



**Castle House  
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**Wednesday, 24 September 2025**

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

**Members of the Committee:**

**Councillor C Brooks  
Councillor L Dales  
Councillor S Forde  
Councillor P Harris  
Councillor K Melton  
Councillor P Rainbow**

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

<b>MEETING:</b>	<b>Planning Committee</b>
<b>DATE:</b>	<b>Thursday, 2 October 2025 at 4.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>
<p><b>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.</b></p> <p><b>If you have any queries please contact Catharine Saxton on <a href="mailto:catharine.saxton@newark-sherwooddc.gov.uk">catharine.saxton@newark-sherwooddc.gov.uk</a>.</b></p>	

## **AGENDA**

### **Page Nos.**

- |    |   |       |
|----|---|-------|
| 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 4 September 2025                                     | 3 - 5 |

### **Part 1 - Items for Decision**

- |    |   |          |
|----|---|----------|
| 5. | Phase 6a/7 Thoresby Vale, Development, Former Thoresby Colliery, Ollerton Road, Edwinstowe, NG21 9PS - 24/00289/OUTM (MAJOR AND EIA DEVELOPMENT) – Site Visit: 10.30 am | 6 - 46   |
| 6. | Land Off St Michaels Close, Halam - 25/01319/PIP – Site Visit: 11.20 am   | 47 - 61  |
| 7. | Land At Willoughby Farm, Carlton Lane, Norwell - 25/00107/FUL – Site Visit: 11.45 am  | 62 - 90  |
| 8. | Tambo Lounge, The Buttermarket, 27 Middle Gate, Newark On Trent, NG24 1AL - 25/01173/LBC  | 91 - 103 |

### **Part 2 - Items for Information**

- |     |                    |           |
|-----|--------------------|-----------|
| 9.  | Appeals Lodged     | 104 - 106 |
| 10. | Appeals Determined | 107 - 108 |

### **Part 3 - Statistical and Performance Review Items - There are none.**

### **Part 4 - Exempt and Confidential Items**

- |     |   |           |
|-----|---|-----------|
| 11. | Exclusion of the Press and Public<br><br>To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act. |           |
| 12. | Land North of Main Road, Kelham, Nottinghamshire, NG23 5QY - 23/01837/FULM  | 109 - 111 |

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, 4 September 2025 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)  
Councillor D Moore (Vice-Chair)

Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor K Melton, Councillor P Rainbow, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

ALSO IN ATTENDANCE: Councillor N Allen and Councillor R Jackson

APOLOGIES FOR ABSENCE: Councillor S Saddington and Councillor T Smith

### 42 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.

### 43 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

### 44 MINUTES OF THE MEETING HELD ON 7 AUGUST 2025

AGREED that the minutes from the meeting held on 7 August 2025 were agreed as a correct record and signed by the Chair.

### 45 LAND AT GODFREY DRIVE, WINTHORPE - 23/02281/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought 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.

Members visited the site in December 2024 in advance of the Committee determining Phase 1 at Overfield Park (ref 23/01283/OUTM).

Mr R Jays, 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 considered the application and felt that there was no objection in principle with the proposal. Members discussed the impact of employment proposals cumulatively in the A17 corridor and the complexity of the highway network. The potential A46 road improvements being considered by government was also discussed alongside the setting of Winthorpe Conservation Area. Members raised the importance of considering landscaping, boundary treatments, highway issues, noise and lighting in this location. The Parish Council had raised concern regarding pedestrian access across the A46 and how the footway would be constructed. A Member also raised concern that the active travel arrangements was not clear whether the footpath and cycle way would be accessible without going on the road, and assurance was requested that cycle and pathways would be available to this site. Renewable energy was suggested using wind power or solar panels on the roofs. Bus links were also encouraged as there would be a demand for this service from the two train stations. Members recognised that the technical details would be resolved at reserved matters stage.

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

46 LAND AT FERNWOOD SOUTH, CLAYPOLE LANE, FERNWOOD - 24/01672/RMAM

The Committee considered the report of the Business Manager – Planning Development, which sought a reserved matters application relating to appearance, landscaping, layout and scale for 430 dwellings with associated wider infrastructure including SUDs, public open space including play area, sports pitches with changing facilities and allotments, in relation to Phase 1a of outline permission 16/00506/OUTM.

Councillor N Mison, Fernwood Parish Council, spoke against the application.

Mr R Steel, the applicant, spoke in support of the application.

Councillor N Allen, Local Ward Member, spoke against the application.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development. The context of the section 106 agreed at outline was discussed in detail, including the basis for the affordable housing contribution.

Members considered the application and some were concerned regarding the sports fields, pavilion and allotments being in flood zone 3A, whilst other Members considered that acceptable as the land could not be used for housing. It was suggested that the pavilion could be built on stilts to prevent damage in the event of flooding. The inclusion of cycle ways was also considered important. Concerns were raised about the proposed mix of housing and the lack of bungalows, although it was recognised that this part of the wider masterplan would be denser with the opportunity for bungalows in later phases. One Member felt that the proposed house designs were poor and unacceptable, another Member commented that design was a personal thing and building companies had a difficult task predicting housing prices.

AGREED (with 5 votes For, 5 votes Against and 1 Abstention, the Chair used his casting vote in support of the application) that Planning Permission be approved subject to the conditions contained in the report.

Councillor M Shakeshaft left the meeting at this point.

47 WEST VIEW FARM HOUSE, COLLINGHAM ROAD, BESTHORPE, NEWARK ON TRENT, NG23 7HP - 25/00707/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the removal of a portal frame building and demolition of a brick barn and the extension to a barn conversion and three new dwellings.

A site visit had taken place previously for the reason that there were particular site factors which were 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.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable. A Member encouraged the use of solar panels on the buildings and a discussion was had on the challenge of incorporating environmental features in the historic environment. Members highlighted the positive aspects of retaining historic buildings and that there did not appear to be any merit in the barns to be removed.

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

48 APPEALS LODGED

AGREED that the report be noted.

49 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.36 pm.

Chair



Report to Planning Committee 02<sup>nd</sup> October 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White – Senior Planning Development Officer

Report Summary			
Application No.	24/00289/OUTM (MAJOR AND EIA DEVELOPMENT)		
Proposal	Outline application for the erection of up to 190 dwellings, including public open space, landscaping, drainage and associated infrastructure with all matters reserved except access		
Location	Phase 6a/7 Thoresby Vale, Development, Former Thoresby Colliery, Ollerton Road, Edwinstowe, NG21 9PS		
Applicant	Harworth Estates Mines Property Ltd	Agent	Pegasus Group
Web Link	<a href="https://newark-sherwooddc.gov.uk/24/00289/OUTM">24/00289/OUTM   Outline application for the erection of up to 190 dwellings, including public open space, landscaping, drainage and associated infrastructure with all matters reserved except access   Phase 6a/7 Thoresby Vale Development Former Thoresby Colliery Ollerton Road Edwinstowe NG21 9PS (newark-sherwooddc.gov.uk)</a>		
Registered	12.02.2024	Target Date	03.06.2024 EOT agreed
Recommendation	Grant Planning Permission subject to conditions and legal agreement		

**Under the Council's Constitution, this application needs to be determined by the Planning Committee as it is accompanied by an Environmental Impact Assessment.**

## 1.0 The Site

- 1.1 Thoresby Colliery closed in July 2015 and the wider site extends to approximately 150.3ha, comprising the former pit yard area, spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south. The colliery site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road. The site has a strategic allocation for a mixed use development under Policy ShAP4 of the Amended Core Strategy.
- 1.2 This application site forms a part of the existing mixed use development site that was granted outline consent for housing and employment uses in 2019. Comprising 8.41ha of land, this application involves land to the north and east of the retained welder

workshop but no additional land take than was previously approved to be developed.

- 1.3 The topography of the land is gently undulating rising towards the north with a fall in levels towards the east.

**Extract from masterplan – application site shown in orange colour**



- 1.4 Land immediately to the south forms Phase 6B & 6C (a residential phase with an application lodged but not yet determined) and the employment phase, which is to come forward last.
- 1.5 To the north and east of the wider site is the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park associated with the original redevelopment lies to the north. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (pSPA).
- 1.6 The site lies within the parish of Edwinstowe and within the Edwinstowe and Clipstone Ward.
- 1.7 The site is within flood zone 1 (low risk) according to the Environment Agency maps.

## **2.0 Relevant Planning History**

- 2.1 **16/02173/OUTM** – Outline planning permission for a residential development up to 800 dwellings, a strategic employment site comprising up to 4,855 sqm class B1a, up to 13,760 sqm class B1c, and up to 13,760 sqm class B2, a new country park, a local centre, containing a mix of leisure, commercial, employment, community, retail, health, and residential uses, a primary school, open space and green infrastructure

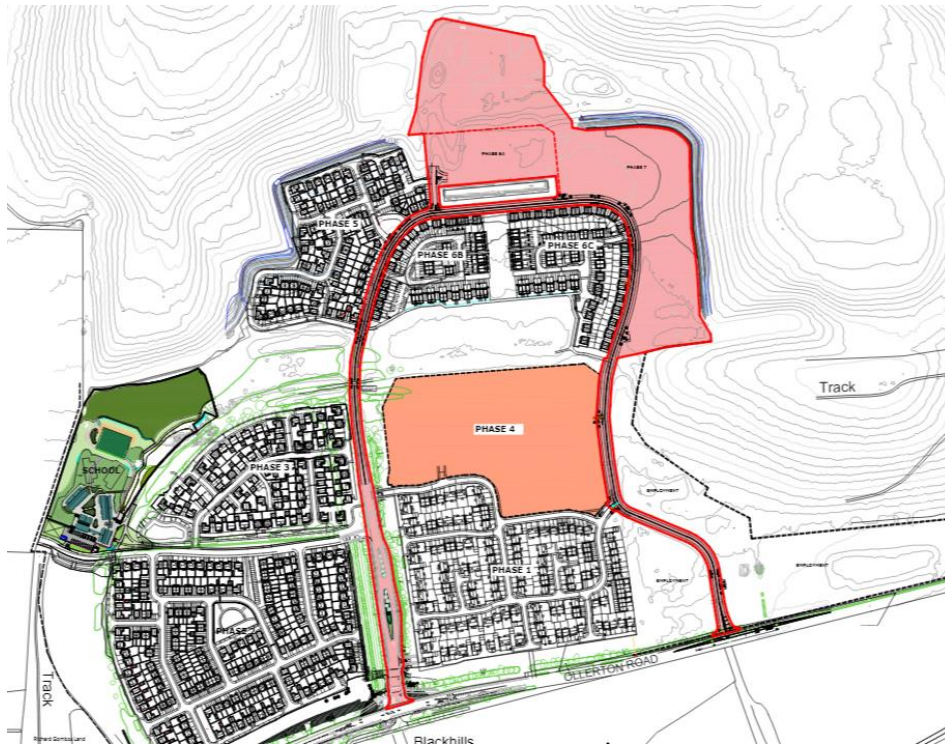
together with associated access works including the details of the primary access junctions into the site from Ollerton Road. Approved March 2019 subject to 51 conditions and a S106 Planning Agreement which secured a range of developer contributions.

- Affordable Housing of 7.5% of total number of dwellings
- Primary Education contribution, 1.3ha of land and £3,600,000 for new school
- Healthcare contribution of £786,096
- Sports Pitch contribution £590,176
- Ollerton Roundabout contribution of £1,198,000
- Library contribution of £35,130
- Community Facility contribution of £607,256
- Open Space of 11.89 ha of land comprising;
  - Sustainable urban drainage;
  - Multi-use games area;
  - Public open space;
  - Children's and young people's space comprising 2 x locally equipped area for play and 1 x neighbourhood play area;
- Maintenance of the open space/country park and monies to do so.
- Review of viability prior to occupation of 400<sup>th</sup> dwelling (now underway)

- 2.2 **19/00674/RMAM** – Reserved Matters for the 'enabling infrastructure phase' of the comprehensive development. The approved works included the provision of a new ghost island at the junction of the existing colliery access with Ollerton Road, a new main spine road to serve the first two phases of the residential development which utilises the existing colliery access drive together with its associated highway drainage, surface water and foul infrastructure drainage systems, landscaping and earthworks. It also included the approval of an air quality assessment which covered the whole of the site and all phases of development. This was granted in July 2019 under delegated powers.
- 2.3 **19/01016/RMAM** - Reserved matters application for Phase 1 (Harron Homes Ltd) residential development comprising 143 dwellings with access gained from the primary, central spine road. This was approved 4<sup>th</sup> December 2019. Development is well advanced on site.
- 2.4 **19/01865/RMAM** –Reserved Matters for Phase 2 (Barratt Homes), submission for 219 dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure was approved by Planning Committee in June 2020. Development has commenced on site and is well advanced.
- 2.5 **20/02488/RMAM** – Phase 3 to 9 enabling works and discharge of conditions of 16/02173/OUTM, approved 22.03.2021.
- 2.6 **22/01922/RMAM** Phase 3 - Application for the approval of reserved matters Phase 3; 74 No. dwellings (internal access, landscaping, layout, scale, appearance) pursuant to outline planning permission 16/02173/OUTM, approved 17.04.2025.



- 2.7 **22/01934/RMAM** Phase 5 – Application for the approval of reserved matters - Phase 5 Barratt Homes 96 No. dwellings (internal access, landscaping, layout, scale, appearance) pursuant to outline planning permission 16/02173/OUTM. Approved 27.02.2024.
- 2.8 **22/02228/RMAM** - Phase 6 - Application for Approval of Reserved Matters (Internal Access, Layout, Scale, Appearance and Landscaping) pursuant to phase 6 (residential development of 116 dwellings) of Outline Application Ref. 16/02173/OUTM and associated discharge of conditions (condition numbers: 4, 7, 11, 12, 14, 16, 17, 19, 22, 26, 31 and 32). **Pending consideration.**
- 2.9 **23/01644/RMA** - Reserved Matters Submission (layout, scale, appearance, access and landscaping) for the construction of a Neighbourhood Equipped Area for Play 1 (NEAP) and for the Multi Use Games Area (MUGA). Approved 20.12.2023. This is located adjacent/south of the approved primary school. Approved 20.12.2023.
- 2.10 **23/01645/RMA** - Reserved Matters Submission (layout, scale, appearance, access and landscaping) for the construction of a Local Equipped Area for Play 2 (LEAP). Approved 29.11.2023. This particular parcel of land is located to the western part of the wider site between the approved primary school/phase 3 and phase 5. Approved 29.11.2023.
- 2.11 **23/02156/RMAM** - Application for Approval of Reserved Matters (Internal Access, Layout, Scale, Appearance and Landscaping) for Phase 4 (residential development of 114no. dwellings) including associated discharge of conditions 4, 6, 7, 14, 17, 19, 26, 32 pursuant to Outline Application reference 16/02173/OUTM. Approved 06.09.2024.
- 2.12 **PREAPM/00222/23** – Sought pre-application advice prior to submission of Outline planning application for the development of up to 205 dwellings, together with associated open space, including childrens play, landscaping and drainage infrastructure (all matters reserved except access). Advice offered October 2023.
- 2.13 **25/01452/NMA** - Application for a Non-Material Amendment to amend the description attached to PP 16/02173/OUTM Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road. **Pending consideration.**
- 3.0 **The Proposal**
- 3.1 Outline consent is sought for an additional 190 dwellings at Thoresby Colliery. All matters as reserved except for the means of access which would be taken from Ollerton Road via two existing junctions.



- 3.2 The proposal does not involve any additional land than hasn't already been consented for development; it is within the envelope of the previous mixed use consent on a parcel of land now known as Phases 6a and 7.
- 3.3 The proposal includes public open space and associated infrastructure. The masterplan indicates the provision of a Local Area of Play (LAP) and a Locally Equipped Area for Play (LEAP), pedestrian linkages from the north of the site to the adjacent country park and a vehicular link at the south to the country park.
- 3.4 A viability assessment has been presented with the application that appraises the affordability of the scheme to deliver the policy expectations with regards to infrastructure requirements/developer contributions.

#### The Submission

- Covering letter from Pegasus Group, 07.02.2024, updated 19.07.2024
- Location Plan, drawing no. 2245 101 Rev C
- Site Wide Masterplan, drawing no. 2245 200 Rev E
- A6075 Ollerton Road/Western Site Access Junction, ADC1343/001 Rev B
- A6075 Ollerton Road/Eastern Site Access Junction, ADC1343/002 Rev A
- Arboricultural Report & Impact Assessment, AWA Tree Consultants, January 2024
- Design and Access Statement, Issue 3. June 2024
- Economic Benefits Statement, Pegasus Group, December 2023
- Environmental Plan, CR Reynolds
- Ecological Air Quality Assessment by Redmore Environmental
- Habitat Regulation Assessment by HES Ltd
- Heritage Assessment, Prospect Archaeology, November 2023
- Landscape and Play Strategy, Rev E, Studiod 413 Landscape Architecture
- Landscape and Visual Report, Pegasus Group, December 2023

- Visitor Management Strategy by AES Ltd
- Planning Obligations Pro-forma Statement
- Planning Statement, Pegasus Group
- Retained Building and Public Realm Concept, Studio 413 Landscape and Architecture
- Technical Note (Ground Conditions) RSK, October 2023
- Transport Assessment, ADC Infrastructure, January 2024
- Drainage Strategy (calculations x 3)
- Phase 6a Drainage Strategy, drawing no. 23441-DR-C-0100 Revision P1
- Phase 7 Drainage Strategy, drawing no. 23441-DR-C-0101 Rev P1
- Flood Risk Assessment, DART Engineers Ltd, November 2023
- Viability Assessment
- Environmental Statement, AES Ltd
- Validation checklist

#### **4.0 Departure/Public Advertisement Procedure**

- 4.1 Occupiers of 40 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 11.03.2024 and 18.09.2024.

#### **5.0 Planning Policy Framework**

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 5 – Delivering the Strategy
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- 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
- ShAP4 – Land at Thoresby Colliery

##### **5.2. 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  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 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. 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**

- 5.5.
- National Planning Policy Framework 2024
  - Planning Practice Guidance (online resource)
  - National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
  - Residential Cycle and Car Parking Standards & Design Guide SPD June 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. **National Highways** - Due to the distance from our network the traffic impacts upon this development will not be material to the strategic road network. Therefore National Highways has no comments to make and offers no objection.
- 6.3. **Nottinghamshire County Council (Highways)** – (07.04.2025) No objection subject to the inclusion of conditions and signed deed of variation – The technical issues raised have been addressed and resolved and the proposed development will not have a severe impact on the highway network. These assessments are based on the traffic assignment and distribution used in the outline application which was agreed as the likely scenario subject to improvements having been made to the A614/Ollerton Road roundabout. The access assessments were reliant on the Eastern access (referred to as the Employment access) to the development being available for public use. Whilst this as has been constructed it has not yet been made available for public use and it is unclear if the internal spine road has been provide, but these are necessary to make the development acceptable. Had these additional 190 dwellings formed part of the original outline consent the size of the contribution would have been larger. This additional development should be subject to its own obligation, and advise the LPA considers this. The contribution for school transport, has highway safety implications.

(09.08.24) Object - Response to 31.05.2024 submission –satisfactory response to all queries except the junction of the A6075/B3034 Ollerton Road/High Street/Church Street. They need a drawing showing geometry which has been input in model, they also have ongoing concerns over traffic count used for assessments.

Previous holding objections 15.03.2024

- 6.4. **NCC Lead Local Flood Authority** – (18.03.2024) No objections subject to imposition of condition to deal with surface water drainage.
- 6.5. **Natural England** – (21.01.2025) recommends a risk based approach is taken due to the possibility of a protected area (Special Protection Area) for nightjar and woodlark in Sherwood and Rufford Energy Recovery Facility planning case law. The potential impacts on the Birklands and Bilhaugh Special Area of Conservation (SAC) which remains a concern.
- 6.6. (14.08.2024) need more info to determine impacts on designated sites.

Previous comments 22.03.2024

- 6.7. **Environment Agency** – (17.04.2024) Historic uses present risk or potential for contamination that could be mobilised during construction to pollute controlled waters in this location sensitive due to being a Principle aquifer within Source Protection Zone 3 and directly over the Chester Formation, the bedrock geology. Due to the nature and scale of the development, there needs to be an updated conceptual model of the proposed site with respect to Phases 6a and 7 to ensure all risk with respect to controlled waters have been considered. It is not clear what site investigations or which remediation strategies and verification of remediation have been carried out at this phase of 6a and 7 with respect to controlled waters. Conditions are therefore recommended in order to deal with this risk, without which the EA would object.
- 6.8. **Historic England** – Do not wish to offer advice
- 6.9. **Active Travel England** – Below threshold for bespoke comments

#### **Town/Parish Council**

- 6.10. **Edwinstowe Parish Council** – Support the Scheme
- 6.11. **Ollerton Town Council** – Support, subject to highways

#### **Representations/Non-Statutory Consultation**

- 6.11 **Historic Environment Officer** – Earlier phases underwent archaeological evaluation in 2018 and the result showed no significant remains were present. The submitted assessment concludes a low potential for surviving archaeological remains given the former colliery use and this is considered to be a sound assessment and conclusion. No further input is required.
- 6.12 **NHS Nottingham and Nottinghamshire** – Comment that all practices in the area are working at capacity and to make the scheme acceptable the infrastructure would need to be developed to accommodate the increased population. Request a developer contribution of £982 per dwelling x 190 = £186,580.

### 6.13 NCC Policy – summary of comments as follows:

No objections from minerals perspective.

Development should be designed and constructed to minimise the creation of waste, maximise the use of recycled materials. The proposal is likely to generate significant volumes of waste through the development of operational phases and it would be useful for the application to be accompanied by a waste audit, see guidance within para.049 of the PPG.

Bus Service Support – NCC Highway Design Guide sets out bus stops should be within a maximum walking distance of 400m (further in rural areas). Phases 6a & 7 are situated approximately 800m from existing bus stops provided by Stagecoach East Midlands where there are daily services every 30 minutes to Ollerton and Mansfield as well as services to Worksop, Retford and Nottingham and Warsop. These services could be extended to serve the development and provide an improved frequency to support a vibrant and sustainable community including access to key services. **A bus service contribution of £300k is sought to provide improvements to the local bus services in the area** based on a methodology they have set out. Payment trigger request at 50% of the total upon completion of 25% of the dwellings, 50% of total upon completion of 75% of dwellings. Additional justification for this request was provided 01.08.2024.

Bus Stop Infrastructure – submitted drawings indicate details for potential bus stop locations and a bus loop with 2 bus stop pairs on the plan servicing the application site. **A planning condition is requested to specify and secure the infrastructure.**

School Transport - The closest secondary provision is The Dukeries Academy, New Ollerton and students at Edwinstowe attending Dukeries Academy are entitled to free home to school transport on safety grounds. The proposed improvements at the A614 Ollerton roundabout could re-designate the route as an available walking route to Dukeries Academy. The secondary pupil yield from the development is 31 pupils. Additional home to school transport capacity will be required. Developer contributions for the extant Outline permission have been paid towards the A614 Ollerton roundabout improvements. This will include safe crossing facilities. Therefore, on completion of the works the walking route may be classified as a designated route.

**If the walking route to Dukeries Academy is not classified as a designated safe route at the time the planning application is determined, then a Bus Service contribution of £131,250 is requested to provide school transport to serve the site.** This is composed of an annual school transport cost per pupil of £625 on the assumption that the walking route to the closest secondary school provision isn't a designated safe walking route. The level of funding requested would support provision of a school bus for up to 7 years. Payment trigger request at 50% of the total upon completion of 25% of the dwellings, 50% of total upon completion of 75% of dwellings.

Additional justification for this request was submitted 01.08.2024. Including an agreement that the contribution requested to provide school transport to serve the site would be secured conditionally, subject to the following criteria being met:

- 1.Submission of walk isochrone plans by the applicant upon submission of the reserved matters application demonstrating that the site falls within the statutory Home to School walk distance criteria, in whole or in part.
2. the walking route to the Dukeries Academy being designated by the County Council as a safe walking and available route prior to occupation of the first dwelling within the site.

Sustainable Travel – Transport & Travel Services request that any development of over 50 dwellings includes a scheme of free introductory bus passes to be made available to residents upon occupation of the development, to encourage usage of public transport, which should also be set out in the Travel Plan. A condition is requested to secure this.

Primary Education - The proposal for an additional 190 dwellings would increase the overall number of units on the site of the former Thoresby Colliery to 990 (800 + 190), taking account of the existing outline permission (16/02173/OUTM). Based on the pupil yield formula in the Council's Developer Contributions Strategy, the development of 990 dwellings would yield 208 primary aged pupils. The S106 Agreement pursuant to the existing permission requires the developer to deliver a one form entry (210 place) primary school within the site and planning permission for the school has been granted (22/01846/RMAM). On this basis, there would be sufficient school places within the new school to accommodate the additional 190 dwellings and no contribution is sought.

Secondary Education – additional demand would need to be funded through an appropriate CIL funded project.

Special Educational Needs and Disabilities (SEND) – this development would yield one pupil requiring a place in a non-mainstream setting and there is currently a shortage of places with forecast showing this will continue. **A contribution towards 1 place at £95,050 is requested towards expanding special school facilities or to fund specialist provision attached to a mainstream school.**

Transport Strategy - The existing S106 agreement pursuant to the outline planning permission for Thoresby Vale includes a financial contribution towards the cost of the Ollerton Roundabout Improvement Scheme, relative to the additional traffic that the development would generate. The present planning application seeks to increase the quantity of development and therefore the County Council **seek a further contribution relative to the impact of the additional 190 dwellings**. At the time that the original outline permission was granted, it was determined that the percentage increase in the total peak hour traffic flows at the Ollerton Roundabout associated with the proposed development would be 15%. The increase in trips was expected to be generated approximately evenly between the residential and employment development. Using the latest estimated cost of the improvement scheme, the present requirement for the entire development would be £2,850,637.50 (i.e., 15%

of the estimated cost), of which half would be attributable to the residential development, equating to £1,425,318.75. When divided by the total number of dwellings permitted (800), the cost per dwelling would be £1,781.65. This proposal seeks to increase the number of dwellings by 190 and therefore the pro-rata requirement for this additional development would be £1,781.65 x 190 = **£338,513.50.**

Whilst planning permission for the proposed Ollerton Roundabout improvement scheme was granted in September 2022, the full business case remains to be approved by the DfT. The existing commitment of £1.313 million (index linked) from the developer only relates to the impact of the existing outline planning permission for 800 dwellings and a Strategic Employment Site. The present application proposes to increase the number of dwellings by 190 and therefore will have an increased impact upon Ollerton Roundabout. The scale of the contribution sought by the County Council is relative to the level of additional traffic that will be generated by Phase 6a/7 as set out in its response dated 26th March 2024. Had these additional 190 dwellings formed part of the original outline consent, the size of the existing contribution would have been larger to reflect the larger scale of impact. It therefore follows that any additional development is subject to its own obligation.

- 6.14 NSDC Environmental Health** – (08.03.2024) Reviewed report by CR Reynolds Environment Plan which is generally satisfactory and should be complied with throughout the development. However the plan indicates working hours of 07:00-18:00. This department would consider hours of 07:30-18:00 Monday to Friday and 08:00-13:00 Saturday with no works on Sunday or Bank Holidays to be acceptable.

(27.03.2024) An Air Quality Assessment report has been submitted by Redmore Environmental (ref: 1459-17, dated 21st March 24) in support of the above application.

During the construction phase, the air quality impacts from dust generated by earthworks, construction and trackout have been assessed and are considered to be not significant, providing mitigation measures are employed and incorporated into a CEMP for the development which should be controlled by condition.

During operational phase, the impact on local air quality has been assessed and is considered to be not significant, given monitored and modelled NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels with and without the development.

- 6.14 Nottinghamshire Wildlife Trust** – (13.08.2024) Make comments on impacts on SSSI and ppSPA.

Concern that Visitor Management Strategy includes new routes that join with existing public rights of way, increasing their use by residents and that it hasn't been given due consideration in terms of recreational pressure on the ppSPA.

Data used to assess impacts on Nightjar is now 8 years old and that more recent data should be used in the HRA. RSPB should be contacted to discuss more recent survey data.



**6.15 Royal Society for the Protection of Birds (RSPB) – (17.01.2025)**

(07.08.2024) Concerns regarding visitor pressure on the Birklands and Bilaugh Special Conservation Area. Disagree with the assessment that the development would have no significant impacts on the SAC and Visitor Management Plan needs to acknowledge and mitigate this. Data for nightjar is out of date. Express keenness to work together to discuss the HRA and VMS which hasn't happened.

Previous comment made 22.03.2024.

**6.16 NSDC Strategic Housing** – Offer comments on affordable housing provision; in summary; if policy 30% compliant scheme = 57 home, or if follows agreement for other phases 15 homes (7.47%). Preferred tenure split is 60% social/affordable rent and 40% intermediate housing, 25% of overall affordable housing should be First Homes Product with the remaining 15% of intermediate to be shared ownership product to reflect local affordability issues.

**6.17 Nottinghamshire Police**– provide general observations on Secure By Design principles

**6.18** Representations from 8 third parties/local residents have been received raising concerns which can be summarised as follows:

- Existing infrastructure such as schools, doctors, road (capacity), drainage and car parks already and this will add increased pressure.
- The infrastructure isn't there to support the housing – these should be the priority not more housing
- Strongly against any more building as Edwinstowe is becoming over populated compared to amenities
- Impact on Sherwood Forest with extra people walking up there

**7.0 Comments of the Business Manager – Planning Development**

**Preliminary Matters**

7.1. The application has been accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of the assessment considers cumulative impacts from the development alongside the existing approved development.

7.2. A Habitat Regulation Assessment under the Conservation Habitats and Species Regulations 2017 is also required for this project.

**Introduction**

7.3. The key issues are considered to be as follows which will be discussed in turn;

- The Principle of additional residential development & densities
- Housing Need, Type and Mix (including affordables)
- Highway Impacts
- Ecological Impacts
- Environmental Impacts (Air Quality etc)
- Infrastructure Impacts and Viability

7.4. 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.

#### The Principle of additional residential development & densities

- 7.5. The application site is a strategic allocation that benefits from Policy ShAP4 in the Amended Core Strategy. This identifies the principle of residential development on the site as being acceptable albeit this proposal would take the quantum above the 800 units envisaged. However it is noted that this was not a ceiling figure.
- 7.6. It is a useful starting point to consider the status of the approved redevelopment of the former colliery in terms of residential numbers, bearing in mind the 800 dwellings granted by the outline consent.

<b>7.7.</b>	<b>Phase</b>	<b>No. of Dwellings</b>	<b>Planning Status</b>
1		143	RM approved, under construction
2		219	RM approved, under construction
3		74*	RM approved, not yet commenced
4		114	RM approved, under construction
5		96	RM approved, under construction
6b & c		150*	RM submitted, pending consideration
<b>Total</b>		<b>796</b>	

\*number of units currently shown within current description for development.

- 7.8. Based on the approved masterplan, this leaves Phase 6a and 7 (the subject of this application) to take the remaining 38 dwellings. It would be possible to mothball and landscape the land subject of this application if permission was not forthcoming. However, in approving reserved matters applications on other phases, there has been an awareness that there could be some surplus land left over even with the densities that have come forward which have been relatively low. Phases 1 and 2 have

been in the region of 24dph and 26.7dph respectively. Phase 3 as advanced is for around 22.4dph, Phase 3 is 39dph and Phase 6b&C is 45dph – all of which are within an acceptable range of densities and would appear appropriate, taking into account context and site circumstance.

- 7.9. The masterplan shows around 3.7 HA of phases 6a and 7 would be developed for housing which would give a density of around 50dph. This would be in line with Core Policy 3 which sets average densities to between 30-50 dwellings per hectare, albeit ShAP4 does seek to strike an appropriate balance between efficient use of land and the green infrastructure and nature conservation requirements of the site.
- 7.10. Based on the above, officers are satisfied that the site (approved and proposed) do not appear over developed and that the land subject of the strategic allocation can accommodate more than the 800 approved units. The additional dwellings would make efficient use of land in a sustainable location, on brownfield land which would help deliver local housing targets and, in turn, contribute to the government objectives of delivering 1.5 million homes this parliament. The principle is therefore acceptable subject to site specific impacts.
- 7.11. Given the existing site and planning policy context this appraisal is focussed on matters that have the potential to be materially impacted upon over the development approved under the 2016 outline consent.

#### Housing Mix, Type and Need

- 7.12. Core Policy 1 (Housing Mix Type and Density) sets out that the district council will seek to secure new housing development which adequately addresses the housing need of the District, namely family sized housing, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that we will seek to secure an appropriate mix of housing to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.
- 7.13. The district wide housing need survey from 2020 by arc4 has identified the housing needs in the Sherwood Sub Area as follows:

House Type	Housing Need in Sherwood Sub Area
4 or more bedroom dwellings	35.8%
3 bedroom dwellings	20.2%
1 to 2 bedroom dwellings	15.5%
3 or more bedroom bungalows	12.9%
2 or more bedroom bungalows	14.4%
2 or more bedroom flats	1.2%
Total	100%

- 7.14. Officers have requested that the viability submission is based on a policy compliant mix with the expectation that the scheme that comes forward complies with the mix identified as being most needed locally. If basing the viability on floorspace, it would

be expected that the floorspace utilised would at least meet the minimum nationally described space standards for housing, published in the technical guidance from 2015.

- 7.15. Officers are aware of a High Court case (from 2017 -after outline permission was granted for Thoresby) between CPRE Warwickshire and Coventry City Council, which considers mix requirements in a Reserved Matters context. This case appears to have been settled on account of other similar cases that set out that mix does not fall within the scope of a Reserved Matters application where there is no condition attached to the Outline consent to prescribe that mix. On that basis, it is considered necessary to control that the market housing mix that comes forward demonstrates compliance with local needs and this should be secured by an appropriate condition.
- 7.16. The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based the application proposal of 190 dwellings, this would amount to a requirement for 57 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.
- 7.17. The Applicant has demonstrated through an independently reviewed viability assessment that the scheme is unviable. However, the Applicant has agreed to deliver 7.47% affordable housing provision or 15 homes within the additionality of the maximum 190 homes proposed. This aligns with the affordable housing provision across the wider site, approved under the 2016 outline application. The tenure would be as requested by the Strategic Housing Officer: 60% social/affordable rent and 40% intermediate housing, and 25% of overall affordable housing be First Homes Product with the remaining 15% of intermediate to be shared ownership product to reflect local affordability issues.
- 7.18. On balance 7.47% affordable housing provision is considered to be acceptable in this case and would be secured via a legal agreement.

#### Highway Impacts

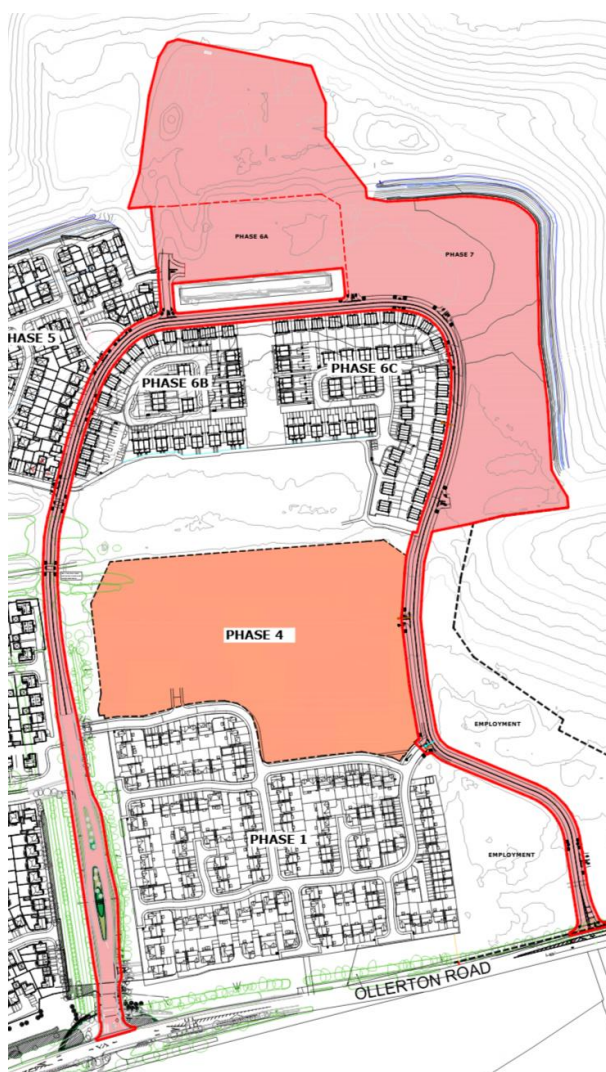
- 7.19. Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all, and be appropriate for the highway network in terms of volume and nature of traffic generated. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.20. The impact of the proposal on the highway network given the scale and nature of the development is material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies. Policy ShA4P of the Publication Amended Core Strategy states that development should have a provision to minimise the impact on the existing transport network.
- 7.21. Baseline traffic flows have been identified together with proposed traffic generation for the proposed additional, up to 190, houses. The applicants have provided a

Transport Assessment submitted in February 2014. A further addendum was submitted in March 2024, followed by additional technical information over the subsequent months which sought to address the LHA concerns. The details and conclusions of which are discussed further below.

- 7.22. It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. It is not for a development to fix existing infrastructure issues albeit it is incumbent upon the LPA, in conjunction with the highway authority, to ensure that any existing deficiencies are not unacceptably worsened. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).
- 7.23. The application site forms part of the wider Thorseby Vale site which was granted planning permission for extensive development including up to 800 new houses which, comprises several phases to be delivered over a circa 10 year period. The scheme is for up to an additional 190 houses on areas identified for residential development within the original masterplan. In practice, due to the recent reduction in housing numbers within Phase 6 from 150 to 116, the site is more likely to deliver around 156 houses.
- 7.24. A scheme at the Ollerton roundabout junction to relieve congestion was approved in 2022. Funding for the project, via the Department for Transport, was confirmed on the 18<sup>th</sup> September 2025. It would significantly increase the size and capacity of the junction. The Applicant has already contributed 1.313 million (indexed linked) to the County Council towards the improvements to the Ollerton roundabout which, at the time was a significant proportion of the estimated £7.4 million cost. It is noted that the cost of the junction improvements has increased since this date to almost £20 million.
- 7.25. The LHA advises the proposed 190 dwellings could be constructed additional to the 608 dwellings under the 2016 planning permission currently allowed prior to the roundabout improvements being made, leading to traffic impacts which would likely be severe in this location. As a result they request a deed of variation to the S106 attached to the 2016 outline application to ensure no more than 608 dwellings could be constructed between the two outline applications prior to the roundabout improvements being made. Since this advice was provided the DFT funding announcement for the Ollerton roundabout junction improvements was announced, which adds greater certainty to the projects completion.
- 7.26. A Transport Assessment has been submitted in support of the application. It includes a qualitative assessment of the impact of the proposed Phase 6a/7 development at the Ollerton roundabout which, concludes that the additional traffic at the Ollerton roundabout would not materially affect the operation of the significantly approved junction.
- 7.27. Great emphasis is placed on the fact the junction modelling results for the two A6075 Ollerton Road/site access junctions would operate acceptably and with spare capacity in 2029 with the proposed Phase 6a/7 development in place. Also, the capacity

assessment results that the offsite study area junction show there would not be a severe impact due to the proposed development. The Local Highway Authority have reached the same conclusion.

- 7.28. The application is supported by an Environment Plan (EP) which deals with traffic during the construction phases of development. The Districts Environmental Health Officer advises the EP is generally satisfactory and should be complied with throughout the development. It is recommended that this is secured via a condition.
- 7.29. The site would be accessed off Ollerton Road to the south utilising the approved access point onto the spine road through the site and the access to the east, identified as serving the employment uses within the site, being made publically available. As shown on the drawing exert below. While this access road has been constructed, it has not yet been made available for public access and it is unclear if the spine road connects to the site. These access roads are necessary to make the scheme acceptable. Therefore, subject to their provision it has been demonstrated that a safe and suitable access can be achieved for all users.



- 7.30. The application is supported by an Environment Plan (EP) which deals with traffic during the construction phases of development. The District's Environmental Health

Officer advises the EP is generally satisfactory and should be complied with throughout the development. It is recommended that this is secured via a condition.

- 7.31. The proposal would provide opportunities for travel by sustainable transport modes. There are amenities including a primary school, local centre and a new country park within walking and cycling distance of the site. Bus travel is accommodated via bus stops on the A6075 Ollerton Road with further bus services located within Edwinstowe and Ollerton, within walking and cycling distance. The Thoresby Vale site has already committed to the provision of pedestrian and cycle connections to the existing public rights of way surrounding the site. As well as high quality, accessible, pedestrian and cycle infrastructure throughout the site. Layout is a reserved matter nonetheless the submission indicates a commitment to providing footways throughout the development.
- 7.32. It is intended to add the site into the overall travel plan for the rest of the Thoresby Vale site, this would be secured via a condition. It would not be possible to secure a S106 contribution for monitoring however, the additional dwellings proposed would be included as an amendment to the travel plan for the wider site rather than a new stand alone travel plan.
- 7.33. It is considered therefore that the scheme accords with Core Policy 7 of the Newark and Sherwood Core Strategy, and DM5 of the Allocations and Development Management DPD. It is recommended that conditions are included to cover highways matters in line with the advice provided by the Local Highway Authority. Planning obligations requested are covered in the 'Infrastructure Impacts and Viability' below.

#### Ecological Impacts

- 7.34. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, promotes the appropriate management of features of major importance for wild flower and fauna, provides suitable SANGs to reduce visitor pressure on the Districts ecological, biological and geological assets (particularly for 5kms around the Birklands and Bilhaugh SAC) and which supports the development of green infrastructure.
- 7.35. This aim of this is reflected in Core Policy 12 of the Amended Core Strategy. Policy DM7 of the DPD also seeks to protect, promote and enhance green infrastructure in line Core Policy 12 whilst policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.
- 7.36. Furthermore Policy ShAP3 – Land at Thoresby Colliery of the amended Core Strategy requires that the nature of conservation aspects must be addressed given the sites location close to designated conservation sites and that development should not put additional strain on the SAC or NNR. The provision of SANGS will also be required to serve day to day recreation needs.
- 7.37. 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.

- 7.38. As the proposed increases the number of houses within the residential built development areas that have the benefit of planning consent it is possible that the ecological impacts associated with the proposed increased housing density will be the same as those identified for the consented scale of development. However, as this is a new application, the application is supported by an Environmental Statement (ES). The Districts Biodiversity and Ecology Lead Officer advises they consider Chapter 7 of the ES has been prepared using appropriate assessment methodologies. This has been informed by appropriate desk studies and field surveys undertaken by competent professional ecologists.
- 7.39. There are differences in opinion between Natural England and the Districts Biodiversity and Ecology Lead Officer relating to potential impacts on the Birklands and Bilhaugh Special Area of Conservation (SAC). It remains a concern for Natural England and the RSPB who have provided comments on the application. This specifically relates to the Habitats Regulations Assessment submitted.
- 7.40. Consent has been granted for 800 dwellings for the Thoresby Vale phased development. As development of the phases have progressed through the reserved matters process approved designs have enabled more efficient use of the land resulting in the ability to provide an additional 190 dwellings. Importantly, these would be provided within Phase 6a and 7, so the current application does not involve expansion outside of the areas already consented for housing, and the residential built development area would be the same as the consented masterplan.
- 7.41. The consented development for 800 homes needed to provide mitigation measures to ensure no likely significant effect on the SAC. These were:
  - Cat barriers to mitigate potential disturbance and predation;
  - A Country Park to provide Suitable Alternative Natural Greenspace (SANG); and
  - A Visitor Management Strategy (VMS) to manage access within the Country Park and access into the SAC.
- 7.42. The cat deterrent features have been created and are operational. The Country Park is now open and operational. The VMS (Version 2) was approved by Natural England in 2021. As part of this application an amended version of the VMS (Version 3) was submitted. In the Introduction it is stated that “The plan has subsequently been updated in July 2024 due to the official opening of the Country Park on 22nd June 2024 and ongoing installation of the footpath network around the Country Park. The Visitor Management Strategy is and will remain a live document”
- 7.43. The Council’s Lead Ecologist has reviewed this version of the VMS and cannot see any changes that are specifically related to the proposed development currently under



consideration.

- 7.44. Concerns were raised by both Natural England and the RSPB about the amended version. However, it is considered that the recent amendments to the Visitor Management Strategy sit outside of matters relating to the development currently under consideration and are amendments that would have been required to ensure compliance with what has been agreed as necessary for the consented development. They are a reflection of the fact that the VMS is, and will need to be a live document under constant review. NE subsequently confirmed this is an accurate interpretation and have subsequently advised more specific actions could be included in the VMS to ensure the SANGS is doing its job, i.e. diverting recreational users from the two applications away from the SAC into the Country Park.
- 7.45. Although, Natural England's most recent comments, confirm that recent amendments to the VMS satisfies their previous concerns regarding impacts on the SAC, they advise this mitigation cannot be accepted at the screening stage of the HRA process.
- 7.46. The Council's Lead Ecologist advises it's important to remember the baseline conditions for the proposed additional housing are completely different to those that formed part of the assessment for the approval for the 800 dwellings; because when that application was being considered the key mitigation measures (i.e., cat barriers, the Country Park SANGS and its associated Visitor Management Strategy) were part of the proposed mitigation by design. However, as highlighted in the submitted sHRA, these measures already exist so are a reflection of the baseline conditions that now exist. The consideration in this case should therefore be, are they sufficient to have confidence that their current existence and predicted permanence are such that they would also be able to perform the same function for the additional development.
- 7.47. The cat protection measures are already in place so in that respect no additional measures should be required to mitigate for potential cat predation for the additional housing. A SANG area is far in excess of what the consented development would normally be required to provide, and its capacity would continue to provide more than what would normally be required for the consented 800 homes and the additional development. So again, this also is not being provided as specific mitigation, but something that is currently present, not what is being proposed. The SANG provides a facility to encourage/reduce the number of people likely to access the SAC and the VMS then manages/controls access within the SANG and access into the SAC. There has been no need to create a specific VMS for the current application, or make amendments specifically related to it. Therefore, it is considered that this is not mitigation being provided, but a reflection of the baseline conditions that now exist.
- 7.48. The Council's Lead Ecologist recognises the HRA process is notoriously complex because of the raft of associated case law, so it is not uncommon to have differences of professional opinion when it comes to production and review of HRAs and this is considered that this is the current situation here.
- 7.49. It is the responsibility of the District Council to prepare the required HRA, one option is to adopt a shadow HRA (sHRA) provided by the applicant, if we consider it has been prepared appropriately and we agree with its conclusions. It's the Council's Ecology

Officer's opinion that the submitted sHRA is acceptable and it would be appropriate for NSDC to adopt the sHRA, and that there would be no likely significant effect on the SAC from the proposed additional development.

- 7.50. This conflicts with the advice submitted by NE however, NE Have subsequently agreed to defer to the advice provided by the Council's Lead Ecologist on this matter. Therefore it is considered that it would be appropriate for Newark and Sherwood District Council to adopt the sHRA.
- 7.51. The landscape strategy proposed by the applicant aligns with the approved scheme for the wider site. It provides watercourses and tree and shrub planting which would provide habitat connectivity from east to west across the application site, creating wildlife corridors through the proposed development and linking surrounding ecological sites to the new Country Park. Two access points into the new Country Park are provided from the northern portion of phase 6A.
- 7.52. In line with the approach taken under the 2016 outline application, in line with Natural England's comments, a condition has been suggested which would require further tree planting details are deposited at the Reserved Matters stage; to ensure that appropriate species are used and that there is no negative impact on the SSIs and SAC. Precise details of landscaping will be submitted as part of any Reserved Matters application and further consultation will be undertaken at that time. For the avoidable of any doubt it is recommended that a planning condition be attached to any consent requiring that any tree and hedgerow is identified and justified as part of the reserved matters approval process.

#### Environmental Impacts (Air Quality etc)

- 7.53. An Air Quality Assessment report has been submitted by Redmore Environmental (ref: 1459-17, dated 21st March 24) in support of the above application.
- 7.54. As advised by the Council's Environmental Health Officer (EHO) during the construction phase, the air quality impacts from dust generated by earthworks, construction and trackout have been assessed and are considered to be not significant, providing mitigation measures are employed and incorporated into a Construction Environmental Management Plan (CEMP) for the development which should be controlled by condition.
- 7.55. During operational phase, the impact on local air quality has been assessed and is considered to be not significant, given monitored and modelled NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels with and without the development.
- 7.56. The Council's Biodiversity and Ecology Lead Officer notes the concerns raised by Natural England regarding the air quality assessment at Birklands West and Ollerton Corner SSSI. They consider that "...nitrogen deposition should be considered as impacting the invertebrate species designated at the SSSI as it may impact the continuation of woodland habitat and its features on which the designated invertebrates rely", and that "...Assessment should be made as to whether the additional nitrogen deposition will hinder or undermine the efforts to restore the site to favourable conservation status".

- 7.57. The Council's Lead Ecologist advises, whilst acknowledging Natural England's concerns regarding this matter this is potentially difficult for the applicant to address. This is because most studies of the impacts of nitrogen deposition on woodlands focus on impacts on the ground flora. And concludes given that this potential impact would affect a very small area of the SSSI, that if this potential were a reality, it wouldn't significantly hinder or undermine other proposals to restore the site to favourable conservation status.
- 7.58. In response to reviewing the Council's Lead Ecologist comments NE confirm they accept his position on impacts to woodland from nitrogen deposition and heathland from nitrogen deposition.
- 7.59. Taking this into account it is considered that the proposal would not result in a detrimental impact on air quality to such an extent as to harm nearby designated ecological sites.

#### Infrastructure Impacts and Viability

- 7.60. Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth. This sits alongside the Community Infrastructure Levy, albeit this area is zero rated for CIL so is not relevant.
- 7.61. The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL).
- 7.62. White Land Strategies Ltd was instructed by Newark and Sherwood District Council to undertake an independent viability reappraisal of the mixed use development for residential development of up to 800 dwellings (Class C3), strategic employment land comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road, known as Thoresby Colliery, Edwinstowe, planning application number 16/02173/OUTM.
- 7.63. The application is supported by a viability update submitted by Tustain Associates, a Market Value achieved sales to the date of appraisal, and a Cost Plan (Tustain Associates). The Applicant has set out that viability has improved. Residual Value has been increased but remains below the target Benchmark Land Value (BLV).
- 7.64. The 2024 viability update submitted looks at unit numbers overall to consider whether the increased units raises Residual Value to the point where additional Affordable housing can be delivered on site over and above the 7.5% threshold. As set out in the White Land Strategies Ltd. (WLSL) viability assessment, the viability target for the Applicant based on a fixed profit approach is to measure Residual Land Value (RLV)

against NPPF guidelines and FVA benchmarks. The purpose of their viability assessment is to consider whether the retention of the 7.5% affordable housing and s106 contributions proposed by the Applicant on the grounds of viability is a reasonable position.

- 7.65. The following table is taken from the WLSL report summary. The table demonstrates that there is only real potential for surplus with values rising above cost inflation. As a result of the economic climate there is a trend of costs outstripping build costs which is not certain to fall back to historic trends in the short term. Values are shown in the table as more sensitive to costs. As stated in the WLSL report: "If there is a 5% cost increase a 5% rise in values would still be unviable despite being more sensitive. It is not likely in the short term that values which are based on current sales value of current phases to be able to outstrip cost inflation by c7.5%-10% to return a scheme capable of increasing planning contributions."

Sensitivity Analysis Report					
Table of Residual Value					
Sales: Rate /ft²					
Construction: Rate /ft²	-10.000%	-5.000%	0.000%	5.000%	10.000%
-10.000%	-4,236,476	7,469,915	18,962,382	30,361,189	41,720,586
-5.000%	-11,919,832	559	11,619,157	23,051,941	34,433,543
0.000%	-19,770,955	-7,534,814	<b>4,203,086</b>	15,726,879	27,134,063
5.000%	-27,765,543	-15,251,809	-3,280,688	8,367,715	19,820,854
10.000%	-36,051,949	-23,120,031	-10,841,699	929,637	12,488,097

The table shows the following:

- Costs must fall relative to values by c-5% to -10% costs to show surplus;
- Values must rise relative to costs by c+5% to show surplus;
- If Costs rise a surplus is only shown if values rise by c+10%

- 7.66. The WLSL report concludes, there is clearly a continuing viability issue. This is partly due to the substantial abnormal costs which have been formally presented by Bentley. Alongside the current economic climate in which current sales value are unable to outstrip cost inflation. As a result, there is no 'Additional Planning Obligation sum' to be paid by the Applicant.
- 7.67. As set out in the Developer Contributions and Planning Obligations SPD the District's priorities include Affordable Housing, infrastructure identified in the Infrastructure Delivery Plan (IDP), and Green Space Strategy Requirements. Despite demonstrating that the scheme is not currently viable the Applicant is committed to providing a high quality scheme and where possible mitigating the infrastructure impacts of the proposed development.
- 7.68. As outlined under the 'Housing Mix' section above the Applicant has agreed to deliver 7.47% affordable housing on site, in line with the 2016 outline application.
- 7.69. The IDP for Sherwood area includes new and improved community infrastructure including primary and secondary school places, and healthcare facilities. Also, securing the resolution of traffic and transport issues in and around the town including

the A614/A6075/A616 Ollerton roundabout junction. Specific to the Land at Thoresby Colliery priorities include green infrastructure (the provision of SANG compliant open space, traditional play areas and sports pitches), education (primary school), healthcare (on site or expansion of Major Oak Healthcare Centre), and highways infrastructure (Ollerton roundabout).

- 7.70. With regards to public open space the 2016 outline application has implemented or is committed to a total public open space (POS) provision of 12.1ha, which exceeds the minimum requirement of 11.89ha. Suitable Alternative Green Space (SANGs) are required to avoid increased pressure on The Birklands and Bilhaugh Special Area of Conservation which lies to the north, east and west of the former Colliery, as a result of the proposed residential development. As outlined under the Ecology section above the existing SANG area is far in excess of what the consented development would normally be required to provide, and its capacity would continue to provide more than what would normally be required for the consented 800 homes and the additional development.
- 7.71. Amenity green space is triggered at 30+ dwellings and the SPD indicates provision should be 14.4m<sup>2</sup> per dwelling. At 190 dwellings this equates to 2736 m<sup>2</sup>. This provision applies to dwellings capable of family occupation (so 2 or more bedrooms) with expectations of 18m<sup>2</sup> per dwelling. In the case of children and young person public open space (POS) for a scheme of 190 dwellings, it would be expected that an additional Locally Equipped Area for Play (LEAP) and a Local Area for Play (LAP) be provided on site.
- 7.72. Two additional areas of public open space would be provided under the current application. Firstly, the area to the north of Phase 6A, would provide an additional 1.25ha of POS including an additional LEAP and extensive areas of informal recreation space. Secondly, the area, to the southern edge of Phase 7, totalling approximately 1250m<sup>2</sup>, would provide a linear landscape corridor, including a link to the Country Park and additional LAP. Details shown the plan below. Maintenance of the public open space would need to be secured via a Management Company if not adopted by the District Council.



- 7.73. No public open space contributions towards natural and semi-natural green space,

outdoor sports facilities, or sports pitches over what has been committed to at the 2016 outline stage have been agreed to. Given the existing provision made, including the new country park and the close proximity of these phases to that, and the viability argument; on balance it is considered this lack of provision is justified.

- 7.74. The Local Highway Authority have requested a further financial contribution towards the Ollerton roundabout improvements on the grounds that the additional housing will impact upon the junction and the cost of the improvement works has substantially increased. With regards to impacts upon the roundabout the evidence submitted by the application within their Transport Assessment indicates reduced flow rates for the 2029 scenario over the 2026 figures previously submitted for the 2016 outline application. Although, the local Highways Authority have noted this reduction they have questioned its accuracy and provided reasons why the 2029 modelling shows reduced flow rates.
- 7.75. Following the submission of the application funding for the Ollerton roundabout junction improvement works was confirmed by the Department for Transport on the 18<sup>th</sup> September 2025. Although, it is acknowledged that the costs of the junction improvement works have significantly increased since the grant of permission for the 2016 outline application, it is noted that the Applicant paid the requested contribution in full, at an early stage, to facilitate the fast delivery of these works. For these reasons it is considered unreasonable to request a further contribution towards the Ollerton roundabout junction improvement works for the proposed additional housing.
- 7.76. Contributions towards an enhanced bus service, and primary healthcare have also not been agreed to on the grounds of viability. However, a £9032 contribution towards libraries and a contribution towards 1 place at £95,050 is for expanding special school facilities, or to fund specialist provision attached to a mainstream school, have been agreed to. With regards to a school bus, this contribution would only be required if the conditions recommended by Nottinghamshire County Council could not be met, prior to the occupation of the first dwelling within the site there would be no safe alternative route for pupils to travel between the site and the Dukeries Academy secondary school.
- 7.77. The Council's Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,384.07 per dwelling (this figure requires indexation applying from 2016) to be sought. As the submitted viability appraisal demonstrates that the scheme would not be able to support the full range of obligation requirements this contribution is not a priority. The Applicant has agreed to a community facilities contribution of £262,000 on the terms that it would be ring fenced for use towards the onsite workshop building which has permission for conversion to a community hub and falls within phase 6A although, is not within the current site location plan.
- 7.78. Overall it is considered that the scheme is unable to afford all of the required infrastructure or commuted sums required to mitigate the schemes impacts, this has been demonstrated through a Viability Appraisal which has been independently appraised and found to be sound.

## Other Matters

- 7.79. The objections raised by a small number of local residents have been noted. It is not considered that the proposed additional houses would have a significant impact on infrastructure, including the highway network, or the ecological sensitivities of the site, over and above the 2016 outline consent.
- 7.80. **Community Infrastructure Levy (CIL)** - The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. The additional residential floorspace created would be chargeable, but the site is located in the Housing Low Zone of the CIL charging schedule where CIL is zero rated.
- 7.81. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from 12<sup>th</sup> February 2024. The application was submitted and validated prior to BNG becoming mandatory legislation in the UK.

## **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 – LEG2526/4251**

- 8.3. 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. A development of the scale proposed is unlikely to have any significant impacts on the existing character of the location, over and above the committed development which is under way within the wider Thoresby Vale site. This planning application represents an opportunity to deliver further dwellings and associated infrastructure. The delivery of housing, in this case promoted by a master developer with experience in the North and Midlands Regions, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places and in the context of the Districts lack of a 5 year housing land supply, which this scheme would contribute towards.
- 9.2. The site is adopted under the Council's Revised Core Strategy. The scheme is in accordance with the proposed site allocation. Whilst it is always disappointing when full affordable housing provision and the full raft of developer contributions are not secured regard must be given to government guidance, albeit it is considered that a review mechanism is appropriate in this case. The relevant technical matters have been assessed above and it is concluded that there are no issues, subject to conditions

and mitigation that would warrant refusal of the application. On this basis it is recommended that planning permission is granted.

## **10.0 Conditions**

01

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The reserved matters application for the first phase or any sub phase of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

03

Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or any 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 to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.

04

The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (ref. 3.7.1 contained within the Design and Access Statement attached to planning permission ref. 16/02173/OUTM) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:



- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways;
- II. improvements/traffic management and any restoration;
- III. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, NEAPs, LEAPs and associated parking facilities).

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance of doubt.

05

Each reserved matters application shall be broadly in accordance with the Proposed Master Plan (drg no. 2245 200 Rev. E) and the approved Design and Access Statement or any forthcoming Design and Access in relation to any Reserved Matters application.

Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.

06

Development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) 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 point 4 has been complied with in relation to that contamination.

1 - Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health, Planning Application: 16/02173/OUTM
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters 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'.

2 - 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.

3 - 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.

4 - 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, 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 point 3.

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 and to prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

07

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall include detailed plans and particulars relating to the following items and shall be implemented in accordance with the phasing plan:

- i) A detailed layout plan of the phase(s) to include all key dimensions including junction and forward visibility splays and shall be accompanied by swept path analyses of a 11.2 m refuse vehicle throughout for the residential development;
- ii) Details of highways and private street works;
- iii) The layout and marking of car parking, servicing and manoeuvring areas;
- iv) Details of the means of foul and surface water drainage;
- v) Cycle and bin storage facilities;

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

08

The development hereby permitted shall not be occupied unless and until the Employment Access and spine road linking the development to it has been constructed and made available for public use.

Reason: In the interests of capacity and general highway safety.

09

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 Page No. 3 clearance, foundations, structures, roofing, plumbing, electrics, carpentry, plastering, etc.) the CMS shall include:

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

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.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme 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.

11

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

12

No development shall take place on any phase or sub phase pursuant to Condition 4 until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for:

- o the parking of vehicles of site operatives and visitors; o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development; o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel and vehicle body washing facilities;
- o provision of road sweeping facilities;
- o measures to control the emission of noise, dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o the means of access and routing strategy for construction traffic; o details of construction traffic signage;
- o a strategy to control timings of deliveries to avoid the morning and evening peak travel times (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network);
- o a construction Travel Plan;

- o management of surface water run-off, including details of a temporary localised flooding management system; o the storage of fuel and chemicals;
- o the control of temporary lighting; o measures for the protection of retained trees, hedgerows and watercourses;
- o details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats;
- o the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers;
- o Pre-construction ecological surveys and mitigation measures including details of procedures/ timing of works to avoid impacts on protected species and retained habitats;
- o Appropriate controls for the storage of hazardous materials and fuel storage and filling areas.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Policies CP9, CP12, CP13 Newark and Sherwood Core Strategy and CP9, 12 and 13 and ShAP3 and ShAP4 of the Amended Core Strategy.

13

No development shall be take place on any phase or sub phase pursuant to Condition 4 until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.

Reason: In the interests of the environment.

14

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy.

15

The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of an updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape and Ecology Masterplan (drg no. ems.2709\_10C) or any updated version that shall be agreed through the relevant reserved matters approval
- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

16

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or any sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

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

17

Prior to commencement of development in any phase or any sub phase pursuant to Condition 4, an Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or any sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority. Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

18

Prior to commencement of development within any phase or any sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey produced by AES dated 2016 appended to the Environmental Statement deposited with the application and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statements (including Badger and Reptile Method statement) and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy.

19

No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan (to include the proposed SANGS) associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 08) and shall include details of the following within each phase, as appropriate:

- o The location and extent of all new habitats including all works required for the creation;



o For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance - seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.

o Measures to enhance retained habitats;

o A Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced

o Ecological enhancements to include bird and bat boxes at appropriate points within the site which should offer immediate enhancements and longer term enhancements where appropriate;

o Opportunities to enhance the proposed drainage features on site to benefit biodiversity;

o Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 10 years;

o A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)

o The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)

o The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)

o An implementation timetable for all elements. The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable.

Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.

20

First applications for reserved matters approval for each phase pursuant to Condition 4 shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.

Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 of the Newark and Sherwood Core Strategy and policies CP12, ShAP 3 and 4 of the Amended Core Strategy together with the NPPF and to protect drivers from uncontrolled light sources near the public highway.

21

The mitigation measures approved as part of Condition 21 of outline application ref. 16/02173/OUTM shall be implemented at both construction and operation phases within any phase or sub phase pursuant to Condition 4 in accordance with details contained within the Air Quality Assessments, Reports and Technical Notes produced by Redmore Environmental deposited with the application, in particular those dated 17th February 2017 and 12th May 2017.

Reason: To ensure appropriate mitigation for the impact on residential amenity and to safeguard protected species and habitats.

22

No part of the development on any phase or sub phase pursuant to Condition 4 shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, 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.

23

No part of the development on any phase or sub phase pursuant to Condition 4 shall take place until the approved Residential and Employment Travel Plans (version 4 in each case) have been updated to include the development hereby approved. The

updated travel plans shall be implemented in full and in accordance with the timetable set out in those plans or alternative timetable which may be agreed in writing.

Reason: To promote sustainable travel.

27

The availability of the Edwinstowe Parish Public Bridleways No 16 & 24 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

28

The first reserved matters application for each phase pursuant to Condition 4, shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF.

29

From the commencement of the development to its completion, a copy of this permission shall always be available at the site offices for inspection.

Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

### Informatives

01

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

02

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03

The applicant is advised to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.

05

The developer is advised that in respect of the CEMP condition, hours of construction would be expected to be along the lines of between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

06

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 refuse etc 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.

07

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

08

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

09

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/](http://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.

#### 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.





Report to Planning Committee 2 October 2025

Business Manager Lead: Oliver Scott – Planning Development

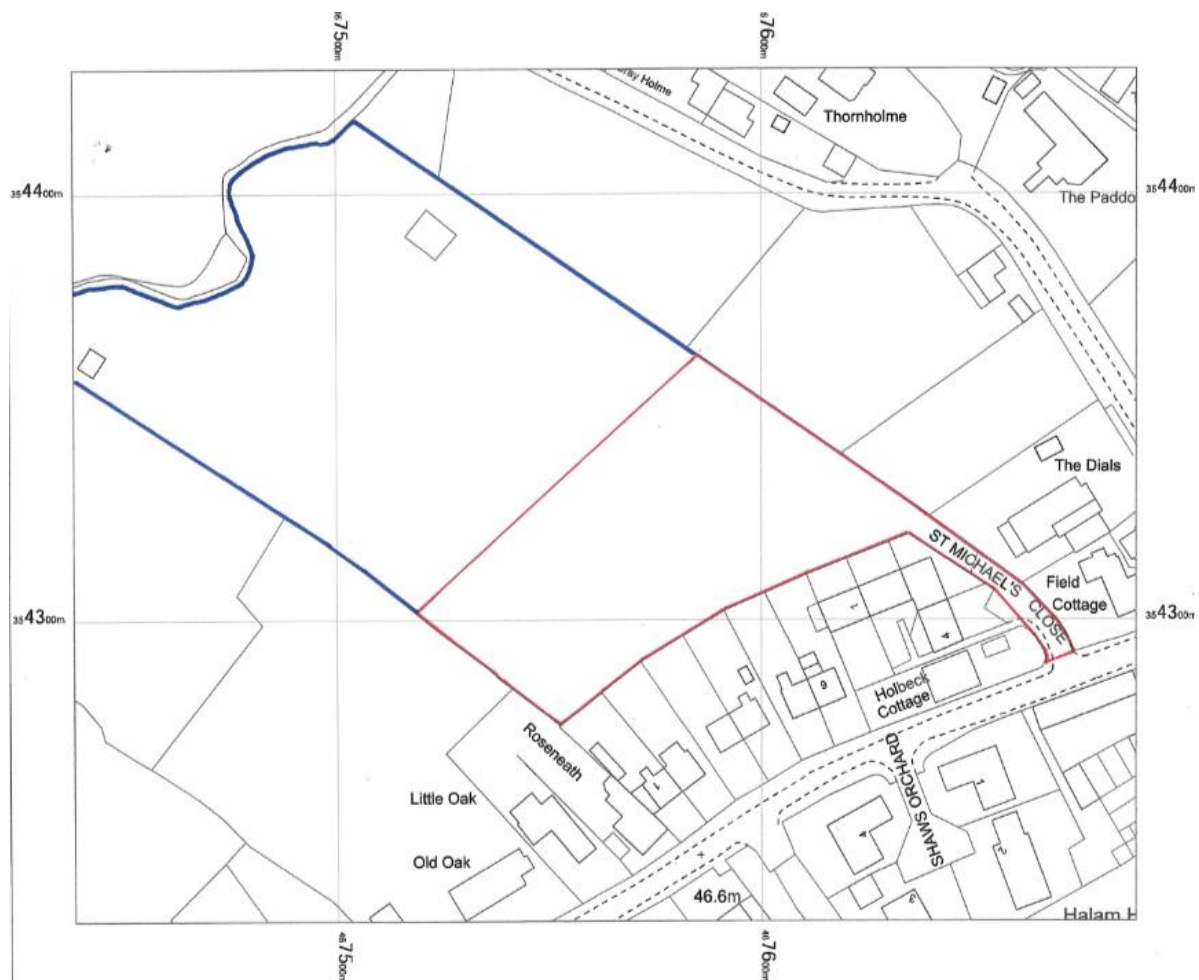
Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
Application Number	25/01319/PIP		
Proposal	Application for permission in principle for residential development of four to nine dwellings		
Location	Land Off St Michaels Close Halam		
Web Link	<a href="#">25/01319/PIP   Application for permission in principle for residential development of four to nine dwellings   Land Off St Michaels Close Halam</a>		
Applicant	Old Hall Nurseries Ltd	Agent	Town-Planning.co.uk – Mr Anthony Northcote
Registered	04.08.2025	Target Date	09.09.2025
Recommendation	That Permission in Principle is Approved		

**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 site is undeveloped land to the rear of dwellings fronting Radley Road within Halam and is accessed via St Michaels Close. St Michaels Close is a private access which serves a two-storey dwelling (Holbeck Cottage), 4 terraced bungalows, and the field which forms the majority of the site.
- 1.2    The site is not within a Conservation Area and there are no listed buildings nearby. The site is within Flood Zone 1 and at low risk of surface water flooding.



## 2.0 Relevant Planning History

17/00484/AGR Portal framed agricultural building – Prior Approval Not Required (Not implemented and no longer extant)

## 3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 4 to 9 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would use the existing access off St Michaels Close which comes off Radley Road the main road through the village. As the proposal is for permission in principle, no elevational details or plans have been submitted at this



stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.5 Documents assessed in this appraisal:

- Planning Statement received 04.08.2025
- Application Form received 04.08.2025
- Site Location Plan received 04.08.2025

**4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 45 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 06.09.2025.

4.2 Site visit undertaken 15<sup>th</sup> August 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
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

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

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- 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)

#### 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** - Recommend that permission should not be granted due to the application not being able to achieve a safe and acceptable access contrary to Paragraph 115, 116 and 117 of the NPPF.

##### **Town/Parish Council**

- 6.3. **Halam Parish Council** – Object based on Highways, Flood Risk, Lack of Comprehensive Plans, No BNG Assessment, and Noncompliance with policies SP3, SP12, DM5, DM6 and DM8 and NE8.

##### **Representations/Non-Statutory Consultation**

- 6.4. Neighbour & Public consultations – 32 Resident/Neighbour comments have been received all objecting to the proposal, on the impacts the proposal would have in the local area. The main issue is highways given that the road that would connect the development to the village is relatively narrow, concerns were also raised to the village becoming busier as a result of more cars which could potentially lead to road safety concerns. Other concerns in relation to flood risk, character impact was also raised. Concerns have also been raised to the development being backfill development which would disrupt the character and appearance of the village which is linear in design.

#### 7.0 **Appraisal**

- 7.1. The key issues are:
- Location
  - Land Use
  - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (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 Development Plan Document (DPD). 26317098

#### Principle of Development

- 7.4. This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).
- 7.5. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the district. Applications for new development beyond Principal Villages, as specified within Spatial Policy 1, will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas).

#### Location

- 7.6. The site is located within the open countryside outside of the main built-up settlement, however adjacent to housing within the village. The village itself is an 'other village' as set out within the Settlement Hierarchy, therefore would fall to be assessed against SP3. Policy DM8 states that – Planning Permission will only be granted for 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.
- 7.7. 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.
- 7.8. 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.

- 7.9. 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’

- 7.10. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.

- 7.11. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and policy SP3, the tilted balance is engaged, and the provision of housing (between 4 to 9 units) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a key role in helping the district meet its housing targets and identified housing needs.

- 7.12. The site will provide between 4 and 9 units on the edge of the village but into land considered open countryside, at this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that 4 bungalows are likely to be most appropriate however this will be dealt with at the technical details stage.

#### Scale

- 7.13. The guidance notes which accompanies SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which would be a matter for the Technical Details Consent (TDC). Four to Nine additional dwellings are considered a suitable scale of built form when considering the context and the scale of Halam as a village. It is unlikely that the introduction of up to 9 dwellings would detrimentally affect local infrastructure such, as drainage and sewerage systems. This is therefore considered to be acceptable in relation to the scale criterion.

#### Need

- 7.14. The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the location of the site adjacent the village, it is considered that occupiers of the proposed dwelling would have sufficient opportunity to support and help sustain the longevity of the existing local services within surrounding settlements which accords with the requirements of this criterion.
- 7.15. Moreover, the District's shortfall in land for housing has been highlighted above. The proposal would be providing 4-9 units to meet an identified need, and this is given additional weight in the planning balance, as per the tilted balance in paragraph 11 of the NPPF.

#### Impact

- 7.16. In relation to impact, Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. 4 to 9 additional dwellings would not result in a significant or unsustainable increase in population within the village, therefore, would be highly unlikely to result in any unacceptable impacts in relation to traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3. There are bus services which goes from the main road in Halam to Southwell which is a Service Centre within the District furthermore buses to Newark and Nottingham can be accessed from Southwell therefore there is good public transport links to and from the village.

#### Character

- 7.17. SP3 states new development should not have a detrimental impact on the character of the location or its landscape setting. Without further details of the proposal, the impact on the character and appearance to the area cannot be fully assessed at this stage. The site is immediately adjacent to a modern dwelling to the South. Therefore, addition Four to Nine dwellings on the site (subject to detailing) would have a degree of impact on the character however it is difficult to quantify this at this stage without technical details, a scheme could be achieved that although would have impact on balance its benefits could outweigh this the site would not be isolated or disconnected from the village however as it lies directly adjacent to the edge of the village. Careful consideration should be given to sensitive design, height, scale, and massing as well as palette of materials at the technical details stage to ensure that the new dwellings does not dominate or distract from the vicinity.

#### Land use

- 7.18. Residential is a suitable use of the land considering the proximity to the village. The site is directly adjacent the village therefore would expand the village rather than fragment it by using land that is not directly adjacent. It is noted that the highways authority has raised concerns to the highway entrance as it would require upgrades, these upgrades would be dependent on the number of dwellings proposed.

- 7.19. The greater the amount of units proposed at technical detail stage the more significant the upgrades required will be this is set out within the Nottinghamshire County Council's Highway Design Guide. The highway requirements would also include the existing dwellings on St Michaels Close. Whilst concern has been raised by Highways in this regard this stage is determining the principle of development, therefore the proposal cannot be refused on technical matters as these are currently unknown.

#### Amount of Development

- 7.20. The application proposes between 4 and 9 dwellings. The site covers approximately 0.5 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 9, which equates to an approximate density of 18 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).
- 7.21. The maximum number of dwellings proposed here would be 9 units which would not overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages there would be sufficient services to serve the additional dwelling at an appropriate distance. Furthermore 9 dwellings would not overwhelm services and facilities within the village such as the school, church and public house.

#### Planning Balance

- 7.22. In this instance, the location is considered to be within the open countryside adjacent the built village of Halam. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Halam is an 'other village', with some but not all the essential amenities, Halam has transport connections to Southwell which is a service centre with plenty of amenities. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

#### **Matters for Technical Details Consent Stage**

- 7.23. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

#### Impact on Visual Amenity and the Character of the Area

- 7.24. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.25. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.26. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.27. The site is within the MN PZ 36 landscape policy zone as identified by the adopted Landscape character Assessment SPD. The policy is to conserve the landscape including conserving hedgerows, preventing fragmentation, and conserving the historic field pattern by containing any new development within historic enclosed boundaries.
- 7.28. Policy DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.
- 7.29. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 4-9 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to village open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

#### Impact on Residential Amenity

- 7.30. 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.
- 7.31. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are

September Grange immediately South of the proposed site. The access to the site would be an extension of St Michael's Close which serves existing bungalows. Given the size of the land for the proposal it is considered that acceptable spacing and amenity can be achieved at technical detail stage therefore a scheme where there wouldn't be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy is achievable. This would be subject to technical details and further assessment.

#### Impact on Highways

- 7.32. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.33. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.34. An existing access would be utilised (St Michaels Close) this is classed as a shared drive. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 15 dwellings this would require a width of 5.0m width or 5.5m if accessed off a main street or higher category road, plus 0.5m clearance on both sides, additional width for bin storage. The highways authority has raised concerns in their comments for this application, the main concern raised is the need for junction improvements at St Michaels Close if the scheme was to result in more than 5 dwellings. The upgrades of the junction would be required at technical design stage and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed which is currently unknown the upgrades required will depend on the number of dwellings proposed. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.
- 7.35. Overall it is considered that the scheme could accord with policy however this would be subject to a separate assessment of technical details.

#### Trees, Landscaping and Ecology

- 7.36. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged



- 7.37. It is not clear whether the proposal would result in the removal of any trees within the site or around the access. In the event that this is the case, in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and the PEA would be required to support the Technical Details Consent application.
- 7.38. Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, you would be required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.39. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

#### Contamination Risk

- 7.40. 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.
- 7.41. Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990
- 7.42. Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

#### Community Infrastructure Levy (CIL)

- 7.43. The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area

is rated at £45m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

#### Biodiversity Net Gain (BNG)

- 7.44. Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

### **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 made reference to these implications and added suitable expert comment where appropriate.

#### Legal Implication – LEG2526/5649

- 8.2. 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 purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for 4-9 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

#### 9.4 Technical Consent Submission Requirements:

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Contaminated Land Desktop Study/Preliminary Risk Assessment
- Details of BNG

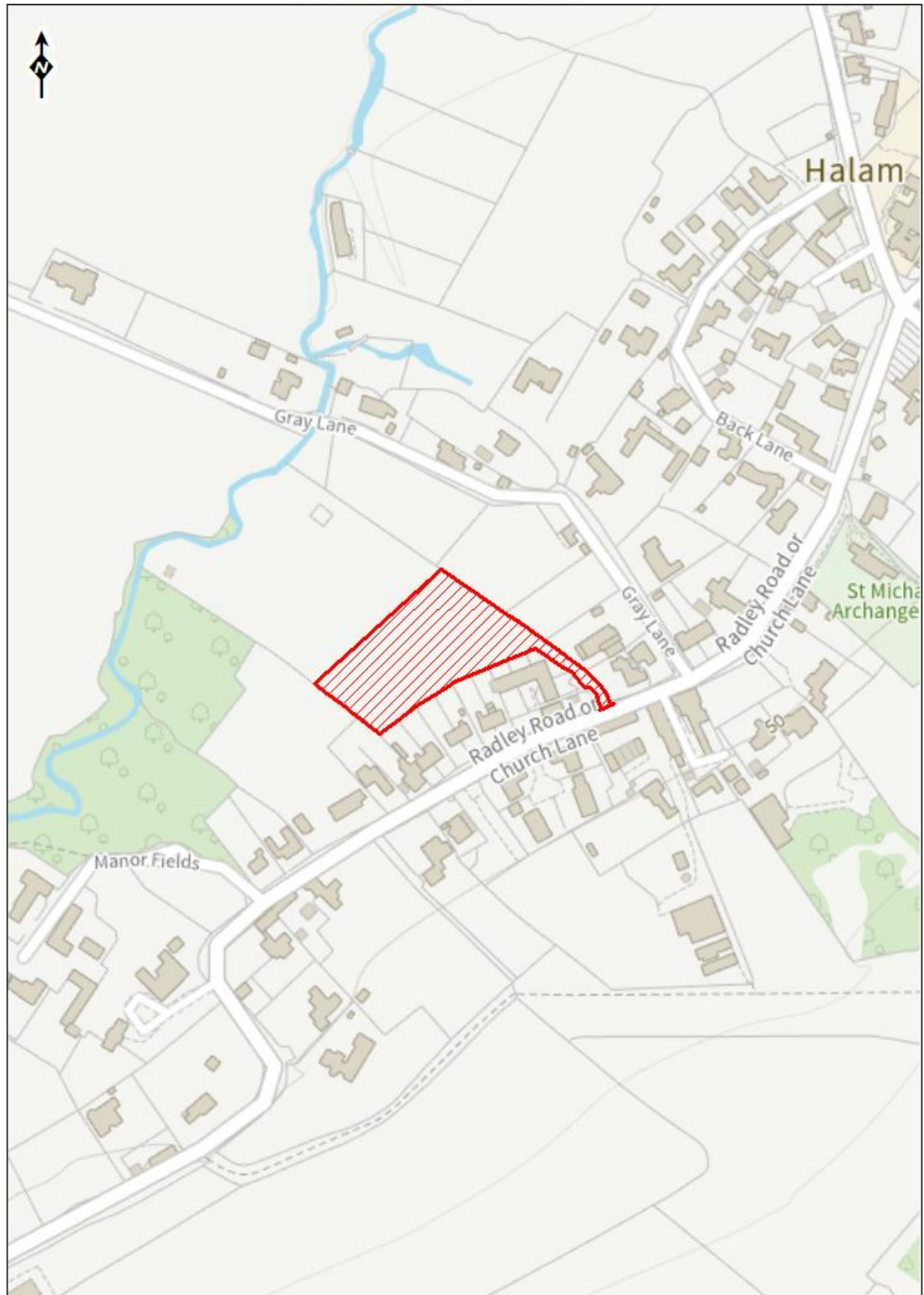
#### 10.0 **Informative Notes to the Applicant**

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.

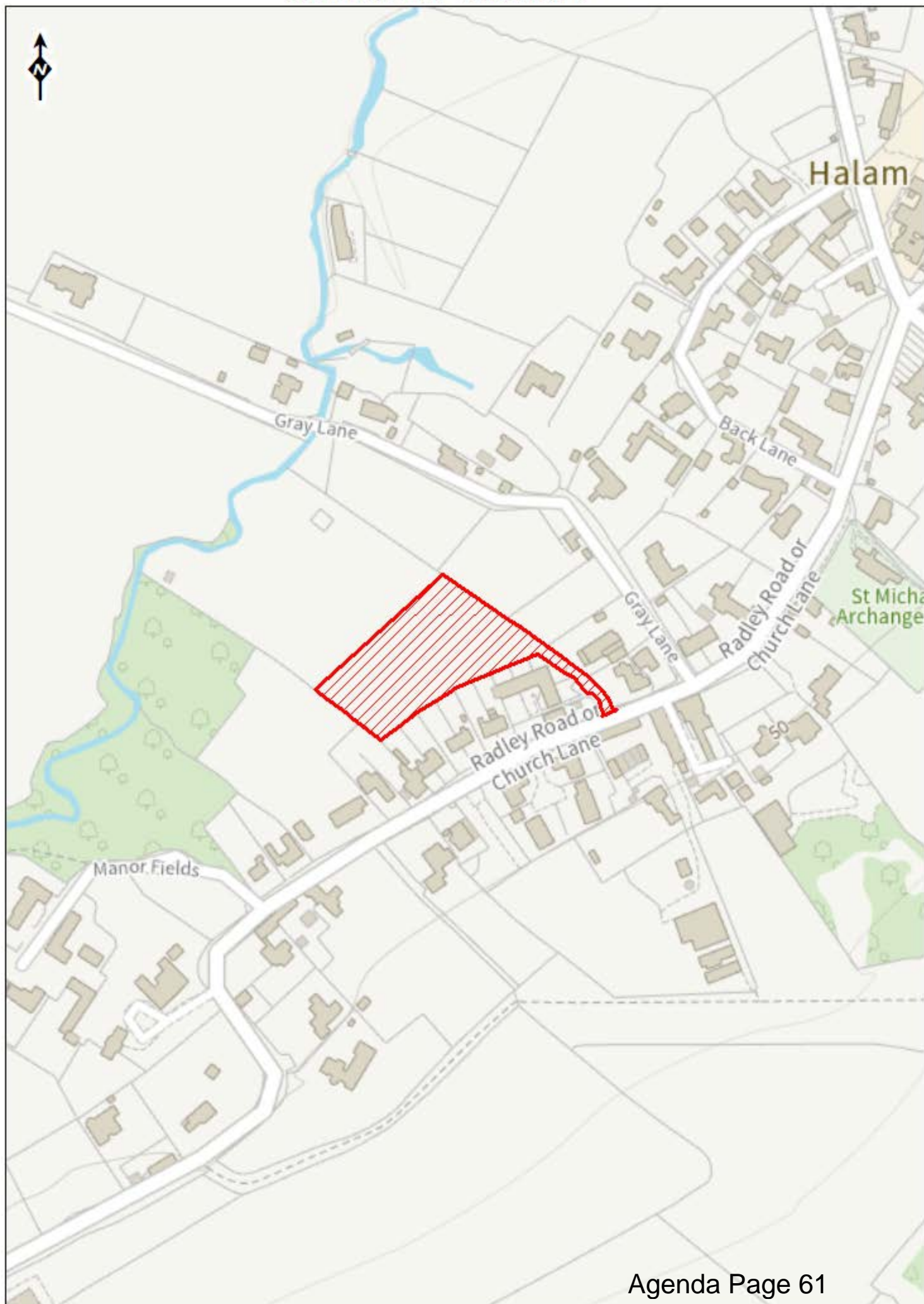
#### **BACKGROUND PAPERS**

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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Report to Planning Committee 2 October 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White, Senior Planner, ext 5409

Report Summary			
Application No.	25/00107/FUL		
Proposal	Change of Use of Farm Yard to Residential; Demolition of Modern Farm Buildings; and Erection of Five Dwellings, Together with Associated Infrastructure and Erection of Detached Garage; Siting of Community Ground Mounted Photovoltaic Panels.		
Location	Land At Willoughby Farm Carlton Lane Norwell		
Applicant	Mr John Rigby	Agent	Mr Anthony Northcote
Web Link	<a href="#">25/00107/FUL   Change of Use of Farm Yard to Residential; Demolition of Modern Farm Buildings; and Erection of Five Dwellings, Together with Associated Infrastructure and Erection of Detached Garage; Siting of Community Ground Mounted Photovoltaic Panels.   Land At Willoughby Farm Carlton Lane Norwell</a>		
Registered	22.01.2025	Target Date	19.03.2025 EOT agreed
Recommendation	Grant Planning Permission subject to conditions and legal agreement		

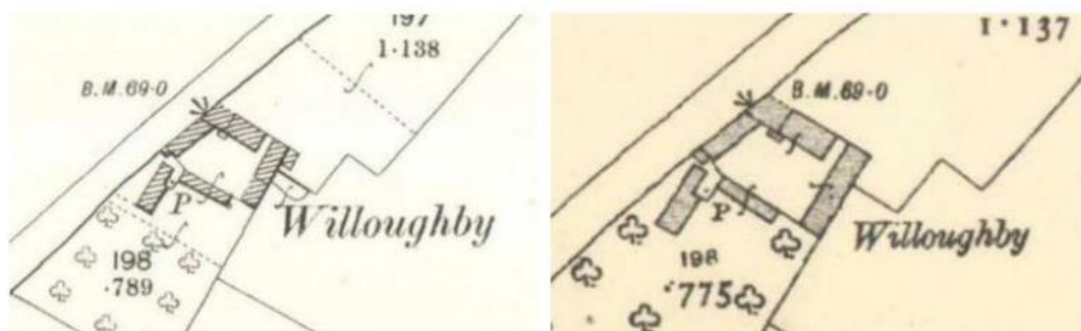
**This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.**

## 1.0 The Site

- 1.1 The application relates to a group of former agricultural buildings located within the open countryside and on the south east side of Carlton Lane, approximately 1.2-km north-east of the village of Norwell. Other than the neighbouring buildings previously associated with Willoughby Farm referenced below, the site is surrounded by farmland.

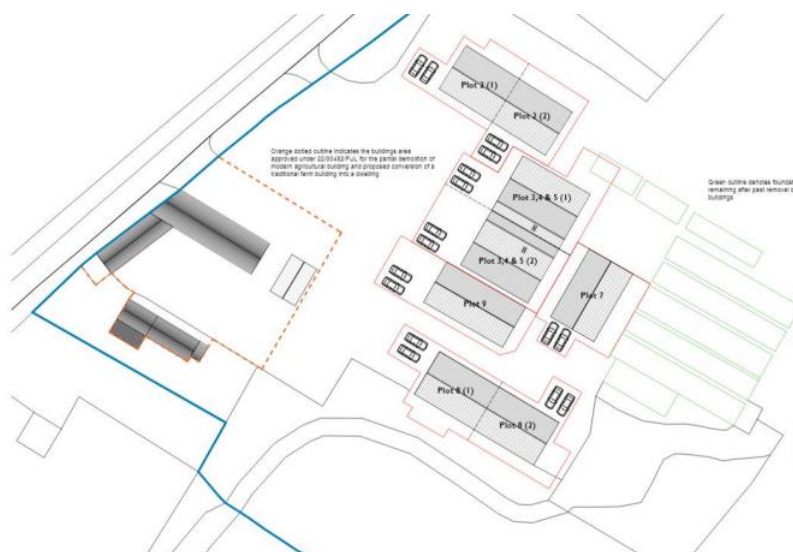


- 1.2 The buildings form part of a now disused pig farm, known as Willoughby Farm. On approaching the site from the village, the first building on the right is a new dwelling built under planning permission 21/01112/FUL and amended by 23/02077/S73 (see 'Relevant Planning History' for details). Slightly further along the road is a large brick-built barn, positioned gable to the road, which is considered to be a Non-Designated Heritage Asset (NDHA), and has permission to be converted into a dwelling (22/00452/FUL).
- 1.3 As can be seen from Fig.1, the building is visible on late-19th century mapping and is a characteristic courtyard farmstead which is typical in the locality. The layout remained intact until late-20th century when some buildings to the south and east were lost or altered through modern infill portal buildings. The L-plan formation to the front of the site remains intact and is associated with the period of farming development likely just before or within the agricultural depression of the late-19th century. With reference to the Council's Non-Designated Heritage Asset Selection Criteria, the building has historic interest and association with development of farming practices in mid- to late-19th century.



**Fig.1 & 2** c.1899 (left) and c.1919 (right) OS map [online] (Notts Insight Mapping)

- 1.4
- 1.5 The application site is occupied by farm buildings of various designs, ages, and materials. The change of use of the buildings (identified within the red line on the site plan below) to 8 dwellings was established under an application for prior approval 24/01425/CPRIOR.



- 1.6
- 1.7 The site has the following constraints:

- Adjacent to an Undesignated Heritage Asset

## **2.0 Relevant Planning History**

- 2.1. 24/00231/CPRIOR Application to determine if Prior approval required for proposed change of use of agricultural building to five dwellings and for building operations reasonably necessary for the conversion as per Schedule 2 Part 3 Class Q. Prior Approval Required and Granted 09.10.2024 (Not implemented).
- 2.2. 21/02693/FUL Proposed demolition of 14 modern farm buildings and erection of 5 detached dwellings – refused 07.09.2022 due to open countryside location and the adverse impact on rural character/setting of the barn. Appeal dismissed 25.07.2023. The Planning Inspector found that the proposal would not be in a suitable location for housing and would cause harm to the character and appearance of the countryside, including to the setting of a non-designated heritage asset. This harm would not be outweighed by the minor benefits of the scheme, nor by the fallback position (i.e., the Class Q approval).
- 2.3. 21/02019/CPRIOR Application to determine if prior approval required to change use of agricultural buildings to 5 dwellinghouses (C3) under Schedule 2 Part 3 Class Q (GDPO) – prior approval required and approved 08.11.2021. Class Q development must be completed within a period of 3 years from the date of the prior approval decision. This permission expired on 07 November 2024.
- 2.4. 21/01408/DEM Demolition of farm buildings - prior approval required and approved 29.07.2021. This relates to buildings numbered 1, 3, 4, 5, 6, 10, 11, 12, 13, 14 on the Existing Site Plan and can be implemented until 28.07.2026.
- 2.5. 21/01401/CPRIOR Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 5 dwellinghouses and for building operations reasonably necessary for the conversion. Application Refused 12.08.2021 due to the floorspace exceeding the allowance under permitted development.
- 2.6. 16/01234/AGR - Livestock Shed to house 230 sows. Steel Portal Frame Building, Corrugated Fibre Cement Roof covering, Yorkshire boarding and Lap Boarding with dwarf containment wall of concrete blocks or reinforced concrete panels. Prior approval not required. To the south of Building 8 not implemented.
- 2.7. 11/00423/FUL - Extension and redevelopment of 2 existing buildings, erection of 1 pig farrowing cabin and 2 portable buildings. Approved 07.06.2011. This relates to Buildings 8 and 10 shown on the Existing Site Plan (pig farrowing cabin and portable buildings not shown). Partially implemented (pig farrowing cabin and portable buildings).
- 2.8. Adjacent Land:
- 2.9. 23/02077/S73 – Application for variation of condition 04 to remove the requirement for the restoration scheme as the farmhouse was removed prior to purchase of land or remove the condition entirely attached to planning permission 21/01112/FUL; Proposed demolition of an existing dwelling and garage and the erection of a new

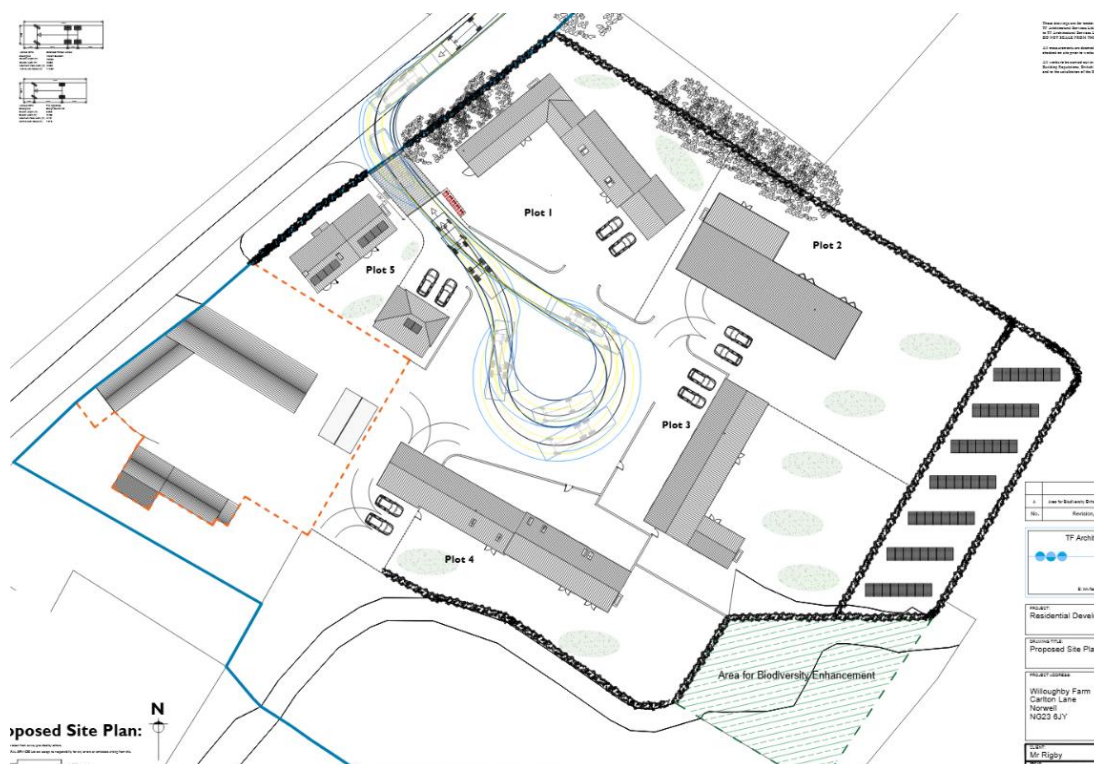


dwelling. Application Permitted 29.01.2024. This permission was to remove a condition requiring the old farmhouse to be demolished and removed from the site within 6 months of completion of the new dwelling (as the new dwelling was sited further back from the road than the old one). However, as the old farmhouse was demolished and removed from the site prior to the new dwelling being constructed, this condition was made obsolete.

- 2.10. 22/00452/FUL – Partial demolition of modern agricultural building and proposed conversion of a traditional farm building into a dwelling. Application Permitted 10.11.2022.
- 2.11. 21/01112/FUL Proposed demolition of an existing dwelling and garage and the erection of a new dwelling. Application Permitted 12.07.2021.
- 2.12. 21/00092/LDC Certificate of Lawfulness to continue the existing use of the building and land as a dwelling and its residential curtilage, Certificate issued 09.04.2021.
- 2.13. 19/01281/FUL Demolition of existing farmhouse/double garage and construction of new farmhouse. Application Refused 16.09.2019.

### 3.0 The Proposal

- 3.1 The application seeks permission for the demolition of the modern farm buildings existing within the site; the erection of five new dwellings, together with associated infrastructure; the erection of detached garage; and the installation of community ground mounted photovoltaic panels. As shown on the proposed site plan below:



- 3.2
- 3.3 The scheme would consist of market housing: 1 x 3 bed dwelling (plot 5), and 4 x 4 bed dwellings (plots 1, 2, 3, and 4). The existing vehicle access would be widened. A hard

and soft landscaping scheme is proposed including native hedgerow planting along the site boundaries.

3.4 The proposed ground mounted solar array would consist of 56 photovoltaic panels set out across 7 rows measuring 9m in length by 1.5m in width. They would provide energy for plots 1-4. Plot 5 would include photovoltaic cells on its rear roof slope. All the proposed dwellings would be served by air source heat pumps.

3.5 Documents assessed in this appraisal:

- Revised BNG Calculations 19<sup>th</sup> June 2025
- Revised BNG Metric 19<sup>th</sup> June 2025
- Site Location Plan 25<sup>th</sup> April 2025
- Proposed Site Plan no.700 2024 101 REV A 25<sup>th</sup> April 2025
- Proposed Landscape Plan no.700 2024 107 REV A 25<sup>th</sup> April 2025
- Phase 1 Land Contamination Assessment ref.3656A P1 Rigby – Norwell Revision A 31<sup>st</sup> January 2025
- Plot 5 drawing no.700 2024 106 31<sup>st</sup> January 2025
- Plot 4 drawing no.700 2024 105 31<sup>st</sup> January 2025
- Plot 3 drawing no.700 2024 104 31<sup>st</sup> January 2025
- Plot 2 drawing no.700 2024 103 31<sup>st</sup> January 2025
- Plot 1 drawing no.700 2024 102 31<sup>st</sup> January 2025
- Building 10/11/12&13/14 Existing Plans and Elevations Rig/947/2789/02 31<sup>st</sup> January 2025
- Building 1&2/3, 4&5/6 Existing Plans and Elevations Rig/947/2789/01 31<sup>st</sup> January 2025
- Existing Building 9 drawing no. 700 2024 06 31<sup>st</sup> January 2025
- Existing Building 8 drawing no. 700 2024 05 31<sup>st</sup> January 2025
- Existing Building 7 drawing no. 700 2024 04 31<sup>st</sup> January 2025
- Tree Survey 31<sup>st</sup> January 2025
- Planning Statement 31<sup>st</sup> January 2025
- Asbestos Demolition Survey Report Issue 1 22<sup>nd</sup> January 2025
- Preliminary Ecological Appraisal ref.P2992 /0125 /01 22<sup>nd</sup> January 2025
- Updated Preliminary Assessment Update 22<sup>nd</sup> January 2025
- Schematic diagram of solar panel fixings 22<sup>nd</sup> January 2025
- Image of solar panels 22<sup>nd</sup> January 2025
- Solar panel spec.440W MBB 22<sup>nd</sup> January 2025

#### **4.0 Departure/Public Advertisement Procedure**

4.1 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 14<sup>th</sup> February 2025.

#### **5.0 Planning Policy Framework**

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 13: Landscape Character
- Core Policy 14: Historic Environment

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

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM4: Renewable and Low Carbon Energy Generation
- 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)

National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Nottinghamshire County Council Highway Design Guide 2021

## 6.0 **Consultations and Representations**

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

**Statutory Consultations** For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/consultation-and-pre-decision-matters)

6.1. Nottinghamshire County Council (Highways) – Raise no objections. They note some

minor failings in the proposal however, advise these can be addressed through planning conditions.

### **Parish Council**

- 6.2. The Parish Council voted to object to the application on the grounds summarised below:
- a. Highways grounds – existing narrow road and increased traffic could cause significant problems;
  - b. Environmental grounds – risk of contamination;
  - c. Impact on Existing Trees, Woodlands, and Nature Conservation – installing ground mounted solar panels could negatively affect local flora and fauna, potentially disturbing existing trees and woodlands;
  - d. Cumulative Impact: combined overall negative impact on the area.

### **Non-Statutory Consultation**

- 6.3. District Environmental Health Officer (Contamination) – Does not object subject to the inclusion of a full phased contamination condition. As there is an increase in the risk resulting from the new proposal. Given the creation sensitivity of garden area, it is highly likely that intrusive sampling will be required.
- 6.4. District Ecologist – 19.02.2025 raised initial concerns relating to the baseline habitats, proposed habitats and red line boundary which needed to be addressed prior to determination. – 06.08.2025 The additional information resolved the previous concerns regarding the baseline habitat. It has been demonstrated that BNG could be achieved through targeting the creation of ‘moderate’ condition for the scrub habitat. It would be feasible to achieve an uplift of 0.14 habitat units (17.9%). However, the BNG calculation will need to be amended and it could be provided as part of the process to discharge the pre-commencement deemed Biodiversity Gain Plan condition.
- 6.5. No comments have been received from any third party or local residents.

## **7.0 Appraisal**

- 7.1. The key issues are:
- Principle of Development
  - Impact upon Heritage Assets
  - Impact on the Character of the Area
  - Impact upon Amenity
  - Impact upon the Highway
  - Impact upon Ecology
  - Impact on Trees
  - Contaminated Land

- 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. 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.
- 7.4. The site lies to the northeast of Norwell and to the west of Cromwell within the open countryside. It is noted that the application site has a fallback position provided by the grant of prior approval ref. 24/01425/CPRIOR, for the change of use of existing (former) agricultural buildings to create 8 dwellinghouses and associated domestic curtilage, under the provisions under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The decision was issued on 09.10.2024 and so remains extant under current planning legislation. The principle of 8 dwellings within the site, therefore is established and is a realistic fallback position.
- 7.5. 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 Local Planning Authority (LPA) 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.
- 7.6. 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:

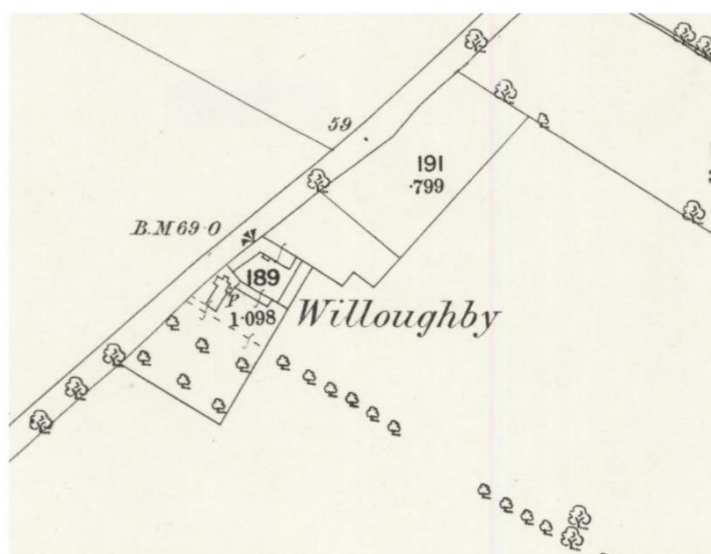
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies 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.

- 7.7. 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. The site is not within a protected area and considering the extant permission for 8 dwellings; and the small-scale nature of the proposed solar array, which would primarily provide energy for plots 1-4, there is not a strong reason to refuse the application.
- 7.8. The site lies 4.2 miles from Sutton on Trent, a principal village, which has a range of day-to-day services. However, trips between the site and this principal settlement are likely to rely on the use of a private car. It is relatively close to Norwell, lying 0.7m to the north of the village. Norwell is defined as an “other village” nonetheless it has a school, pub, post office, and village hall. These services are within a reasonable walking/cycling distance of the site. As such, the site is considered to be in a sustainable location, and the dwellings proposed would contribute to the Council’s housing targets. In fact, small sites are likely to come forward at a faster rate than larger sites and so great weight can be given to the contribution they would make to the District’s housing numbers. Therefore, in line with the presumption in favour of sustainable development, the proposed dwellings and associated development should be approved.
- 7.9. Core Policy 10 sets out the District Council’s commitment to tackling the causes and impacts of climate change and to delivering a reduction in the districts carbon footprint, including through the promotion of energy generation from renewable and low-carbon sources. Policy DM4 of the DPD supports renewable and low carbon energy generation schemes, including as part of other development, where its benefits are not outweighed by detrimental impact.
- 7.10. The scheme includes a small-scale solar array which would generate energy for the proposed dwellings within plots 1-4. Given the scale of the proposal it is considered that it would not result in a detrimental impact on the criteria set out under policy DM4 however, consideration of these matters is covered in further detail in the assessment below.
- 7.11. The demolition of the modern farm buildings as they are not considered to possess any architectural or historic merit is considered acceptable.

- 7.12. Whilst the scheme would represent a departure from policy 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. Considering the fallback position for the already approved conversion of the agricultural buildings within the site for 8 units, alongside the fact 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 low carbon energy and biodiversity benefits the new build scheme would provide, over and above that of the conversion scheme, it is considered that the proposal would represent a betterment. When applying the tilted balance and considering the extant fallback position alongside the demonstrated betterment of the proposed scheme, it is considered acceptable, subject to site specific impacts which are discussed below.

#### Impact upon Heritage Assets

- 7.13. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The NPPF states that in weighing applications that affect directly or indirectly 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.
- 7.14. The barn adjacent to the south-west corner of the site is considered a non-designated heritage asset (NDHA). Separate planning permission ref.22/00452/FUL has been granted for its conversion to a dwelling house on 10.11.2022. At the time of visiting the site development had not commenced but the application remains extant.
- 7.15. The proposed site layout has been designed to reflect a traditional courtyard farmstead, which is similar to the layout of the site visible on the 1885 OS Map, included below. Traditional materials and architectural detailing, chosen to reflect the site's rural historic farmstead context, would be used.



- 7.16.
- 7.17. The design and access statement states the scale of the proposed building would reflect the scale of the existing modern buildings on site. The submitted plans show

the proposed dwellings would in some cases be taller than the buildings they would replace. However, the overall bulk of the proposed dwellings would be broken up compared to the existing agricultural buildings, as a result of varying roof heights and stepped elevations. The proposed buildings would also be narrower, better reflecting the dimensions of traditional agricultural buildings.

- 7.18. With regards to design the proposed buildings would be less plain and include more architectural detailing than the previously refused schemes within the site. On the whole the fenestration detail is reflective of barn conversions. However, the proposed dwelling within plot 5 is more domestic in character with the addition of an open porch.
- 7.19. The proposed solar panels would be located in the northeast corner of the site, furthest from the NDHA. As a result of the separation distance as well as the intervening proposed buildings and landscaping, specifically the proposed native hedgerow planting, the solar panels would have a negligible impact upon the NDHA.
- 7.20. On balance, it is considered that this approach would be sympathetic to the NDHA's setting and as a result is considered not to dominate and distract from the significance of the NDHA.

#### Impact on the Open Countryside and the Visual Amenities of the Area

- 7.21. 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.
- 7.22. The design approach is a traditional farm layout including traditional single and two storey barns, and a modern style Dutch barn which would have the appearance of being converted, grouped around a central yard. As outlined above this design approach is considered appropriate to the site context.
- 7.23. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.
- 7.24. The site falls in Policy Zone MN PZ 21 'Norwell Woodhouse Village Farmlands with Ancient Woodlands'. The Landscape Character Area (LCA) identifies the area to be gently undulating and predominantly arable in nature. There has been little development in the area aside from that associated with agriculture. The landscape in the area is considered to be in a very good condition with a moderate/high landscape sensitivity. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.



- 7.25. The proposed materials (details of which could be secured by condition) would respect the local architectural vernacular. However, by virtue of the development being some distance from any surrounding settlement the proposal would fail to accord with the conserve action recommended by the LCA.
- 7.26. The existing agricultural buildings on site are typical for such a rural location and, whilst not all currently in a good state of repair, are not overtly harmful to the open countryside. Agricultural use and development is characteristic of such countryside locations and in principle it is considered that the removal of these buildings and replacement with new dwellings would represent a more incongruous and alien form of development in this location by its very nature. Nonetheless all of the buildings within the site benefit from a residential conversion fall-back position.
- 7.27. The proposed solar panels form a small scale array to serve 4 dwelling houses. They would be low in height and predominantly screened from outside of the site by the proposed native hedgerow planting. Their location at the rear of the site away from the highway would further mitigate their visual impact. It is also noted that similar solar arrays to the one proposed can be found within agricultural units.
- 7.28. Taking this into account alongside the design of the proposed dwellings it is considered that the proposed development would not radically change the character of the site although, it would have a limited harmful impact upon the rural character of the surrounding countryside.

#### Impact upon Residential Amenity

- 7.29. 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.
- 7.30. 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 on their future amenity. Each dwelling would have sufficient private amenity space and a minimum of 3 vehicle parking spaces commensurate with the size of the dwelling.
- 7.31. Plot 4 would contain a first floor bedroom within its roof which would only be served by roof lights. These roof lights would be at high level limiting outlook. The majority of habitable rooms would afford the future occupiers a satisfactory degree of outlook. Habitable rooms would also be afforded adequate levels of light.
- 7.32. The neighbouring dwelling, Willoughby Farm House, is located a minimum of 58m away from the proposed dwellings. This separation distance is considered sufficient so that there would be no negative impact on the neighbouring dwellings amenity.
- 7.33. The adjacent traditional agricultural building which, has been identified as a non-designated asset has extent permission for conversion to a dwelling house. As this permission has not been implemented negligible weight can be given to the impact of

the proposal on the amenity of future occupiers. Nonetheless minimum separation distance of 9.4m between plot 5 and 14.7m between plot 4 would be provided which is considered sufficient to avoid any adverse impact upon amenity.

- 7.34. The solar panels would be screened from both the existing and proposed neighbouring dwellings by the proposed intervening buildings and landscaping.
- 7.35. As such, the proposed development is considered, in this regard, 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.

#### Impact upon Highway Safety

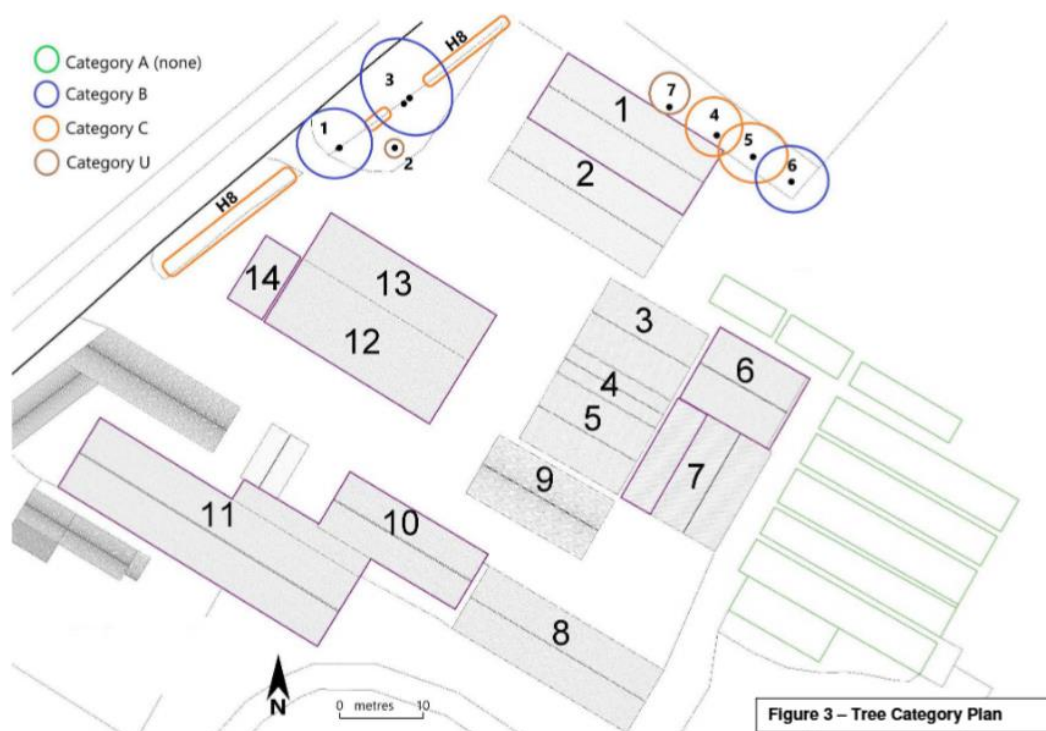
- 7.36. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision. The Highways Authority has been consulted on the proposal and have advised that standing advice applies to this application.
- 7.37. The proposal is for 5 dwellings including 4 x 4 bedroom dwellings and 1 x 3 bedroom dwelling. A minimum of 3 vehicle parking spaces would be required per dwelling alongside 3 covered secure vehicle parking spaces. It is clear from the submitted plans that the required parking spaces and covered cycle parking could be provided within each plot in line with the guidance set out in the Newark and Sherwood Parking SPD. However, further detail is required to demonstrate the exact parking layout. It is noted that the Local Highway Authority advises this detail could be secured via a planning condition. This approach is considered reasonable, and a condition has been recommended for inclusion.
- 7.38. The site would be served by a shared vehicle access. The site access would have a bell mouth radii. The vehicle access would be widened to 5.5m in width and surfaced in a hard bound material for 8m in length from the highway boundary. The Local Highway Authority notes that a minimum width of 4.8m with 0.5m margins on either side would be required to meet with Part 3.1 of the Nottinghamshire Highways Design Guide. However, they have raised no objection to the scheme.
- 7.39. The comments made by the Parish Council that the existing narrow road and increased traffic could cause significant problems is noted however, it is not a view shared by the Local Highway Authority as the technical consultee.
- 7.40. It is noted that the access width approved for the 8 dwelling and 5 dwelling schemes which form the fallback position was 3.6m. Therefore, the proposed scheme represents a betterment to the existing access arrangement. A hard surfaced verge crossing is required to accommodate the site access off Carlton Lane and it is recommended this is secured via condition.
- 7.41. The applicant has demonstrated that the site can accommodate the swept path plot of a 10.85m long refuse vehicle or emergency vehicle. Although this is smaller than the refuse vehicles used in the area the plans show a refuse collection point adjacent

to the site entrance and so it would not be necessary for refuse vehicles to enter the site.

- 7.42. Overall, given that the proposed access represents a betterment to the fallback scheme, the Local Highway Authority have advised that sufficient on site parking could be accommodated on site, and provision for emergency vehicles has been made, the scheme is considered to provide a safe access and appropriate parking provision. Therefore, according with Core Policy 7 of the Newark and Sherwood Core Strategy, DM5 of the Allocations and Development Management DPD. It is recommended that conditions are included to cover highways matters in line with the advice provided by the Local Highway Authority.

#### Impact upon Ecology and Trees

- 7.43. 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.
- 7.44. 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.
- 7.45. Policy DM5 states: “natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced”.
- 7.46. A Preliminary Ecological Appraisal (PEA) has been submitted as part of the application which identified no significant ecological constraints. No further surveys are considered necessary prior to determining the application however, the recommendation is that ecological enhancements are secured via condition. The recommendation within the PEA can be secured by condition to ensure there is no adverse impacts on protected species.
- 7.47. The application is supported by a tree survey. The plan below show’s the trees identified within the site. Of those trees the majority are category C (could be retained, low quality and value), with three category B (retention desirable moderate quality and value) and two category U (no significant landscape value) tree’s identified within the site.



7.48.

7.49. The concerns raised by the Parish Council on the impact of the proposed solar panels on trees, flora and fauna are noted however, there are no identified trees or hedgerow in this area of the site. The proposed scheme seeks to retain the B and C category trees located along the sites northwest and northeastern boundaries as shown above. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed were identified.

7.50. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development.

7.51. The proposal includes on site biodiversity net gain through soft landscaping proposal and native hedgerow to the boundaries as shown in the table below. The Districts Ecology Officer has reviewed the submitted information and considers the amended baseline habitat values to be accurate. However, they raise the following concerns. It is considered that the planting of the trees within the mixed scrub would represent a double counting of habitat units. Also, the planting of trees would affect the efficiency of the adjacent solar panels through shading caused by the canopies as they matured.

7.52. An alternative solution would be to target 'moderate' condition for the scrub habitat. Through the application of appropriate management we consider this would be a feasible option and achieve an uplift of 0.14 habitat units (17.19%) without the additional tree planting. The Ecologist recommends the BNG calculation is amended to include this recommendation which could be provided as part of the process to

discharge the pre-commencement deemed Biodiversity Gain Plan condition.

7.53.	On-site baseline	Habitat units	0.82	
		Hedgerow units	0.09	
		Watercourse units	0.00	
	On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.96	
		Hedgerow units	0.98	
		Watercourse units	0.00	
	On-site net change (units & percentage)	Habitat units	0.15	17.99%
		Hedgerow units	0.89	967.81%
		Watercourse units	0.00	0.00%

- 7.54. Government guidance is that “...it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain plan objective will not be met.”
- 7.55. Therefore, although the calculation is incorrect the corrections necessary could be achieved post decision and that those amendments would still result in a revised calculation showing a net gain in excess of the mandatory minimum 10%. This would therefore be acceptable.
- 7.56. If planning permission were granted, the General Biodiversity Gain Condition would apply, and this will need to be discharged before development can commence. The legislative requirements of what should be included in the Biodiversity Gain Plan do not require the management and maintenance measures to be specified, or the relevant management plan to be approved. Consequently, these matters need to be secured via a planning obligation or a planning condition. A Section 106 is considered to be the appropriate mechanism to secure the required monitoring of the on-site BNG.
- 7.57. With the above in mind, and the conclusions drawn by the Ecology Officer, subject to conditions and the S106 agreement, the proposal is considered to accord with Core Policy 12 of the Newark and Sherwood Core Strategy, policies DM5 and DM7 of the Allocations and Development Management DPD and the requirements of mandatory BNG.

#### Contaminated Land

- 7.58. Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability.
- 7.59. A Phase 1 Land Contamination Report was submitted with the application. The Environmental Health Officer (EHO) has reviewed it and confirmed that the use of the full phased condition is required. At the time of writing this report Phase 2 and 3 Contamination Reports have been submitted but are yet to be reviewed by the EHO therefore, the recommended condition is considered necessary.
- 7.60. In addition, the application is supported by an asbestos survey which identifies asbestos material within the application site and advises that asbestos removal is under the Control of Asbestos Regulations 2012, which are made under the Health

and Safety at Work At 1974, to minimise workers and anyone else's exposure to asbestos fibres both within the workplace and the surrounding area. As the control of asbestos falls outside of the remit of planning legislation, an informative has been recommended for inclusion directing the applicant to the relevant authority.

- 7.61. Although, there are sources of contamination within the site subject to conditions as recommended by the EHO it is considered that the development would be acceptable in relation to land contamination.

7.62. Flood Risk and drainage

- 7.63. The site lies within Flood Zone 1 therefore is at low risk of fluvial flooding and a low risk from surface water flooding therefore there are no concerns in relations to flood risk. The scheme would result in a reduction in the amount of impermeable area within the site which would assist in surface water drainage.

- 7.64. Surface water will be dealt with via SUDs into a soakaway. It is recommended that further details of the proposed site drainage is secured via a pre-commencement condition to ensure that surface water is proactively managed. Overall the proposal would accord with Core Policies 9 and 10 of the Core Strategy.

Other Matters

7.65. **Community Infrastructure Levy (CIL)**

The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m<sup>2</sup> for CIL purposes. The development would result in 1372.2m<sup>2</sup> of Gross Internal Area, the CIL charge on this development is therefore £96,054.

**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 made reference to these implications and added suitable expert comment where appropriate.

**8.2. Legal Implications - LEG2526/2827**

- 8.3. 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. 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, improved access arrangements, 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 the proposal would result in limited harm upon the adjacent NDHA and the landscape character of the area. The scheme would provide 5 new residential units of agricultural design in a courtyard arrangement with hedgerow planting to the site boundaries which is considered an enhancement over the more ad hoc conversion of the smaller agricultural units approved under Class Q. The proposed solar panels and other renewable energy technologies include within the scheme would weigh in favour of the proposal. Furthermore, there would be no adverse impacts upon residential amenity, ecology, highway safety, or flood risk. Land contamination could be adequately mitigated, details secured via condition.
- 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 and DM7 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 and legal agreement.

## **10.0 Conditions**

01

The development hereby permitted shall be begun within three years from the date of this permission.

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

02

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

- Site Location Plan 25<sup>th</sup> April 2025
- Proposed Site Plan no.700 2024 101 REV A 25<sup>th</sup> April 2025
- Proposed Landscape Plan no.700 2024 107 REV A 25<sup>th</sup> April 2025
- Plot 5 drawing no.700 2024 106 31<sup>st</sup> January 2025
- Plot 4 drawing no.700 2024 105 31<sup>st</sup> January 2025
- Plot 3 drawing no.700 2024 104 31<sup>st</sup> January 2025
- Plot 2 drawing no.700 2024 103 31<sup>st</sup> January 2025
- Plot 1 drawing no.700 2024 102 31<sup>st</sup> January 2025

Reason: So as to define this permission and for the avoidance of doubt.

03

Prior to first occupation of any of the dwellings hereby approved, full demolition of all redundant farm buildings within the application site shall take place and all debris from those buildings shall be removed from site.

Reason: In the interests of visual amenity and to ensure that the demolition takes place in a timely manner.

04

No development above damp proof course shall take place until a schedule of all external materials (with samples to be provided upon request) to be used in the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity.

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.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In the interests of visual amenity and given the rural location and given the design which, in part, emulates historic rural buildings.

06

The development hereby permitted must not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.



Reason: To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere.

07

The approved hard and soft landscaping scheme shown on drawing no.700 2024 107 Rev.A 'Proposed Landscaping Plan' shall be completed in full during the first planting season following the first occupation/use of the development hereby approved. 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. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

08

No part of the development shall be brought into use until the approved boundary treatments shown on drawing no.700 2024 107 Rev.A 'Proposed Landscaping Plan' have been implemented on each individual plot on site prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years.

Reason: In the interests of residential and visual amenity.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of: Class A: The enlargement, improvement or other alteration of a dwellinghouse. Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Class C: Any other alteration to the roof of a dwellinghouse. Class D: The erection or construction of a porch outside any external door of a dwellinghouse. Class E: Buildings etc incidental to the enjoyment of a dwellinghouse. Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse. Class G: Chimneys, flues etc on a dwellinghouse. Class H: Microwave antenna on a dwellinghouse. Or Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Class B: Means of access to a highway. Class C: The painting of the exterior of any building. Unless consent has firstly been granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside, are appropriate for their surroundings and in recognition that the size and scale of the dwelling has increased and given the flood risk implications of this.

10

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan no. 700 2024 101 REV A 'Proposed Site Plan'. The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety.

11

No part of the development hereby permitted shall be brought into use until a hard surfaced verge crossing to serve the driveway from Carlton Lane is available for use and has been constructed in accordance with the Highway Authority's specification in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

12

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum distance of 8m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

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

13

No part of the development hereby permitted shall be brought into use until the driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure that surface water is not deposited on the public highway causing danger to road users.

14

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary. Any proposed septic tank shall be located at least 10.0m to the rear of the highway boundary.

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

15

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure, covered parking of cycles, secure cycle equipment storage facilities, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Reason: In the interest of furthering travel by sustainable modes.

16

No gates shall be erected at the access to the development from the public highway on Carlton Lane.

Reason: In the interest of highway safety.

17

Prior to the occupation of any dwelling hereby approved, the wheelie bin collection point shown on approved drawing no. no. 700 2024 101 REV A 'Proposed Site Plan' shall be provided to serve the development and shall thereafter be retained indefinitely.

Reason: To prevent wheelie bins from obstructing the public highway on bin collection day, in the interest of highway safety.

18

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological 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 'Land contamination risk management (LCRM)'

Part B: Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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

19

A. An amended version of the 'Biodiversity Impact Assessment' and Statutory Biodiversity Metric V3, both dated 13th June 2025 and prepared by C.B.E. Consulting Ltd. shall be submitted to, and be approved in writing by, the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out within these approved documents.

B. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), in the form of a detailed annotated plan, prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

a) The roles and responsibilities of the people or organisation(s) delivering the HMMP;

b) The location and details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development; and

d) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

C. Notice in writing shall be given to the local planning authority when the HMMP works have started.

D. A completion report, evidencing the completed habitat enhancements, shall be submitted to, and approved in writing by the Local Planning Authority within 6 months of the first occupancy of the final (fifth) dwelling:

E. The created and/or enhanced habitats specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

F. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure that the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act and therefore maximises opportunities to conserve, enhance and restore biodiversity in accordance with NSDC's Amended Core Strategy Policy 12.

20

No development shall take place (including demolition, ground works, vegetation clearance) 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.

d) 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 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.

21

A. The approved development shall not commence until a bat box and 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.

B. The approved boxes shall be installed prior to first occupation of the fifth dwelling 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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved 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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

Biodiversity Net Gain Informative: 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 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](http://www.gov.uk))) Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply

04

The development makes it necessary to alter a vehicular crossing on Carlton Lane. These works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

05

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/developer, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed 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.

06

Planning consent is not consent to work on or adjacent to the public highway, therefore prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.

07

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>.

08

For the purposes of Part B c) of Condition 18 completion of the development, and therefore the start of the 30-year period is considered to be when there has been occupation of the fifth dwelling.

09

All wild bird species, their eggs and nests are protected by law. Therefore, if the proposed removal of the buildings cannot be undertaken outside of the nesting season for most species (i.e., during the period September-February, inclusive), the buildings to be removed should be checked for nesting birds by a competent ecologist immediately prior to the commencement of approved works.

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 - 25/00107/FUL



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Report to Planning Committee 2 October 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Oliver Down – Planner (Conservation)

Report Summary			
Application No.	25/01173/LBC		
Proposal	Flat Roof Replacement works and 2no. new rainwater pipes installation.		
Location	Tambo Lounge The Buttermarket 27 Middle Gate Newark On Trent NG24 1AL		
Applicant	Newark and Sherwood District Council	Agent	Studio-G Associates Ltd - Miss Yasmin Kelly
Web Link	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
Registered	10 <sup>th</sup> July 2025	Target Date Extension of Time	4 <sup>th</sup> September 2025 4 <sup>th</sup> October 2025
Recommendation	Approval		

This application is being referred to the Planning Committee for determination as the property is in Newark & Sherwood District Council ownership.

## 1.0 The Site

1.1 The application site comprises Tambo Lounge, which forms part of a Grade I Listed Building.

1.2 The site has the following constraints:

- Grade I listed building
- Newark Conservation Area and sited near other Listed Buildings.

## 2.0 Relevant Planning History

- **21/02470/LBC:** Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level: Permitted.

- **21/02462/LBC:** Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors: Permitted.
- **21/02468/LBCLDC:** Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets: Certificate issued.
- **19/01410/FUL & 19/01411/LBC:** Alterations and conversion of units 4, 9, 10 and 11 into a single unit including demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate: Application permitted.

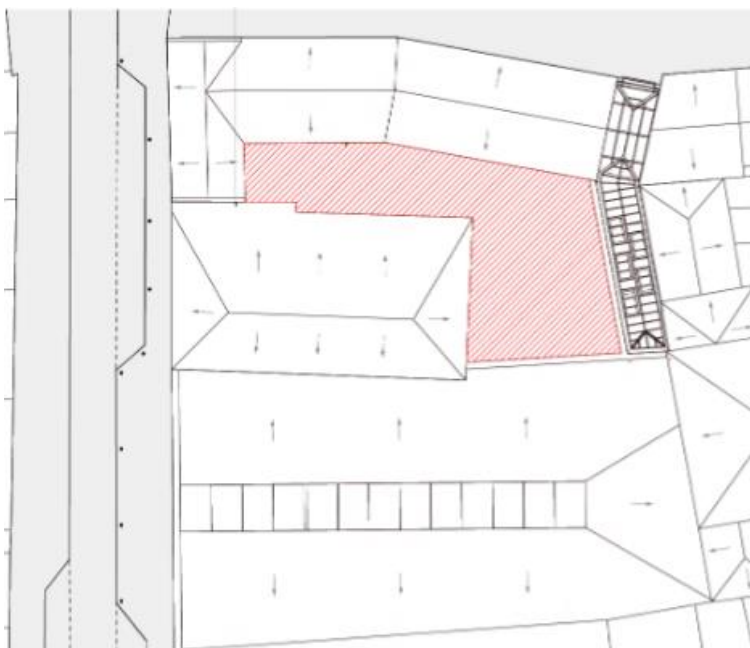
### 3.0 The Proposal

- 3.1 The application seeks listed building consent for Flat Roof Replacement works and 2no. new rainwater pipes installation.

The proposed works comprise works to:

- Roof;
- Downpipes;
- Drainage.

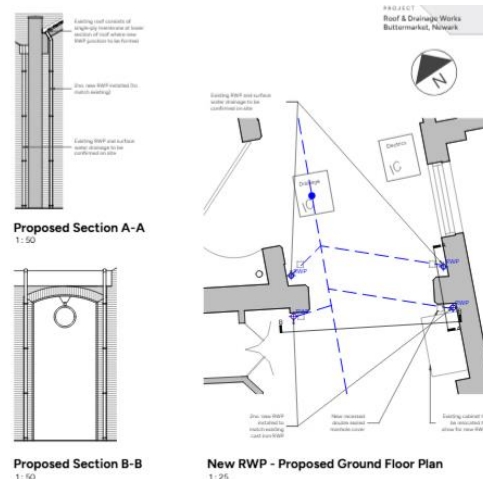
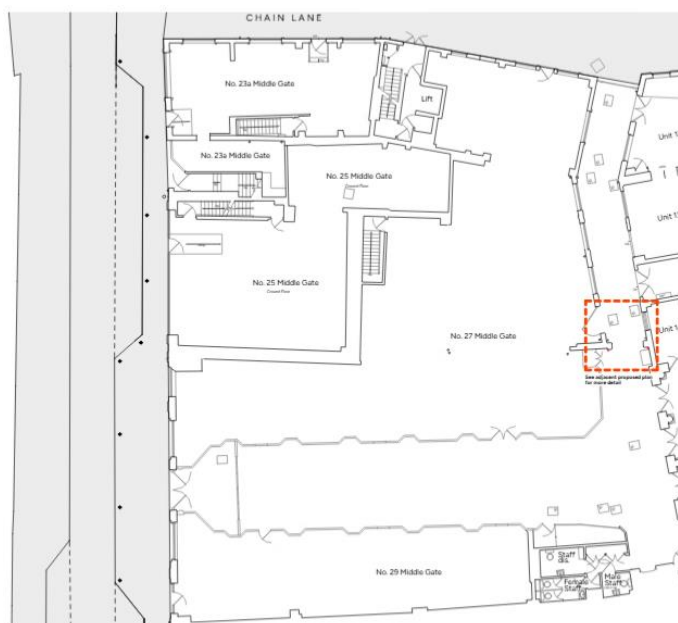
- 3.2 Roof: The roof above Tambo Lounge area and nearby Buttermarket forms part of a complex array of roofs that range from pitched pan tile roofs and modern flat roofs. The proposal concerns the removal of the existing modern flat roof. An extensive photographic record shows that this roof needs upgrading due to water ingress that threatens historic fabric below. The existing slabs/membrane on the roof clearly are in a poor state with vegetation and pools of water on the flat roof have been causing damage and will cause more extensive damage to the dwelling and historic fabric below.





- 3.3 The report document (No.48208) goes into detail that the roof has come to the end of its life, with pierced section, pooling of water and cracks. This clearly has demonstrated that the roof needs replacement, with water ingress a concern for historic fabric in the Buttermarket below, replacement of modern roof would preserve wider historic fabric. The removal of the stone slabs with a uniform membrane by Langley is quoted by the manufacturer to have a 20-year insurance guarantee. The installation of such a membrane will lessen pooling of water between cracks of the existing slabs. The uniform nature of the membrane will mean that water ingress will be greatly reduced therefore preserving the heritage asset.
- 3.4 Downpipes: The existing downpipes have been identified as not being able to cope with downpours. Analysing the photographs provided and the amount of water ingress, updating downpipes to increase capacity would be beneficial in preserving further historic fabric by reducing water ingress. As aforementioned, the pooling of water is widespread on the existing flat roof, with more sudden downpours an erratic weather capacity to cope with increased rainfall and therefore increase the size of the downpipes is clear convincing justification. The size of downpipes has been confirmed at 150mm, which includes a 50mm increase compared to the existing. The impact of these new downpipes will not be harmful to the architectural significance of the covered shopping market street. The plans do specify that these down pipes will match existing and that will mean that they shall be cast iron, which preserves the architectural significance of the building and indoor area.





- 3.5 Drainage: Works associated with drainage upgrade will be limited in terms of harm. Connection to the draining system and upgrading of downpipes will have little to no harm to the historic fabric. The justification is clear and convincing and will contribute to the maintenance of the listed building with a future-proof downpipes. The downpipes will be installed into the existing drain system. To the roof new leaf guards and roof details shall be installed into the new roof. These are necessary details that will maintain the heritage asset from further water pooling or blockages.

### 3.6 Documents assessed in this appraisal:

- Existing first floor plan: EX201
- Existing front elevation and roof plan: EX300
- Existing ground floor plan: EX200
- Existing roof plan: EX202
- Proposed ground floor plan and sections: 30200
- Proposed health and safety plan – first floor: 30203
- Proposed health and safety plan – ground floor: 30202
- Proposed health and safety plan – roof: 30204
- Proposed roof plan: 30201
- Temporary works – Existing front elevation: 30300
- The location plan: EX100
- Design and access statement
- Report Document – No 48208

### 4.0 **Departure/Public Advertisement Procedure**

- 4.1 Occupiers of three neighbouring properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site on the 28/07/25 and an advert has been placed in the local press on 31/07/2025.
- 4.3 A site visit was undertaken 28/07/2025.

### 5.0 **Planning Policy Framework**

- 5.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') provides a presumption in favour of the preservation of Listed Buildings and preservation or enhancement of the character and appearance of Conservation Areas.
- 5.2. The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take account of the following other material considerations:
- National Planning Policy Framework 2024 (as amended Feb 2025)
  - Planning Practice Guidance (online resource)
  - Historic England (2016) Making Changes to Heritage Assets: Advice Note 2
- 5.3. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**
- Core Policy 14 – Historic Environment
- 5.4. **Allocations & Development Management DPD (2013)**

## DM9 – Protecting and Enhancing the Historic Environment

- 5.5. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector's report is still awaited. There are unresolved objections to the amended versions of policy DM9 emerging through that process, and so the level of weight to which that proposed new policy can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

### **6.0 Consultations and Representations**

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

#### **Statutory Consultations**

- 6.2. Historic England – 14th of July 2025 (no advice offered and suggest seek the views of specialist Conservation Officer)

#### **Town/Parish Council**

- 6.2 Newark Town Council 30<sup>th</sup> July 2025. (No objection).

#### **Non-Statutory Consultations**

- 6.4 No representations have been received from any third party or local resident.

### **7.0 Comments of the Business Manager – Planning Development**

- 7.1. The key issue is:

- Impact on the special historic and architectural interest of the listed buildings and the wider historic environment

- 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.

- 7.3. As the application concerns designated heritage assets comprising listed buildings, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 16(2) requires the decision maker in considering



whether to grant listed building consent for any works, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 7.4. Core Policy 14 of the Amended Core Strategy states that the District Council will seek to secure 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. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be) and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy DM9 of the Allocations and Development Management DPD states that all development proposals concerning heritage assets will be expected to secure their continued protection and enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. In Conservation Areas development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with CP14.
- 7.5. The importance of considering the impact of new development on the significance of heritage assets is expressed in Part 16 of the NPPF. Paragraph 8 of the Framework states that protecting and enhancing the historic environment is part of achieving sustainable development.

#### Summary of Significance of Heritage Asset(s)

- 7.6. The site is adjoined to Newark Town Hall. The Town Hall was designated Grade I (LEN 1196430) in 1950. The law makes it clear that any building or structure physically attached to a listed building, or if detached, having formed part of the land since before 1948, is also listed (section 1(5) of the Planning (LBCA) Act 1990). The tests set out under the old PPG15 provide a useful framework by which to clarify the extent of curtilage listing. Ownership at the time of listing, historic association, subservience and physical relationship are key in that assessment. The covered market meets the curtilage tests entirely, and I therefore consider the Victorian building to be part of the Town Hall listing.
- 7.7. As part of the complex between Middle Gate, Market Place and Chain Lane, no. 23 Middle Gate is Grade II listed (LEN 1196432) and was designated in 1992. The listing description for Newark Town Hall advises, ‘Town Hall and former gaol. 1774-6, with late C18 and mid C19 additions. By John Carr of York. Restored 1989-91 by Guy St John Taylor Associates and James Brotherhood Associates. Mansfield white sandstone ashlar and brick with slate roof. Plinth, frieze, dentillated cornice, open balustrade with urns at the corners. Windows are glazing bar sashes. 3 storeys; 7 window range. Projecting 3- bay centre has a giant tetrastyle Doric portico with balustrade, and pediment containing the Town Arms, topped with a central figure of Justice renewed

c1983. At the angles of the pediment, pedestals with a lion to left and a unicorn to right. Within the portico, 3 tall windows, the central one pedimented and the flanking ones corniced. Above them, 3 smaller windows. Outer first floor windows have cornices and pseudo-balustrades. Smaller second floor windows have moulded architraves. Rusticated ground floor has round arched openings with multiple keystones and impost band. In the centre, 3 doorways with wrought iron grilles and gates. Beyond, single glazing bar windows and beyond again, single doorways with half-glazed doors with fanlights. To left, late C18 addition forming Mayor's Secretary's office. Red brick with ashlar lintels and slate roof. 4 storeys; single window range of glazing bar sashes, and a round arched entry with keystone. Interior has an outstanding ballroom with paired pilasters and domed apsidal ends, screened by pairs of giant Corinthian columns. Coved compartmented ceiling by Kilminster of Derby. Central enriched marble fireplace on each side wall. Front has 4 doors in decorated surrounds, and rear 2 doors. Rear has central window with fanlight, flanked by single busts on console brackets. Central council chamber has metope and triglyph frieze, ceiling bosses and door and window architraves with cornices. Mayor's Parlour and picture room have moulded cornices, elaborate doorcases and marble and wood fireplaces. Oval stairwell has dogleg stair with winders and ramped and scrolled mahogany handrail. Below the ballroom, an 8 x 3 bay market hall with Doric arcades and engaged columns in the aisles. Round arched side openings. On the north side, former gaol, mid C19, brick, with slate roof. Single storey, with 3 windows and 4 doors, one of them blocked, all with segmental heads. The Town hall is described as "a fine example of its type and period" (Pevsner) and is a good example of the work of John Carr'.

- 7.8. The listing description for no. 23 Middle Gate advises, 'Former public house, now shop. Early C18, restored 1989. Brick with steep pitched plain tile roof. Plinth, first floor band, coggled and dentillated eaves, coped gables. 2 storeys plus attics; 4 window range of segment headed glazing bar sashes. Above, 2 C20 gabled dormers with 2-light casements. below, off-centre half-glazed panelled door with overlight, flanked to left by 2 glazing bar sashes, all with segmental heads. To right, a plain carriage opening. Left gable has a C20 3-light shop window'.
- 7.9. The covered market, known as the Buttermarket has undergone a significant restoration in the 1980s, introducing a row of shops and mezzanine floor. The other parts of the land holding now identified as the shopping centre are less clear cut. The 1989 phase has remodelled and altered this space extensively, and much of it is not 'special'. However, the physical connection and single ownership of these service areas, including the Royal Exchange, Hobsons and the upstairs former bar area (now education hub), could be interpreted as being one single 'extension' to the principal listed building. Inevitably, this interpretation is not so simple. The building range along Chain Lane containing Tambo has been extensively reconstructed, but otherwise appears to be the historic service range to the former Inn on Middle Gate (23 Middle Gate- see late 19th century OS maps). Some of the masonry is 1980s stretcher, but areas on Chain Lane at higher level include traditional dentillation and some English Garden Wall with off-centre stretcher bond, suggesting 19th century masonry. The annexation of this unit from 23 Middle Gate prior to 1992 ensures that this building range cannot be characterised as curtilage to that property. On the other hand, it

seems insufficient to find that the ownership and physical connection of this unit to the Town Hall in the modern era is sufficient to make it curtilage listed either, despite the extent of openness within the unit out of the original building wall line of the covered market (formed by the two arched openings) which encourages the concept of the larger 'extension'. The line of units on the east side of the Exchange (including Hobsons) appear to contain some historic fabric and some level of connection through to the cells (this area is marked stables on historic conveyance plans) and perhaps might be more obviously determined as curtilage (as an extension of the Town Hall ground floor).

#### Impact on the special interest of the Listed Building

- 7.10 The site sits behind the Town Hall and has been restored partly with modern materials, this mainly focused on the roof. The application is supported by an extensive photographic study of the roof and site that goes into detail justifying the works.
- 7.11 The proposal will be minimal in its impact in terms of historic fabric. The assessment of impact is focused on historic fabric and setting. The works relate to mainly modern fabric within the Grade I building being replaced, so the principle of this replacement of the flat roof and downpipes means harm is limited.

#### **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 - LEG2526/3491**

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 proposed works will maintain the historic fabric by reducing water ingress in the future by the replacement and installation of a modern roof and its associated apparatus. This will preserve the architectural significance of the Buttermarket, with no harm incurred.
- 9.2. As such, the proposed works would comply with the guidance within Section 16 of the NPPF and with the duty to preserve set out in S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is therefore recommended that the works be approved, subject to the conditions set out below.

## **10.0 Conditions**

### **01**

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **02**

The works hereby approved, to replace roof, two downpipes and associated roof, shall be carried out in accordance with the following approved plans and associated documents:

- Existing first floor plan: EX201
- Existing front elevation and roof plan: EX300
- Existing ground floor plan: EX200
- Existing roof plan: EX202
- Proposed ground floor plan and sections: 30200
- Proposed health and safety plan – first floor: 30203
- Proposed health and safety plan – ground floor: 30202
- Proposed health and safety plan – roof: 30204
- Proposed roof plan: 30201
- Temporary works – Existing front elevation: 30300
- The location plan: EX100
- Design and access statement
- Report Document – No 48208

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

## **Informatives**

### **01**

The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) You and your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter, as any unauthorised works undertaken could constitute a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and could be liable for enforcement action.
- b) The owner and/or developer is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby 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 and listed building implications arising from those amendments may be properly considered.

## **02**

Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

### **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 – 2 October 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](mailto:planning@newark-sherwooddc.gov.uk) quoting the relevant application number.

Oliver Scott  
Business Manager – Planning Development



## Appendix A: Appeals Lodged (received between 25 August to 22 September 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3371737  24/01878/FUL	Land Adjacent To Tesco Express Kirklington Road Rainworth	Proposed Retail Unit with Parking.	Written Representation	refusal of a planning application
APP/B3030/W/25/3372240  25/00637/FUL	Land At The West Lawns Southwell	Proposed Detached Dwelling	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.

Appendix B: Appeals Determined (between 25 August to 22 September 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
24/01983/FUL	Fiskerton Lodge Bleasby Road Fiskerton NG25 0XJ	Replacement dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	27th August 2025
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SMSG44LBJ5200">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SMSG44LBJ5200</a>						
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
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SML748LBJ3J00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SML748LBJ3J00</a>						
25/00150/HOUSE	Jesmond Dene 10 Willow Road Eakring NG22 0DF	Proposed Double Garage, Timber Store, Biodiversity Garden, Bat & Owl Roost	Delegated Officer	Not Applicable	Appeal Allowed	8th September 2025
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SQT1S3LBKCL00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SQT1S3LBKCL00</a>						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

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](mailto:planning@newark-sherwooddc.gov.uk) quoting the relevant application number.

Oliver Scott

Business Manager – Planning Development

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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