154 of the Highway Act 1980 to allow vegetation to overhang highway such that it obstructs the function of the highway and therefore owners should make every effort to ensure that the hedge/tree line is maintained appropriately.

12

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Bins can be purchased from us or any other source provided they conform to appropriate standards and requirements of the Council. Our 'Guidance for new developments - Waste storage and Collection' sets out these standards and requirements and is available on our website at www.newark-sherwooddc.gov.uk/spds/

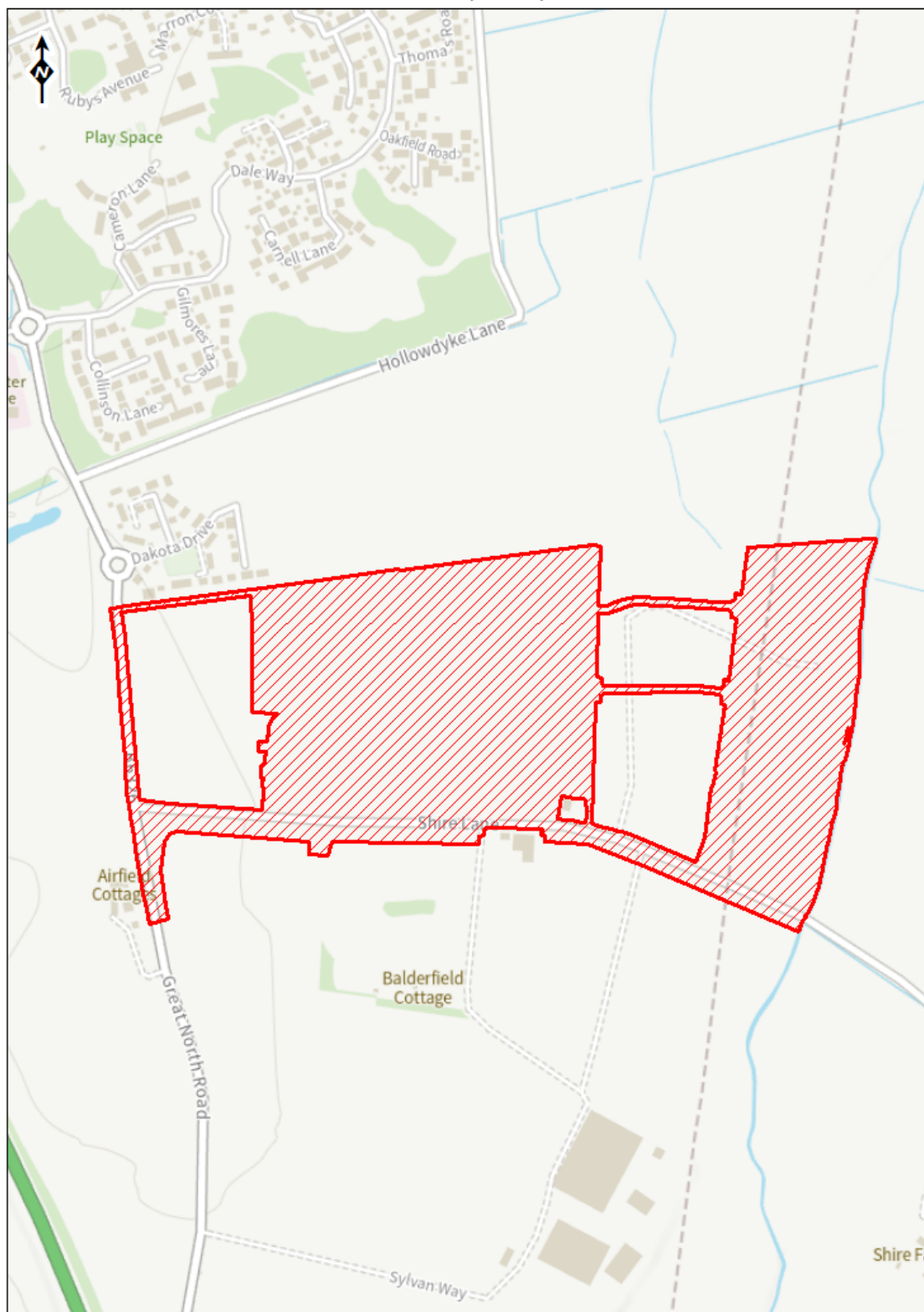
If you wish to purchase wheeled bins or discuss this matter further please contact a member of our Environmental Services Team (tel: 01636 655398 or email: waste.management@newark-sherwooddc.gov.uk).

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 24/01672/RMAM



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Report to Planning Committee 4 September 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
Application Number	25/00707/FUL		
Proposal	Removal of portal frame building and demolition of brick barn. Extension to barn conversion and three new dwellings.		
Location	West View Farm House Collingham Road Besthorpe Newark On Trent NG23 7HP		
Applicant	G.A.K Developments LTD	Agent	N/A
Web Link	25/00707/FUL Removal of portal frame building and demolition of brick barn. Extension to barn conversion and three new dwellings. West View Farm House Collingham Road Besthorpe Newark On Trent NG23 7HP		
Registered	28.04.2025	Target Date	07.07.2025 EOT: 11.09.2025
Recommendation	Application be Approved subject to conditions in Section 10		

This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.

1.0 The Site

- 1.1 The application site relates to a farm complex located on the east side of Collingham Road, outside of the settlement of Besthorpe and within an open countryside position.
- 1.2 The existing buildings are of traditional agricultural design, predominately of brick construction and include a grain store, granary, storage barn and a dairy barn.

- 1.3 The site is accessed from a new private access of the main road approved under application 23/00635/FUL. Following a site visit it is noted that the new access has been constructed and therefore this is now the access for the proposal site.
- 1.4 The other closest neighbouring property is West View Farmhouse 12m to the south of the site. The boundaries of the site consist of predominately established hedgerows, as well as traditional post and rail fences. There is long established hedgerow, and a number of mature trees located close to the boundary with the A1133 main highway
- 1.5 The site is located within Flood Zone 1 and is at low risk of surface water flooding.

2.0 Relevant Planning History

23/00635/FUL - Removal of portal frame building. Conversion of farm buildings to 5 dwellings, garage and garden store. New vehicular entrance, access drive and private sewage treatment unit. (Permitted 13.06.2023) The access has been constructed and one of the barns has been converted from this application.

20/00194/FUL - Change of use of 4 barns to 5no. new dwellings including a garage garden store building, removal of one steel framed and clad store shed, new private sewage treatment unit, and new vehicular entrance and access drive. (Permitted 10.06.2020)

09/00353/AGR - Erection of agricultural building for the storage of grain (Prior approval not required 31.03.2009)

98/50154/AGR – Erect Agricultural building – (Permitted 26.06.1998)

94/50144/FUL – Change of use of agricultural building into building contractors store (Permitted 09.11.1994)

3.0 The Proposal

- 3.1 The proposal seeks permission to knock down the barns which already have permission to be converted to dwellings and replace them with 3 new dwellings of an agricultural style and appearance. One of the existing agricultural buildings shown as plot 6 below would be retained however would be extended.
- 3.2 All the dwellings would have a similar appearance with an eaves of c5m and a ridge of c8m arranged in a U courtyard arrangement. The highways and access have been approved as part of another application, for the conversion of plots 1 and 2 which is nearly complete on site, the road access has been built.
- 3.3 The proposed site plan is shown below:



3.4 Plans and Documents Considered

- Application Form
- Site Location Plan and Block Plan Drawing A1-01 Revision D
- Plot 3 Proposal Drawing A1-02
- Plot 4 Proposal Drawing A1-03
- Plot 5 Proposal Drawing A1-04
- Plot 6 Proposal Drawing A1-05
- Existing Elevation Plans Drawing WVFB / 2019 /18
- Plot 5 Existing A1-P5-01
- Highways Plan for Access WVFB – 01B
- BNG Metric Calculation Tool received 28.04.2025
- Updated Protected Species Survey received 28.04.2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 2 properties have been individually notified by letter and a site notice has been displayed near the site expiring 12.06.2025 including a departure of the plan notice and an advert has been displayed in the press expiring 13.06.2025 for a departure of the plan.

4.2 Site Visit undertaken: 01.07.2025

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 3: Housing Mix, Type and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

5.2. Allocations & Development Management DPD (2013)

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM8: Development in the Open Countryside
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM10: Pollution and Hazardous Substances
- Policy DM12: Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation and has subsequently been examined in November 2024, the Council is awaiting the Inspector's report. There are unresolved objections to amended versions of policies above mentioned emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. Other Material Planning Considerations

- National Planning Policy Framework 2024
- Planning Practice Guidance (Online Resource)
- District Housing Needs Survey Arc 2020
- Newark and Sherwood Residential Cycling and Parking SPD 2021
- Nottinghamshire County Council Highway Design Guide 2021

6.0 Consultations and Representations

6.1. Comments below are provided in summary - for comments in full please see the online

planning file.

Statutory Consultations

- 6.2. NCC Highways – The site has an extant planning permission (Ref 23/00635/FUL) for the conversion of farm buildings to 5 dwellings. Floor Plans have been provided for four dwellings (plots 3-6) and show two 4 bed dwellings and 2 5 bed dwellings. The scheme will add a further dwelling to the site compared to that approved under the previous application. This is acceptable in-principle subject to the following issues being resolved.

- Detailed plan showing site access
- Parking layout for plot 6
- Details of cycle storage, vehicle charging and bin collection facilities.

Town/Parish Council

- 6.3. Besthorpe Parish Council – No comments received

Representations/Non-Statutory Consultation

- 6.4. Ecology – The Council's ecology officers assessed the application and identified errors in the original metric submitted with the application. The metric and BNG information were subsequently amended during the application process and the ecology officer has confirmed that in this instance the application has no other option than to source the current calculated deficit via an off-site habitat bank, or via Statutory Biodiversity Credits. Conditions have been recommended for bat and bird boxes to provide some onsite ecological enhancements.

- 6.5. Trent Valley Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's Catchment.

The Board maintained Besthorpe Fleet, an open watercourse, exists to the West of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The suitability of soakaways and a means of surface water disposal should be ascertained prior to planning permission being granted. Soakaway should be designed to an appropriate standard to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

- 6.6. Environmental Health Contamination – The historical use of the building is unknown

and there lies the potential for this to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the pollution team in public protection at Newark and Sherwood District Council.

6.7. Public Consultation – No comments received.

7.0 Appraisal

7.1. The key issues are:

1. Principle of Development
2. Impact upon Character
3. Impact upon Amenity
4. Highway
5. Ecology
6. Flood Risk and Drainage
7. Contaminated Land
8. Biodiversity Net Gain

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

7.3. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

7.4. The application site is not within a settlement and is therefore within the open countryside. Policy DM8 of the DPD strictly limits development away from the main built-up areas of villages, in the open countryside, to certain types of development,

including the conversion of existing buildings. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. DM8 only allows the construction of new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. The proposal has not been put forward on this basis and therefore the new dwellings proposed are contrary to DM8 and not acceptable in principle.

- 7.5. The application site is located off the A1133, between Collingham and Besthorpe in the open countryside. Notwithstanding the above, it is noted that the application site has a fallback position provided by the application 23/00635/FUL for the conversion of the existing buildings on site to create 5 dwellings in total (this includes plots 1 and 2 shown within the blue outline on the proposed site plan). This permission has been started by the formation of the new access and a single unit being converted. This permission is therefore extant in perpetuity under current planning legislation and therefore the principle of 5 dwellings on the wider site is already established and is a realistic fallback position. It is however noted that the proposal includes 1 additional unit over that of the extant conversion scheme.
- 7.6. Following the publication of the NPPF on 12th December 2024, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.7. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.43 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.8. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes
- 7.9. Footnote 7 of the NPPF (2024) sets out that where there are policies protecting designated heritage assets that provide a strong reason for refusal, the presumption in favour of sustainable development would not apply.
- 7.10. The site is not within a protected area and considering the extant permission for 5 dwellings, there is not a strong reason to refuse the application due to the additional dwelling proposed. The site is relatively close to Collingham, a principal village, which has a range of day to day services. As such, the site is considered to be in a sustainable location, and the additional dwelling would contribute to the Council's housing targets. In line with the presumption in favour of sustainable development, the additional dwelling should be approved.
- 7.11. The proposal for the conversion of the single unit with an extension labelled as Plot 6 is still broadly acceptable in policy terms. It is acknowledged that the extension is large in scale (two storey side extension with link, plus attached garage to create L-plan form) which is not encouraged by DM8 nor the Conversions SPD, however when considered as part of the proposal as a whole, it would be a sympathetic addition that would retain agricultural character of the site. There is further detail on this in the impact on the character of the area section however, in summary the extension to the converted barn is considered acceptable in principle in this instance.
- 7.12. The demolition of the existing modern barn within the centre of the yard (which would have provided 2 residential units) is also acceptable.
- 7.13. Whilst the scheme would be contrary to DM8 by virtue of being outside of any village within open countryside, as detailed above, there are other material considerations relevant to the determination of the application. Giving consideration to the fallback position for the already approved conversion of the barn in the centre of the yard for 2 units, and given that the proposed new build scheme would provide a higher quality scheme still in an agricultural style with a court yard layout, and taking into consideration the biodiversity benefits the new build scheme would provide over and above that of the conversion scheme, it is considered that, when applying the tilted balance and considering the extant fallback position, the scheme acceptable, subject to site specific impacts which are discussed below.

Impact on the Visual Amenities of the Area

- 7.14. 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. In accordance with

Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the district's landscape and character of built form, and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

- 7.15. The application is for 4 new dwellings, 3 of which would be from the ground up new builds and one that would be converted and extended. This would result in 4 new dwellings, two 4 bedroom and two 5 bedrooms.
- 7.16. Paragraph 133 of the NPPF states that development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment landscape setting; and maintain a strong sense of place.
- 7.17. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.
- 7.18. The proposal would consist of plots 3, 4, 5 and 6. Plots 1 and 2 are agricultural building conversions of an extant permission including a new access to the site from the main road. The ridge of all the dwellings would be set at c8m with eaves set at c5m. The ridge and eaves do drop on outriggers off the side of the dwellings for example the garage, which has an eaves height of c3.4m and a ridge height of c5.8m. Below are the elevations of each of the plots.

Plot 3



The image displays four architectural elevation drawings of a two-story house, each with a scale of 1:100. The drawings are labeled as follows:

- West Elevation (1:100):** Shows a two-story facade with a central entrance and a gabled section on the right. Labels include: "Porches", "Timber cladding above", and "Integrated original main entrance to be finished with stone tiles".
- North Elevation (1:100):** Shows a two-story facade with a gabled section on the left and a central entrance. Labels include: "Integrated original main entrance to be finished with stone tiles" and "Porches".
- East Elevation (1:100):** Shows a two-story facade with a central entrance and a gabled section on the right. Labels include: "Porches", "Stone cladding above", and "Stone and timber cladding".
- South Elevation (1:100):** Shows a two-story facade with a gabled section on the left and a central entrance. Labels include: "Stone cladding above", "Integration of original", "Stone and timber cladding", and "Retention of original structure".

The architectural drawings show the West and East elevations of a building. The West Elevation (1:100) features a gabled roof with a label 'Reclaimed rafters to large' pointing to the roof structure. The main body of the building has a label 'Reclaimed effect brickwork' pointing to the wall. A label 'Original barn ventilators to be covered up with 20mm metal' points to the upper part of the wall. The East Elevation (1:100) shows a similar gabled roof with a label 'Reclaimed rafters to large' pointing to the roof structure. The main body of the building has a label 'Reclaimed effect brickwork' pointing to the wall. The drawings include human figures for scale and labels for 'Original barn ventilators to be covered up with 20mm metal' and 'Reclaimed effect brickwork'.

The image contains two architectural drawings of a proposed building. The left drawing is the 'Proposed North Elevation (1:100)', showing a building with a gabled roof, a small porch on the left, and a large, irregularly shaped window on the right. Two human figures are shown for scale. The right drawing is the 'Proposed East Elevation (1:100)', showing a two-story building with a flat roof, multiple windows, and a central entrance with a small porch. Two human figures are shown for scale. Labels with arrows point to 'Fully glazed entryway' and 'New entry vestibule' on the East Elevation.



- 7.20. The provided elevations show that the proposed dwellings are of a rural and agricultural design to reflect the existing building (Plot 1) which has already been converted onsite, and Plot 6 which is subject of this application for an extension. Plot 6 is a traditional red brick barn with some historic significance – this barn would be retained and converted. The adopted Conversion of Traditional Rural Buildings SPD gives specific guidance on residential conversion schemes. The SPD advises on appropriate alterations and extension and within section 4 states: ‘To retain Character and Architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to a minimum necessary to facilitate the new use’. In relation to alterations, the SPD advises ‘Modest alterations such as the introduction of flush rooflights and small vents will be acceptable only if they are used with restraint and places in discreet positions.’
- 7.21. The converted dwelling would be altered in a sensitive way to facilitate its conversion and would have an extension which is quite large in scale however it is subordinate in height and is respectful of the style and differentiated from the original barn by the proposed timber cladding to the elevations and the link which is subservient in height the extension would provide additional living space to plot 6 as well as a garage. The rural style of the new dwellings is also considered acceptable in the open countryside setting and would reflect the traditional rural character of the existing barns. The barn being demolished to facilitate the new builds is not considered to be of significant historic character given it has been altered over the year diminishing any significance it may have once had. The new build dwellings would be built in an agricultural style with a courtyard layout which is considered an enhanced design over the proposed conversion scheme. Overall, it is not considered that the proposed dwellings would have an adverse impact on the character of the area.
- 7.22. With the above in mind, it is considered that the proposal accords Core Policy 9 of the Amended Core Strategy (adopted 2019), DM5 of the Allocations and Development Management DPD (adopted 2013) and Part 12 of the NPPF which is a material consideration.

Impact upon Residential Amenity

- 7.23. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

- 7.24. Having assessed the submitted plans it is considered that there is sufficient space between the proposed dwellings and therefore it is not considered that there would be any unacceptable impacts. Each dwelling would have sufficient private amenity space and 3 parking spaces for each dwelling.
- 7.25. The neighbouring dwellings are a sufficient distance away that there would be no negative impact on residential amenity.
- 7.26. As such, the proposed development is considered to comply with Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (adopted March 2019) and Policy DM5 (Design) of the Allocations and Development Management document adopted July 2013.

Highways

- 7.27. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision. The Highways Authority has been consulted on the proposal and have advised that standing advice applies to this application.
- 7.28. The proposal is for 4 dwellings which would result in a total of 6 units on the site - 2 conversions and 2 new build rural dwellings. The 4 units subject to this application would have 2x 4-bedroom dwellings and 2x 5-bedrooms dwellings. The parking shown for each dwelling is sufficient with each having 3 parking spaces which meets the guidance set out in the Newark and Sherwood Parking SPD. The Highway Authority has been consulted and given that the site has had permission previously granted for 5 dwellings from the conversion of 4 barns the Highways Authority has no objection subject to conditions. It is noted that the conditions suggested match those of the original application and having visited site, officers note that the access has already been constructed to the site therefore wording will be slightly altered to reflect the development being applied for.
- 7.29. Overall, given that the access has already been approved and has been constructed, and NCC Highways have advised that it is appropriate for the number of dwellings being proposed, the proposal is not considered to result in harm to highway safety. NCC Highways have requested conditions however these are covered by the permission which implemented the access therefore a alternative worded condition is considered appropriate.

Ecology

- 7.30. Core Policy 12 of the ACS states that the Council will seek to secure development that maximises the opportunity to conserve, enhance and restore biodiversity. Policy DM5 states that where it is apparent that a site may provide habitat for protected species, development proposals should be supported by an up-to-date ecological assessment including a habitat survey. Para 187 of the NPPF states decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity in a manner commensurate with their statutory status. Para 193 of the

Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 7.31. An updated ecology survey has been submitted as part of the application, dated March 2025. As per the previous surveys, the survey concludes there is low potential for bats. No further surveys are considered necessary prior to approving the application however the recommendation is that a pre-cautionary investigation is carried out prior to commencement. Other recommendations include the installation of nesting boxes. The recommendation within the survey can be secured by condition to ensure there is no adverse impacts on protected species.
- 7.32. With the above in mind the proposal is considered to accord with Core Policy 12 of the Newark and Sherwood Core Strategy, DM7 of the Allocations and Development Management DPD and the NPPF which is a material planning consideration.

Contaminated Land

- 7.33. Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. The comments of the Environmental Health Officer are noted and given the previous use of the site; and previous applications, the recommended phased contamination condition parts C and D is considered appropriate.

Flood Risk and drainage

- 7.34. The site lies within Flood Zone 1 therefore is at low risk of fluvial flooding. The proposed new builds would be up a slight hill from the road and given that they are within flood zone 1 and a low risk of surface water flooding there are no concerns in relations to flood risk.
- 7.35. The drainage boards comments regarding drainage and the package treatment plant are noted, however these details have already been submitted and approved by a separate application and therefore it the installation can be secured through pre-occupation condition.

Biodiversity (Including Net Gain)

- 7.36. The application has been submitted with a biodiversity metric and BNG plan, the submitted details have been reviewed by NSDC ecologists the metric has been amended which resolves the errors previously identified by the Council's ecologists.
- 7.37. The additional information is considered to resolve the previous concerns with regards to the BNG assessment. With the proposed compensation, mitigation and enhancement measures implemented, it is considered that the proposal would be compliant with matters relating to biodiversity within the NPPF and relevant local planning policies.

- 7.38. The habitat score equates to circa -0.0067 Habitat Units. Approximately 0.05 Habitat Units will need to be sought via an off-site habitat bank, or via Statutory Biodiversity Credits. Therefore, there will be no need to secure any 'on-site' BNG.
- 7.39. The applicant should note from previous comments by the Council's ecologist that whilst a draft BGP can be provided to support an application, as stated at Paragraph 031 Reference ID: 74-031- 20240214 of the Biodiversity Net Gain Planning Practice Guidance the final BGP cannot be submitted until 24 hours after planning approval has been granted.
- 7.40. The applicant will have to demonstrate how a 10% net gain has been secured. This will include amendments to the post-development habitats provided.
- 7.41. The amended habitat score is now -0.0067 Habitat Units and will require an off-site solution. This has not been reflected in the revised Biodiversity Gain Plan (BGP) which now incorrectly states at section 4.6 that the target net gain percentage will be met on site and that there are 'significant on-site enhancements' at section 4.7.
- 7.42. Nevertheless, as highlighted in the Council's ecologist's comments dated 15/08/25, the final BGP cannot be submitted until 24 hours after planning approval has been granted. Therefore, this can be amended after determination of the planning application and will need to include details of the 0.0505 off-site Habitat Units required to achieve a 10% uplift in Habitat Units. These can be sourced either through a private habitat bank provider or Statutory Credits. As detailed in Paragraph 4.7 of my comments dated 23/07/2025, the number of offsite units required will then be multiplied either by 1.3 or 2.0 depending on where they are sourced from. In this instance the application has no other option than to source the current calculated deficit via an off-site habitat bank, or via Statutory Biodiversity Credits.
- 7.43. In view of the above, it is considered that the proposal can comply with Core Policy 12, policies DM5 and DM7 subject to discharge of the biodiversity condition.

Other Matters

- 7.44. It is noted that a refuse collection area was not requested with the previous application,
- 7.45. Whilst this has not been formally assessed there is a space at the end of the access for bins to be collected from, therefore residents would have to pull their bins down one day a week. There may be additional bin collections on occasion such as glass collection 8 weekly and garden waste once a month if residents subscribe to this service. Overall, it is not considered a significant issue, and future occupants of the dwellings would be aware of the refuse situation prior to purchasing the dwellings.
- 7.46. Contamination was considered as part of the conversion scheme; discussion has been had with the Council's Environmental Health Contamination officer and the necessary remaining parts of the standard contamination condition should be included if approved.
- 7.47. Community Infrastructure calculations have been made as the scheme is considered

CIL liable and the barns don't appear to have been in use for a period of 6 months in the last 3 years, therefore they cannot be offset against the new floor space.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.
- 8.2. Legal implications - LEG2526/555

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application

9.0 Planning Balance and Conclusion

- 9.1. Whilst the proposal is considered contrary to Policy SP3 and DM8 in principle, when considering the fallback position of the extant permission, and applying the tilted balance in presumption of favour of development, the benefits of the scheme are considered to weigh in favour of the scheme in accordance with the NPPF. These include a contribution to the Council's housing targets, a visual improvement to the site, and the benefits that would arise through biodiversity net gain which did not apply to the extant permission.
- 9.2. A site specific assessment has been carried out and there would be no adverse impacts upon character of the area. The brick building with some historic significance would still be retained converted and put back into use as a dwelling therefore the scheme would not result in an adverse impact upon the traditional character of the brick barn. The scheme would also provide 3 new high quality units of agricultural design in a courtyard arrangement which is considered an enhancement over the conversion of the centre barn. Furthermore, there would be no impact upon residential amenity, ecology, impact upon highway safety nor flood risk.
- 9.3. It is therefore considered that the proposal for the proposed dwellings would not result in any unacceptable impacts and would comply with core policy 9 and Spatial Policy 7 of the Amended core Strategy and Policies DM5 of the allocations and Development Management DPD, and the NPPF. Despite being contrary to DM8, the fallback position and presumption in favour of sustainable development are material considerations that outweigh the harm identified (the conflict with the local Plan). The recommendation is therefore to approve the application subject to conditions.

10.0 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 approved proposed plans reference.

- Site Location Plan and Block Plan Drawing A1-01 Revision D
- Plot 3 Proposal Drawing A1-02
- Plot 4 Proposal Drawing A1-03
- Plot 5 Proposal Drawing A1-04
- Plot 6 Proposal Drawing A1-05

Reason: So as to define this permission.

03

All external joinery including windows, and doors shall be of a timber construction only. Details of their design specification, method of opening, method of fixing and finish, and details of cills and door heads in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The works shall be carried out only in accordance with the agreed window and door details.

Reason: In order to respect the rural character and special historic interest of the brick barns remaining on site.

04

Before any bricks are laid above DPC, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: In order to safeguard the special architectural or historical appearance of the building.

05

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 and retained for the lifetime of the development in accordance with the approved details.

Verges and eaves
Rainwater goods
Extractor vents
Flues
Meter Boxes
Airbricks
Soil and vent pipes

Reason: In order to safeguard and reflect the special architectural or historical appearance of the brick barns and to ensure high quality design in the new dwellings.

06

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan Site Location Plan and Block Plan Drawing A1-01 Revision D. The parking and turning areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason: - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

07

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts C 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 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.

08

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

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.

09

The development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme approved under application 24/00503/DISCON and retained until development is complete.

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.

10

Prior to first occupation of any of the dwellings hereby approved, full details of the hard landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to first occupation of the development. These details shall include:

means of enclosure;
car parking layouts and materials;
hard surfacing materials;
external lighting

Reason: In the interests of visual amenity and biodiversity.

11

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of soft landscaping including all proposed tree and hedge planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR ten years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, and to enhance its setting within the immediate locality.

12

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 5 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.

13

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

14

The recommendations detailed within section 5 of the Updated Protected Species Survey by Andrew Chick (March 2025) shall be adhered to prior to and during construction. Prior to commencement of the conversion works to any of the buildings, the mitigation measures including artificial nest places (4 minimum), and swallow nest cups (2 minimum) as well as additional nest boxes for barn owls (2 minimum) to the east of the site have been installed. These shall be retained for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

15

The approved development shall not commence above Damp-Proof Course until a bat or bird box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes, and details for fixing them into place. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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

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

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the

Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

04

IMPORTANT

The development granted by this notice must not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk)) However in this case the Council consider that this development is not exempt and mandatory Biodiversity Net Gain does apply here.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Planning Committee – 4 September 2025

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 23 July and 26 August 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3369949 25/00126/FUL	207 London Road Balderton Newark On Trent NG24 3HB	Change of Use of house (Class C3) to Children's Care Home (Class C2)	Written Representation	refusal of a planning application

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
25/00011/ENFNOT	Without planning permission, "development" consisting of the making of a material change of use of the land from Agriculture to use as a caravan site, including the stationing of caravans and mobile homes and their use for residential purposes; and associated operational development (including but not limited to the laying of hard surface, the erection of means of enclosures, and domestic paraphernalia).	Provisional date changed to 04 November 2025 – awaiting confirmation from all parties To be held at Castle House.	Richard Marshall
23/01837/FULM	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Public Inquiry 22 – 30 October 2025	Anna Horn

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 4 September 2025

Appendix B: Appeals Determined (between 23 July and 26 August 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
24/00402/FUL	Land At Greenaway Rolleston	Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces.	Planning Committee	Committee Overturn	Appeal Dismissed	25th July 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9IE9XLB04M00						
24/01913/FUL	Annexe The Cottage West Lane Edwinstowe NG21 9QT	Change of use from Annexe to Independent Dwelling.	Delegated Officer	Not Applicable	Appeal Dismissed	30th July 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SM6AZOLBIYR00						
25/00512/PIP	Smallholding Rear Of 55 Beacon Hill Road Newark On Trent NG24 2JH	Application for permission in principle for a residential development of between two and four dwellings following the demolition of agricultural buildings.	Planning Committee	Committee Overturn	Appeal Allowed	13th August 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STH35TLB04M00						
25/00770/FUL	Hutchinson Engineering Services Ltd Great North Road Weston Newark On Trent NG23 6SY	Proposed change of use of agricultural land to proposed turning area, long term staff parking area and electric vehicle charging points	Planning Committee	Not Applicable	Appeal Dismissed	21st August 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU531TLBIFY00						

22/00281/ENFB	Hutchinson Engineering Services Ltd Great North Road Weston Newark On Trent NG23 6SY	Without planning permission, the material change of use of agricultural land edged in yellow on the attached Plan A, to use for the parking and manoeuvring of commercial and staff vehicles ancillary to the use of the wider site as an industrial haulage yard, and operational development consisting of the laying of hardcore and the erection of a sectional concrete wall on the southern, western and eastern boundaries of the land, identified with the blue lines on Plan A, as shown within photographs 1, 2 and 3.			Appeal Dismissed	21st August 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ894WLB0DF01>

24/01968/FUL	East Stoke Village Hall School Lane East Stoke Newark On Trent NG23 5QL	Demolition of Redundant Village Hall and Erection of Detached Self Build Dwelling.	Delegated Officer	Not Applicable	Appeal Dismissed	26th August 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SML748LBJ3J00>

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Agenda
Part 1
118

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development