



**Castle House
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Wednesday, 5 November 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**

MEETING:	Planning Committee
DATE:	Thursday, 13 November 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
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. If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.	

AGENDA

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| 1. | Notification to those present that the meeting will be recorded and streamed online | |
| 2. | Apologies for Absence | |
| 3. | Declarations of Interest by Members and Officers | |
| 4. | Minutes of the meeting held on 2 October 2025 | 4 - 8 |

Part 1 - Items for Decision

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| 6. | Former Winner City Cantonese Restaurant, White Post, Farnsfield, NG22 8JD - 24/01338/FUL
Site Visit: 11.10am – 11.20am | 33 - 78 |
| 7. | Land At Manor Farm, Sand Lane, Spalford, Newark On Trent, NG23 7HF - 25/00222/FUL
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Part 4 - Exempt and Confidential Items

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| 14. | Exclusion of the Press and Public | |
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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.

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, 2 October 2025 at 4.00 pm.

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

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

APOLOGIES FOR Councillor L Dales, Councillor P Harris and Councillor T Smith
ABSENCE:

50 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.

51 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors 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.

52 MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2025

AGREED that the minutes from the meeting held on 4 September 2025 were agreed as a correct record and signed by the Chair.

The Chair and Vice-Chair referred to vote counting when the Chair has the casting vote, as when live streaming not all hands are visible. The Chair therefore asked the Committee when voting by a show of hands to hold them up for longer until all counted.

53 PHASE 6A/7 THORESBY VALE, DEVELOPMENT, FORMER THORESBY COLLIERY, OLLERTON ROAD, EDWINSTOWE, NG21 9PS - 24/00289/OUTM (MAJOR AND EIA DEVELOPMENT)

The Committee considered the report of the Business Manager for Planning Development, which was an 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.

A site visit had taken place earlier in the day of the Planning Committee.

Mr Lewis-Roberts, the agent spoke in support of the application.

Members considered the presentation from the Senior Planning Development Officer,

which included photographs and plans of the proposed development.

The impact of additional housing on Edwinstowe was discussed. One Member explained that the master developer Harworth Estates had been very good at engaging and communicating with the local community. Members discussed a number of issues, including street trees, the possibility of an NHS clinic on site, social housing and the desirability of solar panels on housing development. The importance of ground nesting nightjar and woodlarks was also discussed. Questions were raised about highway elements, bus routes, cycle routes and active travel, and the secondary school bus service.

AGREED (unanimously) to grant Planning Permission subject to conditions and legal agreement.

54 LAND OFF ST MICHAELS CLOSE, HALAM - 25/01319/PIP

The Committee considered the report of the Business Manager for Planning Development, which was an application for permission in principle for residential development of four to nine dwellings.

A site visit had taken place earlier in the day of the Planning Committee.

Mr Paris from the Parish Council and Mr Croxton a member of the public both spoke against the application.

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

The Committee recognised the specific range of matters that could be considered in the PIP application, being limited to the consideration of the site location, proposed land use and quantum of houses. Members recognised that the Council has no 5 year housing land supply. Nevertheless, Members raised concerns with the open countryside location and lack of local facilities. Concerns were raised about walking to Southwell. There was acknowledgement of local community concerns and potential highway matters that might be difficult to resolve at technical matters stage. Concern about backland development was discussed, as well as a perception that the proposed number of houses was not proportionate to the modest scale of Halam.

A vote was taken and lost for approval with 2 votes For and 8 votes Against.

The motion to Refuse planning permission was moved by Councillor Freeman and Seconded by Councillor Rainbow.

AGREED (with 8 votes For and 2 votes Against) that:

- (a) contrary to Officer recommendation, Planning Permission be refused notwithstanding the Council's lack of 5 year housing land supply on the basis of conflict with Policy DM8, open countryside location, backland development and disproportionate number of houses.

- (b) the wording for refusal be delegated to the Business Manager for Planning Development.

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

Councillor	Vote
C Brooks	Against
S Forde	Against
A Freeman	For
K Melton	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
L Tift	For
T Wildgust	For

55 LAND AT WILLOUGHBY FARM, CARLTON LANE, NORWELL - 25/00107/FUL

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

A site visit had taken place earlier in the day of the Planning Committee.

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

Members discussed the planning history of the site and the overall planning merits of the proposal. Members discussed a range of issues including impact on the character of the area and highways. The benefits of high levels of building insulation were raised. Questions were asked regarding the schemes compliance with policy DM8, and the number of houses proposed in the context of the lack of a 5 year housing land supply and the established fallback position.

AGREED (unanimously) to Grant Planning Permission subject to conditions (including condition 6) and legal agreement.

56 TAMBO LOUNGE, THE BUTTERMARKET, 27 MIDDLE GATE, NEWARK ON TRENT, NG24 1AL - 25/01173/LBC

The Committee considered the report of the Business Manager for Planning Development, for flat roof replacement works and 2no. new rainwater pipes installation.

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

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

The complexity of the building range at the back of the Town Hall was discussed and the limited special interest of the flat roof to be repaired. Members queried whether solar panels or a roof top terrace had been considered in this location. The benefits of improved rainwater management was discussed.

AGREED (unanimously) for approval.

57 APPEALS LODGED

AGREED that the report be noted.

58 APPEALS DETERMINED

AGREED that the report be noted.

59 EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) 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 involved the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of part 1 of Schedule 12A of the Act.

60 LAND NORTH OF MAIN ROAD, KELHAM, NOTTINGHAMSHIRE, NG23 5QY - 23/01837/FULM

The Planning Committee considered the exempt Land North of Main Road, Kelham, Nottinghamshire, NG23 5QY - 23/01837/FULM as an update on the Council's case for the forthcoming appeal inquiry (ref APP/B3030/W/25/3364181). This information was noted and Officers advised that Members would be kept updated on all aspects of the Appeal.

At this point in the meeting, in accordance with Rule 2.7, the Chair indicated that the meeting had been ongoing for three hours and a motion was required to be proposed and seconded to extend the meeting for the duration of one hour.

AGREED (unanimously) that: the meeting continue for the duration of one hour.

Meeting closed at 7.17 pm.

Chair

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Report to Planning Committee 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn – Senior Planner

Report Summary			
Application No.	25/00805/FULM		
Proposal	Change of use of land to a traveller site including ancillary hardstanding.		
Location	Land To The South East Of Bullpit Road Balderton Newark On Trent NG24 3NA		
Applicant	Mr Richard Calladine	Agent	Mark Simmonds Planning Services
Web Link	25/00805/FULM Change of use of land to a traveller site including ancillary hardstanding Land To The South East Of Bullpit Road Balderton Newark On Trent NG24 3NA		
Registered	27/05/2025	Target Date	26/08/2025
Recommendation	Application be GRANTED, subject to the conditions in section 10.		

This application is referred to the Planning Committee for determination as a call-in request was received from Cllr Lee and Cllr Oldham due to concerns including lack of consultation, compliance with the Local Plan, highways safety issues including traffic, lack of a flood risk assessment, lack of basic infrastructure, fire safety risks and impact on green space.

1.0 The Site

- 1.1 The site is located adjacent to the settlement edge of Balderton, which forms part of the Newark Urban Area. The site lies outside the urban confines of Newark in the open countryside. The site previously comprised a stable building and associated paddock land, and lies to the north of the railway lines. There is predominantly residential development to the south and some scattered residential and agricultural development to the north.

- 1.2 The site lies in flood zone 1 and has a small area of low to medium surface water flood risk in the southeastern most corner of the site, adjacent to the railway lines. The site is not proposed for allocation through the submission version of the Amended Allocations and Development Management DPD.

2.0 Relevant Planning History

- 2.1. No previous relevant history found.

3.0 The Proposal

- 3.1 The application seeks permission for the change of use of the land to allow the siting of 10 pitches for the Gypsy and Traveller community. The proposal consists of 10 pitches for Traveller families, with space for a mobile home, a touring caravan and private garden space. From a site visit it is noted that the change of use has already occurred and the site currently comprises 10 pitches.

- 3.2 Documents assessed in this appraisal:

- Application Form
- Design, Access and Planning Statement
- Noise Impact Survey and Assessment
- Transport Note
- Site Location Plan reference LIBU 002
- Site Plan reference LIBU 001
- Refuse Vehicle Plan 1 reference LTP/6489/T1/01/01/B
- Refuse Vehicle Plan 2 reference LTP/6489/T1/01/02/B
- Caravan Swept Path Analysis Plan 1 reference LTP/6489/T1/02/01/0
- Caravan Swept Path Analysis Plan 2 reference LTP/6489/T1/02/02/0
- Visibility Splay Plan reference LTP/6489/V1/01/01/0

Site Plan:



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 63 properties have been individually notified by letter.
- 4.2 Site visit undertaken on 31st July 2025.
- 4.3 A site notice was displayed on 2nd June and expired on 23rd June.

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 7 - Sustainable Transport
 Core Policy 4 – Gypsies & Travellers – New Pitch Provision
 Core Policy 5 – Criteria for Considering Sites for Gypsies and Travellers and Travelling Showpeople
 Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

5.2. Allocations & Development Management DPD

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. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.
- 5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced

stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.5. **Other Material Planning Considerations**

- Planning Policy for Traveller Sites (PPTS) 2024
- National Planning Policy Framework (NPPF) 2024
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Gypsy and Traveller Accommodation Assessment (GTAA)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 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

- 6.1. Nottinghamshire County Council Highways – Objection. Highways Officer requests a Grampian condition to secure a new footway to site, requests condition for gates on site access to be set in to ensure a towed caravan or van can wait clear of highway. Comments that visibility splays have been calculated incorrectly and for northbound vehicles should have been shown at 48m opposed to 43m shown on drawing. Comments that the required 48m visibility is achievable but may require vegetation management. Regarding visibility splay for southbound vehicles, this is shown at 63m but should be 99m. Again, this is achievable but not shown on plans. Also comments on swept path analysis that the vehicles shown do not represent general operational dynamics of a traveller's site and still need swept path analysis of a 3.5t vehicle with a 12m trailer. Vehicles should not have to swing into layby as it may be used by other vehicles. Comments note that these issues could be dealt with by condition. But Highways maintain their objection, noting the issues can be overcome.

Town/Parish Council

- 6.2. Balderton Parish Council – Object to the application on the following reasons:

1. Highways issues, including visibility, lack of footpath, lack of lighting and width of road;
2. Loss of hedges to accommodate visibility;
3. Lack of infrastructure including waste removal and drainage;
4. Noise disturbance for neighbours, such as from generators, and noise disturbance for occupiers due to railway lines;

5. Layout concerns and visual appearance, including concerns of safety;
6. Risk of creeping development;
7. Retrospective nature of the development could set precedent for other unauthorised developments.

Non-Statutory Consultation

- 6.3. Network Rail – Originally objected to the proposal due to the proximity of the access to the level crossing and concerns development could impact the safety of the level crossing, including increased queuing and traffic flows from the site. Other comments included drainage not impacting the railway, requesting a condition for how surface water drainage will be managed, and railway noise mitigation and adequate sound proofing for future occupiers.

Since the amendments to the location of the site access and the proposed off-site mitigation through signage and road markings (which will be secured via S278 agreement), Network Rail have removed their objection and state they are now satisfied with the outcome, subject to a condition requiring gates to be set back within the site.

- 6.4. NSDC Planning Policy Team – Comments on traveller accommodation need and supply and an assessment of the application against paragraph 11(d) of the NPPF and the Local Development Plan Policies. Comments conclude that there is a significant unmet need for Traveller accommodation with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five-year land supply. This results in the tilted balance at paragraph 11(d) of the NPPF being engaged. The proposed pitches would address a need identified in the GTAA and provide additional support towards those requirements. I am not aware of any protected areas or assets of particular importance that would provide a strong reason for refusing the application, and so in line with part 2 of paragraph 11(d) permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits – when assessed against policies within the NPPF, with particular regard to key policy areas.
- 6.5. NSDC Environmental Health – Suggested an acoustic assessment be provided prior to determination due to proximity of the site to the railway lines. Upon receipt of the acoustic assessment, requested that two points should be addressed by applicant: 1. Monitoring on weekend night and whether this is representative of noise environment during the week; and 2. Discrepancy between stated monitoring location and location shown on site plan.

A supplementary technical note has been provided by the applicant on 24th July 2025 addressing these two points.

- 6.6. NSDC Ecology Officer – Informal comments given advising that Biodiversity Net Gain (BNG) does not apply to retrospective applications.

Representations/public comments

- 6.7 32 objections received into total, concerns are summarised below:

- Contradictions in application of not fixed accommodation vs. permanent fixtures
- Not in keeping with local area, impact on character of the area
- Development in open countryside, landscape impacts
- Unsafe for existing residents nearby
- Road safety concerns and proximity to level crossing
- Impacts of vehicles and lorries accessing the site when works were taking place
- Impacts on local traffic levels
- Lack of footpath
- Site should be protected green belt / site is green belt
- Occupiers do not have correct permission to live there, works done without permission
- Comments on the sale of the site
- How will waste be dealt with, concerns of vermin
- Concerns of dogs being left out and barking in the night
- Noise disturbance from music / activity on the site
- Impacts on local residents – light pollution, loss of privacy, disturbance
- Concerns re number of pitches proposed
- Lack of water source, gas, electricity, etc.
- Impacts on local crime rates and concerns of antisocial behaviour
- Impacts on local house prices
- Ongoing works on the site
- Impacts on wildlife and ecology and environmental impacts
- Lack of consultation from applicant to local residents
- Unfair to people who do apply for planning permission
- People can ignore road signage, questions effectiveness of this mitigation
- Applicant should reinstate paddock and equestrian use
- Sets precedent for retrospective development
- Lack of safe area for children to play away from railway line
- Strain on local services like schools, health care, police
- Unlawful works took place over a bank holiday weekend – disturbance caused, no permission
- Concerns of flood risk
- Concerns over where aggregate used on the site has come from
- Concerns over fire regulations and fire safety
- A S106 legal agreement should be secured to secure highways improvements and control number of pitches, tenure, site use and site management
- Concerns flood lights may be used on site
- Inappropriate land use in open countryside
- Concerns over whether occupants will pay council tax

6.8 1 comment of support received, comment summarised below:

- Site looks well built and is neat and tidy
- Good location
- Railway lines are noisy anyway so no noise impacts

- People living there are respectful
- Site does not interfere with traffic
- Important to provide site for travellers and preserve their culture

7.0 **Appraisal**

7.1. The key issues are:

- Principle of development
- Impact on the Character of the Area and Landscape Impact
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Ecology and Biodiversity Net Gain
- Flood Risk and Drainage
- Other matters

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

Need and Lack of 5 Year Land Supply

- 7.3. The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers (G&Ts) can live. The Core Policy 4 (Gypsies and Travellers – New Pitch Provision) sets out that it will address future Gypsy and Traveller pitch provision through all necessary means including the allocation of new sites through a development plan.
- 7.4. Gypsy and Traveller Accommodation Assessment (GTAA) for Newark & Sherwood identifies a total need for 169 pitches for Gypsies and Travellers for the period 2019 – 2034. Since the GTAA was published in February 2020 there have been changes made to the PPTS, relating to the planning definition of a Traveller for planning purposes. The Council have subsequently concluded that 134 pitches of the overall 169 pitch requirement reflect the needs of Traveller households meeting the revised definition in Annex 1. Whilst the Council recognises 169 pitches as its overall pitch target, it is the lower 134 pitch need which provides the relevant local target for calculation of the five-year land supply, in line with the PPTS. Despite a number of permissions being granted, the Authority remains in a position where it lacks sufficient, identifiable and deliverable sites to address its overall pitch requirements, or to demonstrate a five-year land supply (currently being able to show a 1.85-year supply).

- 7.5. The emerging policies within the Publication Amended Allocations and Development Management DPD demonstrate a commitment by the Council to meeting the need for pitches in the District. However, only limited weight can be given to the newly proposed allocation sites as the specific policies in relation to G&T site allocation and need are undergoing major modifications, so are yet to be found sound. As such, in the absence of any current allocated sites, and in the light of the significant unmet need, provision of pitches are only likely to come forward through the determination of planning applications on windfall sites.
- 7.6. In terms of how this site would contribute to the Council's Gypsy and Traveller need, no firm evidence of demand for inward migration into the District was found as part of the GTAA. Therefore, net migration to the sum of zero was assumed for the GTAA – which means that net pitch requirements are driven by locally identified need rather than speculative modelling assumptions. With inward and outward migration in balance with one another, this means that when a household moves into the District that movement is counterbalanced by the outward migration of another. Therefore, providing proposed pitches are addressing the needs of a Traveller household, consistent with the definition below, then they would contribute to supply against the local pitch target.

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

- 7.7. Based on the information provided by the Applicant, subject to a planning condition restricting occupation of the site to those meeting the planning definition of a gypsy or traveller, the proposed pitches would be available to help meet existing, and future, locally identified G&T need. This positive contribution towards meeting the need identified through the GTAA, in the absence of a five-year land supply, is a significant material consideration in favour of the proposal.

Tilted Balance (NPPF Para 11) and Policy Considerations

- 7.8. The updated PPTS, at paragraph 28, makes it clear that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, then the provisions in paragraph 11(d) of the NPPF apply. As a result, the 'tilted balance' would be engaged. This means that:
- 7.9. *"Where the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing*

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 7.10. Considering the above, the site does not concern a protected area or asset of particular importance as identified at footnote 7, and so there would be no strong reason for refusing the development under part i). Turning to part ii), the first consideration is to directing development to sustainable locations. In this respect the application site is located in the open countryside, the PPTS at paragraph 26 states Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan.
- 7.11. Policy SP3 and Policy DM8 address the consideration of proposals in the open countryside, with SP3 confirming that development should be strictly controlled and restricted to uses which require a rural setting. Whilst Gypsy and Traveller accommodation does not necessarily require a rural setting, it is not uncommon for this use to be found in semi-rural and rural settings. Policy DM8 reiterates the control of development in the open countryside and identifies a limited range of development which is considered acceptable, none of which would be directly applicable to this proposal.
- 7.12. Policy CP4 in the Amended Core Strategy sets out that the Council will work with partners to address future Gypsy and Traveller pitch provision, consistent with the most up to date Assessment. This includes granting of permission on sites in line with Policy CP5. CP4 also contains a locational element, detailing that future pitch provision will be provided in line with the Spatial Strategy, and to secure additional provision in and around the Newark Urban Area. In this respect, were it not for the railway lines, then the land would immediately adjoin the Urban Boundary for Newark. Therefore, the site is considered to remain consistent with the direction provided by the Development Plan in focusing further Traveller provision in and around Newark Urban Area, with the site lying adjacent to the settlement, only physically separated by the railway lines.
- 7.13. Policy CP5 provides several criteria which do not explicitly rule out semi-rural and rural sites. CP5 is broadly consistent with the approach provided in the PPTS. In terms of proximity to services and facilities, the site would be within proximity to those found in the Newark Urban Area. It is noted there is a short distance between the site and the main built-up area where there is no footpath provision. On this basis the site could be perceived as unsustainable. This would mean the development would result in a dependence on private motor vehicle to access nearby services and facilities. That said, the journeys would be short in distance/duration and allow use of high-quality services and facilities accessible in Newark Urban Area. The lack of a continuous footpath connection may not be desirable, but it is also the case that there is an insufficient supply of alternative, more appropriately located land elsewhere.
- 7.14. Criteria 3 of CP5 concerns highways safety and is assessed below in the report. Previously there were concerns regarding the proximity of the access to the level crossing, however the scheme has been revised to relocate the site access further

from the crossing, therefore addressing the previous safety concerns. The further criteria of CP5 include landscaping and visual amenity, flood risk and pitch sizes, which are addressed further below in the report.

- 7.15. Paragraph 11(d) underlines the need to support an efficient use of land. The proposal concerns the development of greenfield land with an average pitch size that exceeds the indicative standards in CP5. On balance, the majority of the pitches sit within the standards and are considered an effective use of land considering the number of pitches proposed and the size of the plots.
- 7.16. The final policy consideration that concerns the second part of para 11(d) is providing affordable homes. There can be a need for affordable pitch provision to be made for Travellers. No specific detail has been provided on this and so the pitches would not sit within this category. From the site would be run on a private family basis. The GTAA has also not identified a specific need for affordable pitches at this time, so no local policy exists to require affordable pitch provision. Therefore, the proposal would be consistent with para 11(d) on this consideration.
- 7.17. The PPTS at paragraph 14 states there is the requirement to avoid Gypsy and Traveller sites dominating nearby communities. Considering the scale of development proposed, the proposal for ten pitches would not dominate the nearby settled community. Newark is a key settlement in the hierarchy and can accommodate a provision of this size.
- 7.18. Whilst the site technically lies outside the settlement boundary, it is directly adjacent to the settlement confines and so not considered wholly unsustainable. The site would be within proximity to the wide and diverse range of services and facilities offered within the Newark Urban Area. Journeys to access these services would be short in terms of distance and duration. Therefore, the site would be considered consistent with the approach of directing new Traveller pitches to the Newark area. Given the size of the site and the number of pitches proposed, the location and scale of the scheme would not be considered to have an adverse negative effect.
- 7.19. Balanced against this, it is concluded that the District has a significant unmet need for Gypsy and Traveller pitches. The proposal would represent a small but direct contribution towards a five-year land supply of 10 new pitches. This positive contribution is a significant benefit, and in the absence of the availability of alternative sites and emerging site allocations which cannot yet be given meaningful weight, this contribution to supply should be afforded significant positive weight as part of the overall planning balance.

Summary

- 7.20. Overall, there is a significant unmet need for Traveller accommodation, with the Council in the position where it cannot currently identify sufficient land to meet either its overall requirements or demonstrate a five year land supply. This results in the tilted balance outlined at paragraph 11(d) of the NPPF becoming engaged. The proposed pitches would address a need identified through the GTAA and provide additional supply towards those requirements. There are no identified protected

areas or assets of particular importance that would provide a strong reason for refusing the application, and so in line with part 2 of paragraph 11(d) permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 7.21. As such, subject to other considerations addressed below, the principle of the proposal is accepted, and conditions to control the occupation of the site to ensure it meets identified needs are suggested.

Impact on the Character of the Area and Landscape Impacts

- 7.22. A high level Landscape Character Assessment Supplementary Planning Document (LCA SPD) has been prepared to inform the policy approach identified within Core Policy 13 (Landscape Character). The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District. Core Policy 13 indicates that the development proposals should positively address the recommended actions of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the landscape conservation and enhancement aims for the area.
- 7.23. 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.
- 7.24. Paragraph 135 of the NPPF states that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.25. The site lies in the East Nottinghamshire Farmlands character area in Policy Zone ES04. This character area more broadly is considered as a remote rural area, lying along the eastern fringe of the County within the broad vale of the Trent. This landscape Policy Zone is considered to have a moderate condition and moderate sensitivity to change, stated as having a simple agricultural character with variations in land use, field patterns, woodland cover and settlement patterns. The region is now dominated by arable farming although many ancient features remain. These include old village pastures, ridge and furrow, field ponds, narrow country lanes and parklands.
- 7.26. Although located within the open countryside, the site is located in a field adjacent to existing built development as opposed to being surrounded by existing open fields. Nonetheless the proposal would result in a degree of suburban encroachment into the open countryside beyond the established settlement boundary, which would impact and erode the landscape character to a limited degree.
- 7.27. The site previously comprised a paddock for horses. The proposal would allow the creation of 10 traveller pitches, each to house a mobile home, a touring caravan and

private garden space. Whilst the character of the site was previously green and undeveloped land, the site itself is relatively confined in terms of wider views and visibility. Therefore, the wider impact of the change of use of landscape character is considered to be more localised.

- 7.28 The site is limited in size and confined by maturely landscaped boundaries and the physical feature of the railway lines to the south. The proposal would see hardstanding and porous paving on the site. Whilst this would somewhat erode the green and verdant character of the site, the impact of this on the wider character of the area and landscape would be limited. The proposed works would not be considered to adversely sprawl into the open countryside and would be confined to the site. The impact on the character and appearance of the area would therefore be very localised to the site itself and would not be considered significantly or detrimentally harmful in terms of wider landscape character. As such, the proposal would have a degree of impact on the character and appearance of the area and landscape, but this would be localised to predominantly the site itself and would not represent wider landscape or visual harm.
- 7.29 The change of use and siting of caravans and other paraphernalia would alter the existing character of the site, however for the aforementioned reasons, it is not considered that the proposed development would result in a dominant visual impact, nor would it result in significant harm to the wider landscape, therefore is acceptable in relation to visual impact and landscape impact. As such, the proposal would not be considered harmful to the character or appearance of the area, and is considered in accordance with Core Policy 9, Core Policy 13 and policy DM5.

Impact upon Residential Amenity

- 7.30 Policy DM5 explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.31 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.32 There are existing residential properties to the south of the site beyond the railway lines. There is a physical degree of separation between the site and these nearby neighbours due to the railway lines. Whilst the relationship may seem close, I do not anticipate that the use of the land for Traveller pitches would pose any increased harms to neighbouring amenity through loss of light, privacy or outlook.
- 7.33 In terms of noise, whilst there may be a degree of increased noise arising from the site as it becomes occupied and lived on, this would not be considered dissimilar to the noise generated from a residential use anyway. Also, considering the siting of the railway line, I do not anticipate that the use of the site for 10 pitches would give rise to undue noise impacts to nearby properties above the existing acoustic landscape they experience due to the proximity to the railway lines and other neighbouring residential uses, being a built up and residential area.

- 7.34 Regarding the amenity of future occupiers of the site, as the pitches would be near the railway lines, an acoustic assessment has been provided. The Environmental Health Officer reviewed this and raised two comments regarding the monitoring on a weekend night and the location of the monitoring. The applicant has addressed these through a technical note which states that whilst monitoring over multiple nights can be beneficial, their monitoring did capture some 20 hours and 34 minutes of continuous data, including both day and night time periods and that multiple freight and passenger train events were captured. They also assert that data from the East Coast Main Line timetable shows comparable weekend freight activity, particularly at night, when compared to weekday evenings. Therefore, the applicant is satisfied their data set was suitably representative and typical of the 'worst case' operational environment on the site. The technical note also clarifies the precise monitoring location was the south eastern corner of the site, approximately 5-10m from the southern site boundary. Again, this was chosen to capture the 'worst case' exposure to the railway line.
- 7.35 The acoustic assessment provided concludes that the development can achieve appropriate internal and external noise environments in accordance with BS8233:2014 and relevant planning guidance. The worst-case façade levels were adjusted to reflect dwellings closest to the railway lines and mitigation measures of higher performance glazing and ventilation have been suggested to ensure elevated levels of noise remain within the internal thresholds without the need to open windows.
- 7.36 I am satisfied the technical note addresses the outstanding two comments from the Environmental Health Officer and the additional clarification is satisfactory to accept the findings of the acoustic report. As such, the proposal is acceptable in terms of noise impacts on future residents.
- 7.37 It is noted a public comment raised concerns of flood lighting on the site. This was not witnessed during the Officer site visit. There are also no details of flood lighting included in the submission. Should the applicant wish to install external lighting, a condition can be attached to ensure details are first approved by the Local Planning Authority, to control external lighting on the site.
- 7.38 Several of the public comments raised concerns of crime and antisocial behaviour arising from the development. Whilst these comments are noted, it is not considered that the development would give rise to increased opportunities for crime or antisocial behaviour that would warrant refusal on the application. There is no evidence before the Council that the change of use of the land and provision of 10 traveller pitches would give rise to unacceptable and increased local crime rates and antisocial behaviour that would justify refusing the application.
- 7.39 Overall, it is considered the impact on amenity is acceptable and that the proposal complies with Policy DM6 and DM5 of the DPD.

Impact upon Highway Safety

- 7.40 Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.41 Paragraph 116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 7.42 It is noted that during the application amendments have been made to the location of the access point from Bullpit Road. The amendment sees the site access moving further to the north, increasing the distance of the access to the level crossing. Both NCC Highways and Network Rail accept this change, with Network Rail wholly removing their objection.
- 7.43 Network Rail also welcomed the proposed mitigation put forwards by the applicant, which includes signage and additional road markings to prevent traffic blocking the access and posing safety concerns for traffic backing up by the level crossing. These off-site mitigation measures will be secured through a S278 agreement directly with the County Highways Authority, in combination with Network Rail. This process falls outside the planning application remit and is an independent process the applicant will need to go through. This has been agreed by both parties.
- 7.44 The Council consider the relocation of the access as a positive amendment that addresses the original concerns raised by Network Rail regarding the proximity with level crossing. As such, the Council is satisfied with the new proposed site access location. In respect of gates and making sure that vehicles can pull off the road safely without blocking traffic flows, a suitably worded condition can be attached.
- 7.45 It is noted that the Highways Authority recommend securing a Grampian condition to ensure the applicant provides a footpath to the site. The footpath would need to be some 20m in length to connect the site to the existing network. Whilst the Council have considered this, it would not be considered reasonable to impose this condition on the applicants when considering the size and scale of the site and the proximity to the existing settlement. Whilst the footpath would not need to be excessive, in this case the lack of 20m of footpath would not be considered to justify a strong reason for refusing the application, or amount to significant or demonstrable harm. Considering the significant need for traveller pitches, the lack of the footpath is not considered to pose a strong reason for refusal that would outweigh the need for the development in the planning balance. The site is directly adjacent to the settlement and is therefore not considered wholly unsustainable or isolated in that regard. Whilst ideally the site would be served by a footpath, it would be considered unnecessary and unreasonable for the Council to impose this as a condition on the applications in this case. As such, this is not considered a strong reason for preventing the granting of permission on the site and would not amount to significant or demonstrable harms.

- 7.46 Regarding visibility of the access, NCC Highways note that the visibility splays are drawn incorrectly but that the required visibility is achievable on site. Based on this assessment, the Council are satisfied that suitable visibility can be achieved and do not see this as a suitable reason to warrant refusing the application overall. A condition can be secured in relation to the provision and maintenance of visibility splays, and the closure of the existing access.
- 7.47 The applicant has provided swept path analysis for both a refuse truck and a 12m caravan manoeuvring the site. The caravan swept path analysis is based on an articulated lorry transporting a static caravan. NCC Highways advise that this is not fully representative of the general operational dynamics of a travellers' site and that the swept path analysis does not include a 3.5t vehicle with a 12m trailer being towed. Whilst the swept path analysis for a caravan does not meet the exact requirements detailed by NCC Highways, it is considered to be broadly representative of the use of the site and it is noted that caravans will not be being moved as a general daily occurrence. The swept path analysis does show the site can be manoeuvred by larger vehicles and the Council do not consider this point to warrant refusal on the application. Moreover, it is not considered that the swept path analysis incorporates using significant parts of the layby. Whilst there is a slight overlap, this is very minor and it is not considered that larger vehicles accessing the site will have to rely on the layby to enter and exit the site, should it be being used by other vehicles.
- 7.48 When considered in the wider balance of the application, the errors in the visibility splays and the lack of the correct swept path analysis model are not considered reasons for refusing the development and the development is not considered to pose a 'severe' impact on highways safety. The Highways Officer acknowledges the visibility can be achieved and that the issues can be overcome. As such, in light of this, they are not considered 'severe' or major issues that would prevent the Council determining the application based on the information submitted.
- 7.49 The proposal, therefore, would not be considered to result in a 'severe' impact on the local road network when considering the nature of the change of use and the context of the site. The proposal has been amended to move the site access further away from the level crossing and Network Rail have subsequently removed their objection. Conditions can be used to ensure that correct visibility is implemented and maintained and that the existing access is closed. Conditions can also be used to secure details of site access gates and their location, to not impede traffic flow. Overall, whilst the objection and comments from Highways are noted, they are not considered to represent strong reasons for refusing the development when considering the pressing need for traveller pitches in the District. It is the Council's view that the proposal is therefore acceptable in relation to highways matters, subject to suitably worded conditions.

Impact upon Ecology

- 7.50 Policy DM5 states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.

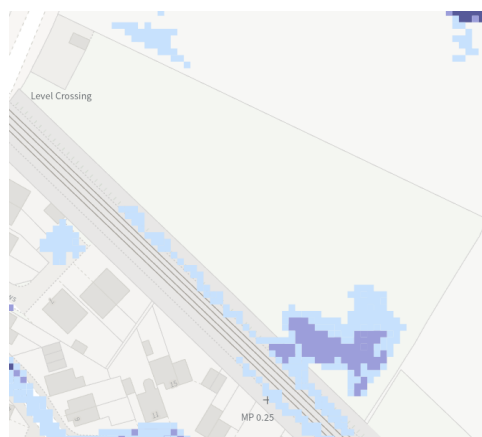
- 7.51 Core Policy 12 Biodiversity and Green Infrastructure of the Amended Core Strategy states that the Council expects proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. It will also seek to secure development that maximises opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District.
- 7.52 From looking at the proposals and visiting the site, it is apparent that no trees or important ecological features have been adversely impacted by the change of use. It appears all surrounding hedging and landscaping has been retained and this is supported. Whilst a preliminary ecology appraisal has not been provided, it is noted the works are retrospective and the change of use has occurred. As the use has been implemented, and considering the scale of the works on the site would not give rise to adverse ecological impacts, in this case further ecological information is not considered necessary. The proposal is acceptable in this regard.

Biodiversity Net Gain (BNG)

- 7.53 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. It is noted here that the change of use has occurred and the site is already being used for Traveller pitches. Therefore, should permission be granted for the proposal, this would be a retrospective planning permission made under section 73A of the Town and Country Planning Act 1990. Biodiversity net gain does not apply to such permissions.

Flood Risk

- 7.54 The site is located within flood zone 1 which means it is at low risk of fluvial flooding. There is a small area of low to medium surface water flood risk in the south eastern corner of the site. This area is limited and crosses over just one to two of the proposed pitches on the site plan.



- 7.55 The NPPF at paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The site is not considered at 'high risk' of flooding. It is in Flood Zone 1 and has low to medium risk of surface water flooding in a limited area. As the application is only at a limited low to medium surface water flood risk and is a change of use application, it is not considered that a flood risk assessment or a sequential test is required in this instance.
- 7.56 The majority of the site has no flood risk, with only a limited area of low to medium surface water flood risk present on the site in the south eastern corner. As the site is for a change of use of the land, it is not subject to the sequential test. As such, considering this, no further assessments are required and the application is considered acceptable in this regard.

Public Comments

- 7.57 All the public comments received have been thoroughly reviewed and considered as part of this application. It is noted that some matters raised are not material planning considerations that can factor into the assessment, including local house prices, fire regulations (this is covered by building regulations rather than planning), the sale of the site and where the material for the site came from. It is further noted that the site is not designated Green Belt. Whilst the application is retrospective, this does not prejudice the decision making process and the application is assessed against national and local policy as any application would be. The Council cannot consider precedents or change the determination process if an application is retrospective. The comments suggesting a S106 legal agreement is required are noted, but the occupancy of the site can be controlled through condition and a legal agreement is not considered necessary in this case. The other concerns raised are noted and understood, and are addressed above in the body of the report.

Community Infrastructure Levy (CIL)

The proposal is not CIL liable.

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 – LEG2526/8471**
- 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 and Planning Balance

- 9.1. The recent GTAA has identified a significant unmet need for gypsy and traveller pitches. This development would contribute ten pitches to the significant unmet need and contribute towards a five-year land supply, which weighs heavily in favour of the proposal, given the current level of identified need. This positive contribution is a significant benefit, and one which should be afforded significant weight in the planning balance. The lack of sufficient alternative sites to meet the Districts 5-year supply also attracts significant weight.
- 9.2. Moreover, it is noted that an approval would provide a settled base that would facilitate access to education and enable the families to continue their gypsy way of life. The human rights of families means due regard must also be afforded to the protected characteristics of Gypsies and Travellers in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010. These factors also attract significant positive weight in favour of the development.
- 9.3. In contrast, the proposal would have limited localised landscape impacts, and the site lacks access via a footpath. Additionally, the site technically lies outside the settlement boundary, albeit is directly adjacent so not considered wholly unsustainable. That said, the lack of a footpath may lead to a dependence on private motor vehicles. Officers attach moderate weight to these harms, in respect of landscape impact and location/sustainability of the site.
- 9.4. Moderate harm is considered appropriate as the site would be within proximity to the wide and diverse range of services and facilities offered within the Newark Urban Area. Journeys to access these services would be short in terms of distance and duration. Therefore, the site would be considered consistent with the approach of directing new Traveller pitches to the Newark area.
- 9.5. The proposal is to change the use of the site and provide ten Traveller pitches. The proposal would inevitably result in some visual impact as the site was once an open and undeveloped field, however it is considered the layout and relatively limited scale of the proposal, plus the setback position of the plots from the main road and existing landscaping, the proposal would not result in an unacceptable visual impact on the character of the area or the wider landscape. Given the relationship to existing neighbouring properties, there are no adverse concerns regarding amenity, and the pitch sizes are compliant with Core Policy 5 to ensure adequate amenity for occupiers. Subject to conditions recommended by Network Rail, NCC Highways and the Planning Policy Team, it is considered on balance the highway impact would be acceptable, despite NCC's objection. The matters to which the objection relates are considered able to be overcome and addressed via conditions, and would not justify a strong reason for refusing development in light of the tilted balance, as per paragraph 11(d) of the NPPF.
- 9.6. Weighing all of these considerations in the planning balance, it is considered that the harm in relation to location and the lack of a footpath would be clearly outweighed by the other considerations in favour of the application. These other considerations consist of the significant weight afforded to the benefits of the additional pitches where there is both a significant unmet need and a significant shortfall in five-year supply, and the

lack of sufficient alternative sites. As such it is recommended that planning permission is approved, subject to conditions.

10.0 Conditions

01

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

- Site Location Plan reference LIBU 002
- Site Plan reference LIBU 001
- Refuse Vehicle Plan 1 reference LTP/6489/T1/01/01/B
- Refuse Vehicle Plan 2 reference LTP/6489/T1/01/02/B
- Caravan Swept Path Analysis Plan 1 reference LTP/6489/T1/02/01/0
- Caravan Swept Path Analysis Plan 2 reference LTP/6489/T1/02/02/0
- Visibility Splay Plan reference LTP/6489/V1/01/01/0

Reason: So as to define this permission and in the interests of proper planning.

02

Within 6 months of the date of this decision, the site access shall be provided in accordance with the scheme illustrated on site plan drawing number LIBU 001.

Reason: In the interest of highway safety.

03

Within 6 months of the date of this permission, detailed plans showing the location and appearance of site access gates shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be set back within the site to allow access for vehicles towing caravans and so as not to impede the flow of traffic on Bullpit Road. The approved details will be implemented and maintained for the life of the development and no gates shall be placed within 8m of the highway boundary.

Reason: In the interest of highway safety.

04

The existing site access shall be stopped-up and the area of highway over which it is formed has been laid to grass with new landscape planting, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this decision.

Reason: In the interest of highway safety.

05

Visibility splays of 48m for northbound vehicles and 99m for southbound vehicles shall be provided, clear of obstruction above a height of 0.6m above adjacent carriageway level within 6 months of the date of this decision and shall be thereafter maintained

Reason: In the interest of highway safety.

06

The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure that the site is retained for use by gypsies and travellers only in order to contribute towards the LPAs 5-year housing supply.

07

No more than 1 static caravan and 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one time. For the avoidance of doubt, this permission authorises 10 pitches in total.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

09

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark

and Sherwood Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

10

The development hereby permitted shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the local planning authority.

Reason: In the interest of residential amenity.

11

Within 6 months of the date of this decision, details for refuse collection and waste storage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

Notes to Applicant

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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

03

Biodiversity Net Gain

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

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

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

OR

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

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

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

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

04

The Council must issue licenses for sites to be operated as a recognised caravan, mobile home or park home site. This is to ensure proper health, safety and welfare standards are maintained. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including on a permanent, touring or holiday basis. Further information is available by contacting the Environmental Health and Licensing Team at the Council on 01636 650000, or by visiting the Council's website at <https://www.newark-sherwooddc.gov.uk/caravansitelicence/>

05

The development makes it necessary to implement a new vehicular crossing and alter an existing vehicular crossing on Great North Road. 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.

To carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with Nottinghamshire County Council's highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

Any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.

Contact hdc.north@nottsc.co.uk

Relocation of existing street furniture shall be at the developer's expense.

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.

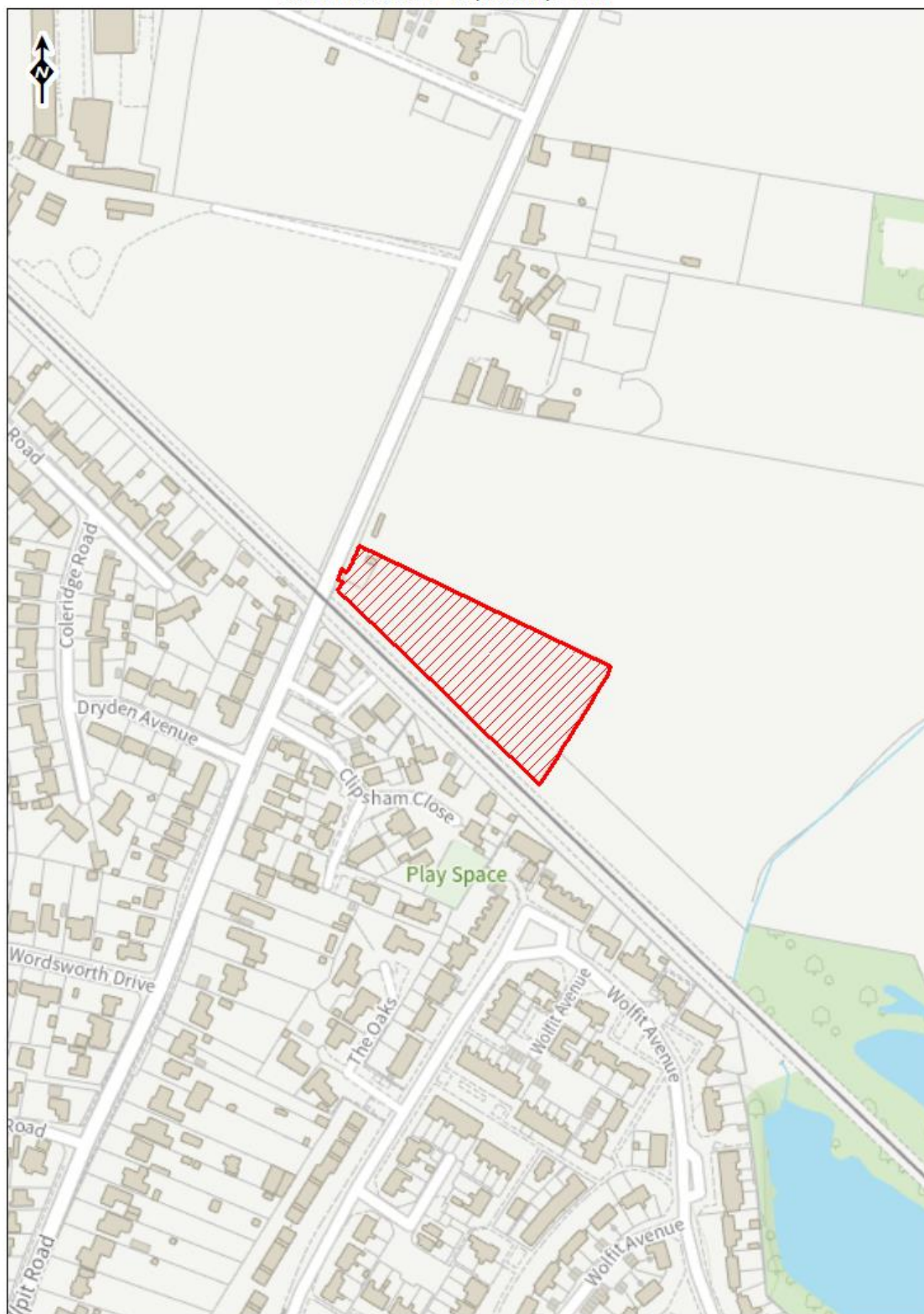
Planning consent is not consent to work on or adjacent to the public highway, therefore prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.

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 - 25/00805/FULM



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Report to Planning Committee 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White, Senior Planner (Development Management), 5409

Report Summary			
Application No.	24/01338/FUL		
Proposal	Demolition of existing building and structures and construction of two Drive-Thru units (Class E/Sui Generis Hot Food Takeaway) with cycle and car parking, alterations to vehicular access, refuse storage, landscaping, and associated works.		
Location	Former Winner City Cantonese Restaurant, White Post, Farnsfield, NG22 8JD		
Applicant	Burney Estates Ltd	Agent	Mr Aram Hekmat - Dovetail Architects Ltd
Web Link	24/01338/FUL Demolition of existing building and structures and construction of two Drive-Thru units (Class E/Sui Generis Hot Food Takeaway) with cycle and car parking, alterations to vehicular access, refuse storage, landscaping, and associated works. Former Winner City Cantonese Restaurant White Post Farnsfield NG22 8JD		
Registered	22.08.2024	Target Date Extension To	17.10.2024 20.11.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and S106 legal agreement		

This application is before the Planning Committee for determination at the call-in request of the local ward member, Cllr M Shakeshaft. The reasons for referral are:

- The impact of the development on highway safety in relation to traffic volumes, road safety and the comments of the Highway Authority.
- Compliance with NSDC Spatial Policy 3, Core Policy 8 & 13 [of the Amended Core Strategy], Policies DM5 & DM8 [of the Allocations and Development Management DPD].
- Due to the concerns raised by Farnsfield Parish Council (for a summary see the relevant section of this report below).

1.0 The Site

1.1 This application site relates to the former Winner City Restaurant building (see photo

below) and associated car park area (approx. 0.45Ha). The restaurant building is located on the southern side of the site and is predominantly two-storey and is served by approximately 90 car parking spaces plus an extensive area of hard standing to the north. The site is located to the north-east of the White Post Roundabout and directly to the north-west of the White Post Farm Centre (wildlife park and farm/tourist attraction).

- 1.2 The site lies outside of the village of Farnsfield (which lies to the east), in the open countryside, but in an area which forms a cluster of mixed commercial uses surrounding the roundabout. The White Post Inn public house lies to the south-east past White Post Farm Centre, White Post Garage (machinery sale/hire) lies to the south-west and Wheel Gate Park (children's adventure parking/tourist attraction) lies to the west. Other uses also surround the site such as a children's day nursery and sporadic residential properties. The site is in Flood Zone 1.
- 1.3 In addition to the restaurant, it is understood that the site accommodates nine rooms for let at the rear of the building (albeit there does not appear to be any planning history for this). The site is bound to the east and north by extensive and mature trees and hedgerows, to the west by Old Rufford Road, and to the south by garage buildings that adjoin the restaurant and vehicle parking. The site benefits from a large vehicular access onto the A614 with a feeder slip on the southern carriageway and dedicated right-turn facility heading north.



Existing Building – Winner City Restaurant

- 1.4 The site has the following constraints:
 - Open countryside
 - Trees adjacent to the site boundaries

2.0 Relevant Planning History

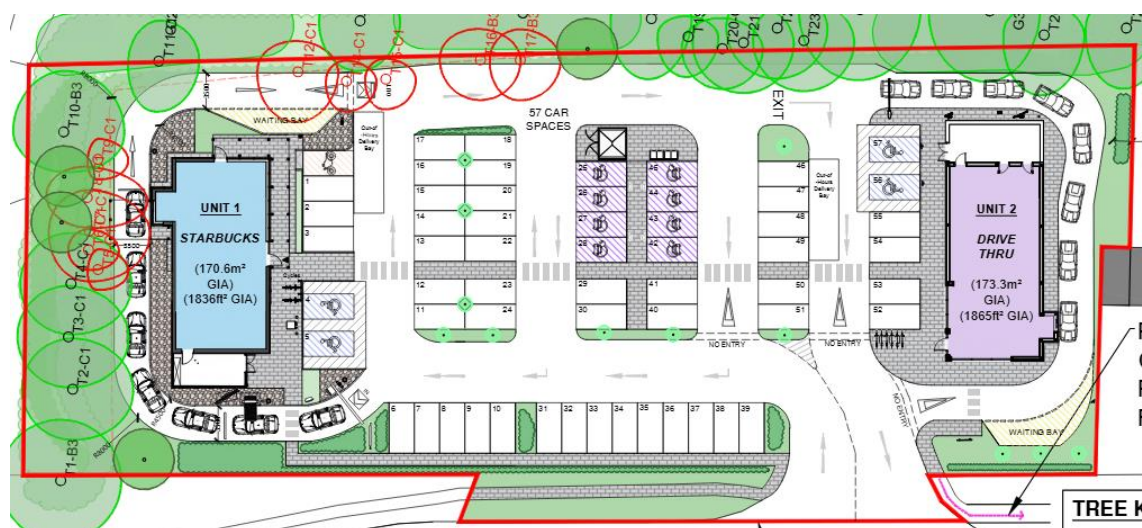
- 2.1 **04/02031/FUL** - Extension to restaurant and alterations to provide a disabled toilet – Permitted 08.10.2004
- 2.2 **68870705** - Alterations to restaurant and transport cafe to form Cantonese restaurant – Permitted 20.08.1987
- 2.3 **6880498** - First Floor extensions – Permitted 01.07.1980

2.4 **688047** – Alterations and Improvements – Permitted 20.05.1980

- 2.5 There are also a number of advertisement consents relating to the Cantonese restaurant which are not considered to be of particular relevance to this application.

3.0 **The Proposal**

- 3.1 The application is an amended scheme which seeks permission for the demolition of the existing buildings on site and construction of two drive-thru restaurants for use classes E/Sui Generis hot food takeaway with associated changes to hard and soft landscaping and alterations to vehicular access.
- 3.2 The two units are shown as a Starbucks (Unit 1) and unidentified (Unit 2). The Starbucks unit is proposed to have a gross internal area of approximately 170.6 m² (GIA) and the proposed unidentified unit would have a GIA of 173.3m² of floorspace. The total GIA floorspace equates to 343.9m². Both units would have 24/7 opening hours.
- 3.3 The existing access into the site would be retained and a speed limit of 40mph would be introduced through a traffic regulation order (TRO). Both restaurants would be served by 57 car parking spaces located centrally within the site - 4 of these spaces would be reserved for disabled parking and 8 would be provided as EV charging spaces.
- 3.4 Full and part time employment would be provided by both new restaurants alongside skills and training programmes targeting local recruitment. Approximately 40 new full/part jobs would be created by the proposals.



Proposed Site Plan Extract

- 3.5 The Proposed Site Plan (shown above) shows:

- The Starbucks Drive-thru (Unit 1) would be positioned on the northern side of the site and the unidentified Drive-thru (Unit 2) would be positioned on the southern side.
- The existing vehicular access into the site would be retained with a pedestrian

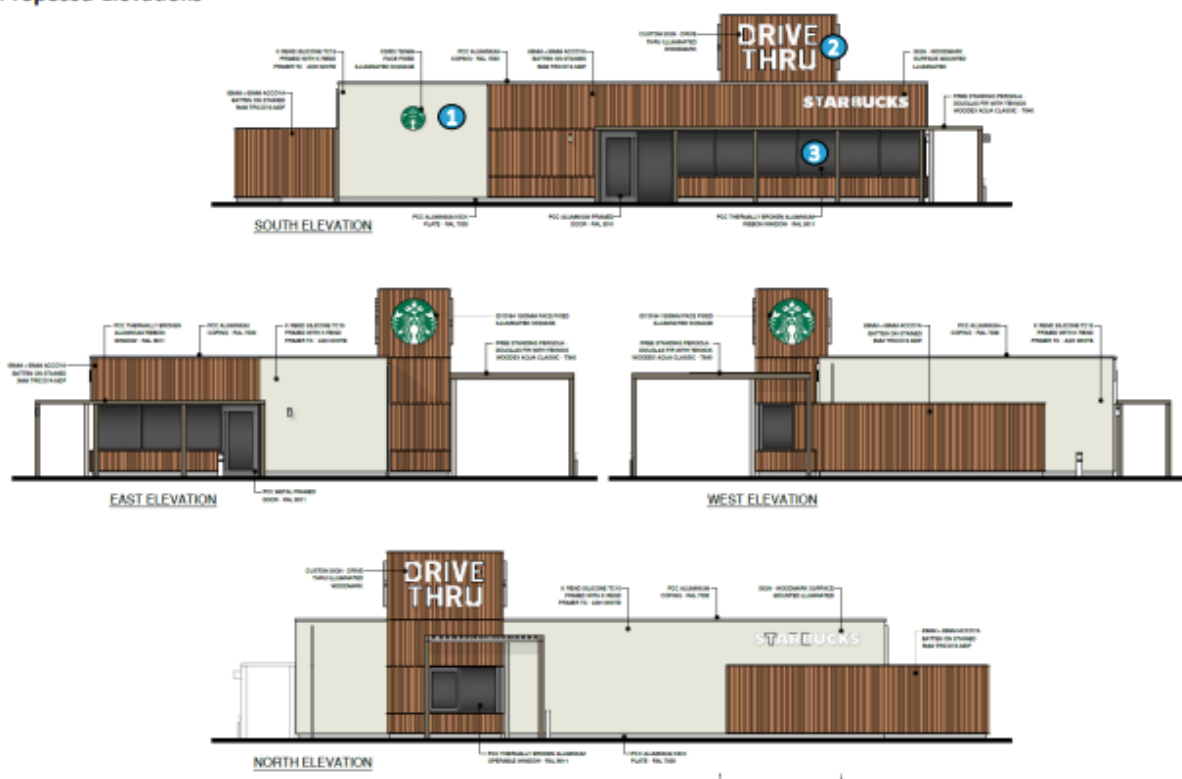
connection to the public footway to the south of the site.

- The existing deceleration lane would be removed.
- Parking spaces would be provided in the centre of the site, between the two buildings, which would have drive-thru access provided to the rear of the buildings.
- 57 car parking spaces would be provided including 8 EV charging spaces, motorbike and cycle spaces and vehicle waiting bays for people using the drive-thrus.
- Areas for refuse are to be provided in a yard area for both Starbucks and the second unidentified drive-thru.
- New areas of landscaping are proposed around the site.
- Space is allocated within the site for out-of-hours deliveries and loading/unloading.
- Pedestrian access would be provided via new pedestrian paths as well as marked-out walkways that connect the car parking spaces to the main buildings.
- Signage (being considered under 24/01339/ADV) would be positioned to the front of the site (west) and would include pole signs and building signage.

3.6 Starbucks Unit (Unit 1)

- The building would be of a modern flat roof design, finished in wooden cladding and render panels.
- Signage is proposed to the exterior of the building as well as signs positioned around the site.
- Large areas of glazing would face the southern corner which looks away from the road and over the car park/landscaping area.
- Indoor and outdoor seating would be included as well as drive-thru for takeaway.

Proposed Elevations



Proposed Starbucks Elevations & Proposed Visualisation

- The building would similarly be of a modern flat roof design, finished in a combination of dark grey and timber effect cladding panels.
- Signage is proposed to the exterior of the building as well as signs positioned around the site.
- Glazing would be orientated north to look away from the road and over the car park/landscaping area.
- Indoor and outdoor seating would be included as well as drive-thru for takeaway.





Proposed Unidentified Drive-thru Elevations & Proposed Visualisation

- 3.8 The design of both buildings has been informed by sustainable techniques to minimise heat loss and ensure a good thermal envelope. Energy efficiency techniques will also be incorporated.

NB: All measurements above are approximate.

- 3.9 Documents assessed in this appraisal:

- Application Form (deposited 22.08.2024)
- Covering Letter from Agent (deposited 29.07.2024)
- Design and Access Statement (deposited 29.07.2024)
- Environmental Noise Assessment (deposited 29.07.2024)
- Noise Report Addendum 1 – White Post Farm/Animals (deposited 07.10.2024)
- Noise Report Addendum 2 - Rufford Garage (deposited 12.11.2024)
- Clear Acoustic Design Report (deposited 07.10.2024)
- Flood Risk Assessment (deposited 29.07.2024)
- Drainage Strategy (deposited 29.07.2024)
- Landscape & Visual Impact Assessment (deposited 29.07.2024)
- Starbucks Presentation (deposited 29.07.2024)
- Transport Statement (deposited 29.07.2024)
- Contamination Desk study and Preliminary Risk Assessment Part 1 (deposited 29.07.2024)
- Contamination Desk study and Preliminary Risk Assessment Part 2 (deposited 29.07.2024)
- Construction & Demolition Management Plan (deposited 29.07.2024)
- Arboricultural Report Rev. A, November 2024 (deposited 12.11.2024)
- Preliminary Ecological Appraisal (deposited 08.08.2024)
- Biodiversity Survey and Report (deposited 08.08.2024)
- Biodiversity Net Gain Report (deposited 08.08.2024)
- Biodiversity Metric Calculation (deposited 08.08.2024)
- Bat Survey Report (deposited 08.08.2024)
- Baseline Onsite Habitat Survey Report (Pre-Development) (deposited 08.08.2024)
- Habitat Levels 1 Spreadsheet (deposited 15.10.2024)

- Habitat Levels 4 Spreadsheet (deposited 15.10.2024)
- Support Letter from Starbucks (deposited 24.09.2024)
- McDonalds Economic Operator Statement (deposited 24.09.2024)
- Starbucks Operator Statement (deposited 07.10.2024)
- Existing Building Statement (deposited 10.10.2024)
- Transport Assessment V0.1 (deposited 23.10.2024)
- Outline Travel Plan 01 (DT Restaurant) (deposited 23.10.2024)
- Outline Travel Plan 02 (DT Coffee) (deposited 23.10.2024)
- Outline Travel Plan 02 Appendix A Collision Data (deposited 23.10.2024)
- Highways and Transport (dated October 2025) (deposited 29.07.2024)
- Design and Access Statement (Rev B) (deposited 29.07.2024)
- Drainage Strategy (Rev B) (deposited 29.07.2024)
- Tree Protection Plan (Rev B) (deposited 29.07.2024)
- Ecology PEA / Biodiversity Net Gain (Rev B) (deposited 29.07.2024)
- Landscape Visual Impact Assessment (Rev A) (deposited 29.07.2024)
- Construction and Demolition Management Plan including Set Up (Rev A) (deposited 29.07.2024)
- Community Infrastructure Levy Questions Form (Rev A) (deposited 29.07.2024)
- Plans:
 - Site Location Plan – Ref. 4421 PL01 B (deposited 29.07.2024)
 - Existing Site Plan – Ref. 4421 PL02 B (deposited 29.07.2024)
 - Existing Floor Plans – Ref. 4421 PL03 A (deposited 07.10.2024)
 - Existing Elevations – Ref. 4421 PL04 A (deposited 07.10.2024)
 - Proposed Site Plan – Ref. 4421 PL05 M (deposited 12.11.2024)
 - Proposed Floor Plan Unit 1 Starbucks – Ref. 4421 PL06 (deposited 29.07.2024)
 - Proposed Elevations Unit 1 Starbucks –Ref. 4421 PL07 (deposited 29.07.2024)
 - Proposed Signage Plan Unit 1 Starbucks –Ref. 4421 PL10 (deposited 29.07.2024)
 - Proposed Signage Elevations Unit 1 Starbucks – Ref. 4421 PL11 (deposited 29.07.2024)
 - Proposed Floor Plans and Elevations Part Demolished Building – Ref. 4421 PL15 (deposited 29.07.2024)
 - Proposed Floor Plans Part Demolished Building – Ref. 4421 PL15 1A (deposited 07.10.2024)
 - Proposed Elevations Part Demolished Building – Ref. 4421 PL15 2A (deposited 07.10.2024)
 - Proposed Perspective Images 1 – Ref. 4421 PL14.1 (deposited 29.07.2024)
 - Proposed Perspective Images 2 – Ref. 4421 PL14.2 (deposited 29.07.2024)
 - Proposed Perspective Images 3 Starbucks Unit 1 – Ref. 4421 PL14.3 (deposited 29.07.2024)
 - Proposed Perspective Images 4 McDonalds Unit 2 – Ref. 4421 PL14.4 (deposited 29.07.2024)
 - Proposed Perspective Images 5 EV Chargers – Ref. 4421 PL14.5 (deposited 29.07.2024)
 - Construction Set Up Plan - Ref. 4421 PL16 (deposited 29.07.2024)

- Proposed Floor Plan McDonalds Unit 2- Ref. 4430 PL08 B (deposited 29.07.2024)
- Proposed Elevations McDonalds Unit 2 – Ref. 4430 PL09 A (deposited 29.07.2024)
- Typical Elevations Substations and Charging Points – Ref. 002 11 A, 002 12 A, 001 01 A (deposited 29.07.2024)
- Proposed Site Advertisement Plan McDonalds – Ref. 13597 AEW 2417 0008 REV B (deposited 07.10.2024)
- Proposed Building Advertisement Elevations McDonalds – Ref. Ref. 13597 AEW 2417 0009 (deposited 07.10.2024)
- Location Plan McDonalds Signage – Ref. Ref. 13597 AEW 2417 0100 (deposited 07.10.2024)
- Block Plan McDonalds Signage Application – Ref. Ref. 13597 AEW 2417 0401 REV A (deposited 07.10.2024)
- Totem Signage Booklet McDonalds (deposited 07.10.2024)
- Tree Protection Plan – Ref. Rev A (deposited 12.11.2024)
- Proposed Signage Plan Unit 2 – Ref. 4421 PL12A (deposited 10.10.2024)
- Proposed Signage Elevations Unit 2 – Ref. 4421 PL13A (deposited 10.10.2024)
- Unit 2 Proposed Signage Pack (deposited 10.10.2024)
- 4421_PL05P Proposed Site Plan (deposited 13.10.2025)
- 4421_PL08C Proposed Floor Plans – Unit 2 (deposited 13.10.2025)
- 4421_PL09B Proposed Elevations – Unit 2 (deposited 13.10.2025)
- 4421_PL12B Proposed Signage Plan – Unit 2 (deposited 13.10.2025)
- 4421_PL14.1A Proposed Perspectives 1 (deposited 13.10.2025)
- 4421_PL14.2A Proposed Perspectives 2 (deposited 13.10.2025)
- 4421_PL14.3A Proposed Perspectives 3 – Unit 1 (deposited 13.10.2025)
- 4421_PL14.4A Proposed Perspectives 4 – Unit 2 (deposited 13.10.2025)
- 4421_PL14.5A Proposed Perspectives 5 – EV Chargers (deposited 13.10.2025)
- 4421_PL15.1C Proposed Floor Plans – Part Demolished Building (deposited 13.10.2025)
- 4421_PL15.2C Proposed Elevations – Part Demolished Building (deposited 13.10.2025)
- 4421_PL16A Construction Set Up Plan (deposited 13.10.2025)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 60 properties have been individually notified by letter.
- 4.2 Site visit undertaken on: 09.09.2024 and 14.02.2025.

5.0 Planning Policy Framework

5.1. Farnsfield Neighbourhood Plan 2017

FNP4 - Local Employment Opportunities

FNP5 - Creating A Thriving Parish
 FNP7 - The Quality Of Development
 FNP8 – Landscape

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 7 – Tourism Development
 Core Policy 8 – Retail & Town Centres
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

5.3. Allocations & Development Management DPD (2013)

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM10 – Pollution and Hazardous Substances
 DM11 – Retail and Town Centre Uses
 DM12 – Presumption in Favour of Sustainable Development

5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)

[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.6. Other Material Planning Considerations

National Planning Policy Framework (2024)

Planning Practice Guidance

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

- 6.1. NCC Highways – No objection. Subsequent to their earlier comments objecting to the application, the Highway Authority have been in discussions with the applicant and their agents. A ‘Supplementary Technical Note’ has been submitted in response. Technical Note, drawing number STH_111_001_02 rev 3 shows the retention of the existing access which, alongside the proposed speed limit (shown as an un-numbered drawing) have resulted in the principle of the access therefore being acceptable. A condition requiring an application for the speed limit order due to it not being shown on the access drawing but also as it is required to be a pre-commencement condition due to the length of time traffic regulation orders can take to process. A condition will be requested for a Travel Plan to be submitted, third party monitoring of this will be secured via a legal agreement. A Delivery Management Plan, condition for car park management, and provision of signing and lining within the car park.

Town/Parish Council

- 6.2. Farnsfield Parish Council – Object – Raising the following concerns:

Principle and Economic Impacts

- Accept development is inevitable at this brownfield site.
- The site’s current use as a food restaurant and takeaway makes it likely something similar would be approved, if suitable and in line with policies.
- The proposal doesn’t comply with policies.
- The new jobs created will be offset by jobs lost at surrounding businesses.
- Local businesses already have trouble filling vacancies with local people.
- There is no local demand for fast food outlets.
- Detrimental to tourism.

Character

- The development will result in a harmful change to the site.
- Potential for litter and anti-social behaviour.

Amenities

- Air, light and noise pollution (due to 24 hr usage).
- Potential for litter and anti-social behaviour.
- No courier waiting bay or acoustic fence (as recommended) at the southern divide.

Highways

- The site is currently used for parking by other businesses on the roundabout so this would displace parking.
- Transportation of staff to and from the site during 24hr opening times.
- Concerns about inadequate parking for employees and the lack of 24hr public transport would not enable employees to travel to the site by sustainable means.
- Concerns raised by the Highway Authority about potential increase in risks to pedestrians, cyclists and drivers.
- The development would add an additional traffic burden to inadequate roads.
- Traffic speeds south on the A614 to the roundabout – the proposal will not reduce the speed or the risk.
- Does not appear to be a 'right turn' prohibition for exiting traffic from the site which would improve safety.
- The deceleration lane from the A614 is to be removed and no rationale is given.
- At least 2 trees are to be located in the path of vehicles or the drawing is wrong.

Flooding/Drainage

- Inadequate drainage issues.
- There is history of flooding at the White Post Farm roundabout and the increase in hard surfacing with no compensatory measures will exacerbate this issue.

Ecology

- Concerns about the impact on existing trees.
- Concerns that the BNG figure needs further scrutiny and would not compensate for the loss of flora & fauna.

Other Matters

- Represents a health and safety hazard to nearby homes and businesses, employees and road users.
- Adverse impact on the custom of local cafes and businesses.
- Sufficient fast-food restaurants within the Mansfield area already.
- Difficulty of finding local residents to fill this type of business within Farnsfield.
- The development would not help combat obesity and other health conditions.
- There would be no community benefit as a result of the proposal.
- Farnsfield has regularly entered into and won the 'best kept village' competition, and this would not help its future participation.
- The revised proposal represents a harmful change in the type and volume of site usage.
- No mention of PV installations or site battery energy storage.
- No mention of grey water usage which detracts from the sustainability credentials of the development.
- The 2nd unit has no definition of intended use.
- No provision for a public convenience or dog walking area in what is effectively a rest area.

Representations/Non-Statutory Consultation

- 6.3. NCC Flood Risk – Flood risk and drainage standing advice applies.
- 6.4. NCC Planning Policy – Minerals: the proposal is not within a Mineral Safeguarding and Consultation Area, or near any minerals extraction sites. Therefore, no concerns raised. Waste: no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue. As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’ Transport and Travel Services: The closest bus stops served by scheduled services are situated approximately 270 metres from the centre of the site which provides adequate access to local bus routes, shown below. A contribution towards a local bus service provision is not sought.

Service No. (Operator)	Route	Service Frequency & Operating Times		
		Weekday	Weekend	
		Mon - Fri	Sat	Sun
28 Stagecoach	Mansfield Bus Station - Farndon Long Lane-Newark	Hourly From 05:15 to 20:40	Hourly From 05:15 to 20:40	No Service
SA1	Ollerton- Nottingham	2 Hourly from 05:40 to 22:00	2 Hourly from 05:40 to 22:00	No Service

- 6.5. A planning obligation – bus stop infrastructure contribution of £20,400 paid to provide improvements to the two bus stops NS0050 & NS0051 is requested. On the grounds that bus stops should be provided that meet the access standard set out in the Council’s Highways Design Code with bust stop facilities that meet the standard set out in the Appendix to the Council’s Public Transport Planning Obligations Funding Guidance.
- 6.6. NSDC Environmental Health Officer – The assessment of noise in the context of people is a negligible impact. The submitted report recommends an acoustic fence to address noise concerns at the adjacent commercial premises. This should be implemented as specified in the report.
- 6.7. NSDC Contaminated Land Officer – No objection subject to the use of the full phased contamination condition.
- 6.8. NSDC Ecology Officer – No objection subject to the inclusion of the deemed BNG condition and conditions for precautionary working methods, a lighting scheme, and the provision of bat and bird boxes on site. Although, the achievability and sustainability of the on-site BNG enhancements proposed were questioned off-site BNG remains a possibility.
- 6.9. NSDC Tree Officer – Concerns raised relating to the level of detail included within the surveys.
- 6.10. NSDC Planning Policy – No objection.
- 6.11. Cadent Gas – No objection – the site is in close proximity to a medium and low-

pressure asset; therefore, the use of an informative note is required to alter the applicant to this.

- 6.12. Comments have been received **52** local residents/third parties (**44 in objection, 4 in support**) that can be summarised as follows:

Principle and Economic Impacts

- There is no local need for fast food outlets or coffee shops in the area – there are sufficient fast-food services in the area.
- Farnsfield has sufficient leisure facilities already. Winner City was a popular restaurant and takeaway and this should not be replaced by American style businesses.
- The development would be contrary to policies SP3, CP8, CP13 of the Core Strategy, DM5, DM8, DM11 of the Allocations and Development Management DPD and FNP4, FNP5, FNP7, FNP8 of the Farnsfield Local Plan.
- The development would not support existing countryside attractions and would impact exiting tearooms on adjacent business sites.
- There is no proven local need for these large businesses, the Council should prioritise smaller local businesses.
- The development would bring stable jobs and would be better than houses on the site.
- The site would be better used for a fuel station.
- Farnsfield has already had enough development.
- The development would support micro regeneration/growth and provide job opportunities for local people.

Character

- The site needs smartening up.
- The proposal will be more visually pleasing than the current situation.
- The development would not result in an enhanced community space and would fail to inspire/benefit local residents.
- The development would impact the overall character of the area and landscape.

Amenities

- Concerns about the impact of the partial demolition on the adjoining building and whether this would impact its structural integrity/safety. Concerns about how this would impact the operation of this adjoining business.
- Concern about potential continuous pollution from the 24hr use and how this would impact the adjacent animal farm/zoo site from an animal welfare perspective.
- Concerns about the impact on nearby properties and businesses through increased noise.
- Concerns about the impact on the nearby children's day nursery and children with additional needs.

Highways

- The roads around the site are often congested and this will worsen traffic issues and increase the likelihood of accidents.

- Local cycle routes would be adversely impacted from additional traffic, litter, and pollution.
- Concerns about the right turn out of the site and whether this is safe from a highway's perspective.
- The roundabout is in need of improvement and investment already and this development will only increase the pressure on the road network.
- Concerns about the traffic generation numbers quoted in the supporting Transport Statement.

Flooding/Drainage

- The roundabout floods badly and is sometimes impassible when this happens.

Ecology

- The BNG offered is only with new scrub land which is not sufficient.
- Impact of pollution (noise, light, odour) on wildlife.
- The removal of trees as proposed would not be compensated for by the replacement with smaller trees.

Other Matters

- Concerns about the public health impact on healthy lifestyles, increased pressure on the NHS and people's well-being.
- The site would be best used with a supermarket.
- The development would impact existing local businesses by diverting trade.
- The companies are global businesses with no interest in the local area/people.
- There would be an increase in litter.
- Impact on animal welfare at adjacent businesses.
- Concerns about where demolition waste will be taken.
- Issue with the disposal of trade waste and effluence.
- The development will impact surrounding property values.
- The development demonstrates corporate greed.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Amenity
- Impact on Highways Safety
- Impact on Ecology
- Flood Risk/Drainage
- Planning Obligations
- Other Matters

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 (2013).

Principle of Development

- 7.3. 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. The site lies outside of the village envelope of the principal village of Farnsfield as a matter of fact. Therefore, notwithstanding the fact that the site is situated within a nucleus of development around the White Post Roundabout, owing to the location of the site, it is considered to be within the open countryside in policy terms. In accordance with the requirements of Spatial Policy 3 (Rural Areas), development in the open countryside is strictly controlled and limited to certain types listed in Policy DM8 (Development in the Open Countryside).
- 7.4. Policy FNP4 (Local Employment Opportunities) of the Farnsfield Local Plan advises that development which includes new employment opportunities will be supported within the village envelope of Farnsfield. However, the site lies outside of the defines of the village of Farnsfield and as such this policy cannot be applied. Policy FNP5 (Creating A Thriving Parish) outlines that development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail, cultural, leisure and tourism, where it is within the village envelope. Outside of the Village Envelope, uses will be supported that contribute to tourism and rural diversification, where they are in accordance with the wider policies of the Neighbourhood Plan, in particular FNP8 (Landscape).
- 7.5. Firstly, the proposal sets out the intention for the existing restaurant to be demolished – it is noted that this building is not of any historic or architectural merit and the redevelopment of the site could improve its current appearance and would utilise a brownfield site, making an effective use of land in accordance with chapter 11 of the NPPF. Policy DM8 considers the principle of replacement of non-residential buildings and explains that where they are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of non-residential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve.
- 7.6. It is noted that the building appears to originate from a permanent design and construction and is not of any architecture or historical merit. At a recent site visit the building appeared to be in current use and had not been abandoned. The application has been accompanied by a Statement which considers the potential reuse of the

building and why it would be beneficial for the building to be replaced. Justification for this approach includes optimising the use of the site by providing two modern purpose built café/restaurants with drive-thru facilities; provide a development which improves the massing and appearance of the site; provide additional employment opportunities and create an economic boost to the local area.

- 7.7. The building is currently in use as a restaurant, which is categorised as Use Class E(b) in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the proposed buildings would be drive-thru premises (with the both containing an element of sit-in restaurant use) which is a sui generis use. The replacement buildings are not proposed to be in the same use as the existing premises, therefore the proposed use must be enabled by other criteria of policy DM8 to be acceptable in principle.
- 7.8. Roadside service uses are covered by exception point 10 of policy DM8 which states that proposals for roadside services in the countryside will not normally be supported unless a justified need for the particular location can be demonstrated. The scale of development should be restrained to the minimum necessary to serve the need and be designed to avoid an adverse impact on the surrounding landscape. To support the application two statements have been submitted from each of the proposed occupiers of the drive-thrus which detail their site selection process in assessing the commercial viability of locating at specific sites, and thus whether there is an identified need.
- 7.9. **For Starbucks:** The supporting Statement explains that Starbucks uses a bespoke analytical model to determine site suitability including factors such as road/commercial locations, proximity to competitor stores, visibility, proximity to existing network of Starbucks' stores and anticipated volume of traffic flows.
- 7.10. The Statement explains that this proposed store is expected to offer a more convenient offering to nearby communities such as Blidworth, Farnsfield, and Bilsthorpe, as well as playing an important role in further developing the business' roadside presence on a key local transport route. There is no other major coffee roadside outlet with a 9-mile radius and the next nearest Drive-Thru is on the A6191 to the east of Mansfield. The statement explains that there is no Starbucks Drive Thru within 15 miles and traffic flows past the site meet the businesses desired flows for an appropriate customer base. The site is also visible along the highway route.
- 7.11. Taking the above into account and having regard to the site's performance with respect to the key metrics, the Statement explains that the application site's location is considered commercially viable, and this proposal offers the potential to improve Starbucks' market penetration in the local area, i.e., to meet an identified need.
- 7.12. **For McDonalds (which was originally the proposed occupier for unit 2):** The supporting Statement explains that McDonalds use a model for site selection that considers the local population catchment, proximity to existing network of McDonald's restaurants and anticipated volume of traffic flow. The McDonalds model accepts that every site is unique in terms of revenue generators and that the level of influence and the importance of each fluctuates. As a general guide, a 10,000

population within a (non-overlapping) 8-minute drive time is typically sought by McDonald's to support a viable Drive-Thru restaurant.

- 7.13. This Statement explains that this application site is expected to provide a more convenient Drive-Thru offer to residents of neighbouring communities such as Blidworth and Farnsfield. Collectively, these settlements contain a population of c.7,300. However, an 8-minute (nonoverlapping) drive time isochrone for the application site contains a larger population of 18,020. The site therefore exceeds the population threshold established by the McDonald's analytical model by more than 80%.
- 7.14. In considering a site's relationship to McDonald's existing portfolio of restaurants, the Statement explains that the analytical model seeks to provide sufficient distance between existing restaurants. This helps to ensure that new developments are positioned to serve new (or less well penetrated) catchment areas. The nearest Drive-Thru restaurants to the application site are located at:
- Oakleaf Close (6.9km away): The restaurant is located between an Aldi Foodstore and Building Merchants on the edge of Mansfield. It is surrounded by a concentration of industrial uses to the west – estimated to support 3,500 jobs – and residential communities such as Berry Hill (with a population of approximately 7,004) to the southwest. As such, the Statement explains that the restaurant serves a different market to that being targeted by the proposed development.
 - Ollerton (10.9km away): The restaurant is situated to the west of Ollerton (a settlement with a population of approximately 11,500) which serves as a key driver of trade for the restaurant. In this respect, the Statement explains that this restaurant is considered to serve a different market to that being targeted by the proposed development. Both the Ollerton restaurant and the application site are located adjacent to the A614. However, the two are situated more than 10km apart.
- 7.15. Turning now to traffic flows, the Statement explains that McDonald's advises that a minimum traffic flow of 10,000 Average Annual Daily Flow (AADF) is typically required for a site to be considered a suitable development opportunity. Using data triangulated from the Department for Transport, TomTom and mobile phone activity a traffic flow figure of 14,000 AADF has been identified for the application site which exceeds the McDonalds model by 40%.
- 7.16. Taking the above into account and having regard to the site's performance with respect to the key metrics, the Statement explains that the application site's proximity to existing restaurants in the surrounding area is considered commercially viable and this proposal offers the potential to improve McDonald's market penetration in the local area, i.e., to meet an identified need.
- 7.17. In terms of the scale of the buildings and whether they are of the minimum necessary to serve the need the agent has confirmed that both stores are the minimum floor area needed for the businesses to operate drive-thru premises. Following the

reduction in the floor area of unit 2 it has become too small for a McDonalds drive thru. Nonetheless, it is considered that the unit would be suitable for a similar business which would, for commercial reasons, have a similar site selection process.

- 7.18. Officers note that comments have been received from local businesses surrounding the site in relation to the impact this development could have on their businesses which have a food offering. Whilst noting these concerns, Officers would highlight that opposition to business competition is not a material planning consideration that can be given any weight in the determination of this application.
- 7.19. As the proposal includes main town centre uses (MTCU)¹ the NPPF (in addition to policies CP8 (Retail & Town Centres) and DM11 (Retail and Town Centre Uses) of the Development Plan) confirms that LPAs should apply a sequential test to such applications where these MTCUs would not be located in an existing centre. Essentially the policies detail a sequential approach whereby proposals for MTCUs shall firstly be located within a centre, then edge-of-centre and only if no suitable sites are available (or expected to become available within a reasonable period) will consideration be given to out-of-centre locations. DM11 follows the same approach (noting that the specific wording of this policy is due to be amended in the current Plan Review to align it with the national policy approach in the NPPF) and sets out that non-retail MTCUs in out-of-centre locations will be subject to the sequential approach as described above.
- 7.20. The application site is not in an existing town centre, therefore ordinarily, drive-thru facilities in this location would be subject to the sequential test. However, it is acknowledged that there is an existing MTCU business already on the site. Notwithstanding the fact that the proposal would increase the number of businesses on the site to two, given the proposed combined floor area of the two drive-thru units proposed (343.9sqm) would not exceed the useable (customer) floor area of the existing commercial premises on site (434sqm), then Officers are satisfied that, taking a pragmatic approach, it is not necessary to apply the sequential test in this case. This approach has been supported by comments made by the Council's Planning Policy Officer.
- 7.21. The proposal would also deliver economic benefits from the creation of approx. 40 jobs (20 full-time and 20 part-time) which would exceed the current employment levels at the site and would provide local employment opportunities which weighs positively in the assessment of the scheme.
- 7.22. Specific to hot food takeaways and fast food outlets, which the drive-thru in unit 2 could be used for, para.97 of the NPPF does not support this use: *"a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour."* Neither of these factors apply to the location of the site.

¹ As defined by the NPPF

- 7.23. Overall, based on the information supplied with this application it is considered that the principle of the replacement of this non-residential building is acceptable and complies with the requirements of DM8. The Applicant has also demonstrated that there is a need for these roadside services in this location and that the development has been restrained to the minimum necessary to serve the need. Whilst an assessment on the impact of the development on the character and appearance of the area will follow in a subsequent section of this report, it can also be concluded that the development has been designed to avoid an adverse impact on the surrounding landscape. The development is therefore considered to be acceptable in principle in accordance with policies CP8, DM8 and DM11 and the provisions of the NPPF which is a material consideration.

Impact on the Character and Appearance of the Area

- 7.24. 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. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.25. Section 12 of the NPPF (Achieving Well Designed Spaces,) paragraph 127 states inter alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 130 of NPPF reinforces the above local policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 7.26. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area. The area is characterised within Policy 'S PZ 7 – Oxtou Village Farmlands' of the Newark and Sherwood Landscape Character Assessment SPD as a Conserve and Create Area where landscape condition and sensitivity are defined as moderate.
- 7.27. The area is described as having a gently undulating topography with moderate visibility in and out of the area. The guidance specifically states that *“threats to the area include expansion further of leisure activities at White Post Farm, further break down of field pattern by removal of hedgerows due to agricultural intensification and expansion of urban centres of Bilsthorpe and Farnsfield into the area.”* The policy goes on to state that the detracting features of the area are the busy roads and concentration of commercial and leisure facilities around the White Post Farm area and advises that to conserve the integrity and rural character of the landscape new development should be concentrated around the existing urban fringe of Bilsthorpe

and Farnsfield. The existing field patterns should also be conserved by locating new small-scale development within the existing field boundaries and proposals should be of a sensitive design and appropriate siting.

- 7.28. The application site is broadly rectangular and contains a large car park area and a two storey, flat roofed, rendered and clad building on the southern side – see photos below. The site is bound by Old Rufford Road on the western side and dense trees along the northern and eastern boundaries. To the south is an existing garage business which adjoins the building on the application site.

VIEW 16 - Old Rufford Road



Panoramic Image: EXISTING VIEW

VIEW 17 - Old Rufford Road



Panoramic Image: EXISTING VIEW

- 7.29. This site sits around the White Post roundabout where there is a cluster of commercial, leisure and residential buildings. There are several farmhouses around the edges of the cluster. There are no heritage designations nearby and the site is not within a landscape with any statutory designations. Whilst being technically located within the open countryside, it is clear from the aerial image below that the site is located within a nucleus of development that has occurred around the roundabout and is well contained to its existing boundaries by the dense tree cover to the north and east, as well as existing businesses that lie to the east and south.



Site and Surrounding Area

- 7.30. The proposal is for the demolition of the existing building and erection of two drive-thru facilities, one on the southern and one on the northern side of the site. The existing building is flat roof in form, two-storeys in height and of a design that is distinctly of its time. The building has no historic or architectural merit and due to the various material treatments on the exterior and the general condition of the building it does not contribute positively to the character of the area. Nevertheless, it is noted that the site has well defined boundaries which contains the site from the wider open countryside and that there is extensive development to the west that is associated with the Wheelgate Park site and to the south-east associated with White Post Farm.
- 7.31. The proposed plans show the buildings would be positioned on an E-W alignments, orientated to face into the site and would be set back from the western boundary with the highway. The design of the buildings would be reflective of the corporate branding for each business and would be modern in design, utilising flat roof form and modern cladding materials with the Starbucks building containing a taller tower element containing signage (see images in the description of the proposal section of this report).
- 7.32. Officers note that there is scope to improve the current appearance of the site, and overall, the amount of gross internal area is proposed to be reduced with the proposed buildings compared to the amount of existing built form on the site. It is also acknowledged that whilst in a countryside location, the site is well contained and clustered around the roundabout which is characterised with commercial/tourism uses. However, equally it is noted that the subdivision of the buildings to either side of the site would increase the perception of development across the site and the intensification of use of the site with two separate businesses (that would arguably attract a greater patronage than the existing restaurant use) could have an adverse impact on the rural transitional character of the site on the exit from the roundabout west along Old Rufford Road. Given the NSDC Landscape Character Appraisal specifically cites the area surrounding the busy roads and commercial and leisure facilities around the White Post Farm roundabout as a threat to the landscape character, Officers are mindful of the potential visual impact of the subdivision of this site and addition of built form to the north.
- 7.33. Therefore, to consider these potential impacts the application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the baseline sensitivity of landscape character and visual amenity and the anticipated effects likely to arise from the development proposal.
- 7.34. The LVIA provides context to the Landscape Character area within which this site is located and explains that whilst the site shares some characteristics of the surrounding rural landscape, it is a developed site forming part of the concentrate nucleus of development close to the roundabout and the sensitivity of the proposal site is considered to be lower than the surrounding rural landscape. The condition of the proposal site is therefore considered to be Low and its sensitivity to change is also Low.
- 7.35. The LVIA considers a Zone of Theoretical Visibility (ZTV) of the development and notes this would be limited and restricted to the land immediately to the south of the site

up until the roundabout and land to the south-west of the roundabout past Hill House Farm. Using this ZTV the LVIA assesses 17 receptor viewpoint locations, selected to represent the experience of visual receptors from potentially susceptible locations.

- 7.36. The LVIA considered the potential impacts of the development in depth but as a summary, in terms of the effect upon the character of the landscape the LVIA concludes that the proposed buildings would assimilate well into the landscape being of low profile with the use of timber materiality and neutral colours. New trees would be planted in the car park and peripheral planting consisting of low native shrubs and trees would improve landscape infrastructure and the appearance of the site. The LVIA concludes that given the existing site context, the proposal would not affect the characteristic features of the Oxton Village Farmlands landscape character area as a whole and therefore an assessment for each of the landscape features (for example topography, water features, land use, vegetation etc) has been scoped out of this assessment. The conclusion is that the proposal could have a *'negligible beneficial'* overall effect on landscape character, i.e., little to no change to the character area and a minor amount of enhancement, however this is considered to be *'insignificant'*.
- 7.37. Turning now to the effect on visual amenity, the LVIA explains that the effect on most views gained from Old Rufford Road is considered to be *'negligible'* as only a small part of the proposal would be seen from surrounding receptors (due to a combination of topography and existing vegetation screening to the north and eastern boundaries). These effects are considered to be *'insignificant'*. Minor effects are considered to arise for a small number of near views as receptors pass close to the site (viewpoints 11, 12, 16 & 17 from the LVIA, all along Old Rufford Road), however the effect on these views is considered to be of *'low significance'* and not harmful to visual amenity as views would be of replacement buildings on an existing commercial site that is surrounded by other similar forms of development and would be well contained to the existing site boundaries.



L: View from the North looking towards the site. R: View from the South looking towards the site (note the development has been superimposed into these views as indicated with a red arrow)

- 7.38. Several of the LVIA viewpoints, including long distance views from elevated locations to the north and receptor viewpoints on public footpaths would not be affected. There would only be a very narrow glimpse of the proposal from Robin Hood Way in a single location near Hill House Farm to the south-west of the site, however this effect would be *'insignificant'* against the backdrop of other development surrounding the

roundabout. The LVIA also concludes that the proposal would not be seen from the surrounding rural landscape and effects on views are not considered to be significant or harmful. The overall effect of the proposal upon visual amenity is therefore considered to be '*negligible*' and '*insignificant*'.

- 7.39. The proposal includes signage which is covered by the concurrent advertisement consent application that has been submitted, however in visual terms it is considered that the signage would not be uncharacteristic for the location and would be appropriately scaled for the size of the site and buildings proposed. Additional planting is also proposed across the site, as well as the retention of existing boundary vegetation, to assist in softening the impact of the development and provide screening.
- 7.40. Overall, whilst noting the site is technically within a countryside location, the immediate character is one of a cluster of commercial, leisure and tourism uses, and it is not considered that the proposed drive-thru uses would be alien in this context. It is accepted that travelling north on Old Rufford Road away from the site there is a transition from this cluster around the roundabout to a more rural context, however, travelling towards the site from north to south the site is screened by existing boundary vegetation which would prevent any longer-range views on this transition and prevent the perception of development sprawling into the countryside. The drive-thru buildings, whilst overtly modern in appearance, would have relatively low-profile forms and would be notably smaller in footprint than other buildings in the immediate vicinity associated with other commercial enterprises. Taking this into account, along with the conclusions of the LVIA, it is considered that the development would not result in harm to landscape character or visual amenity.
- 7.41. Turning now to the impact on the part of the building proposed to be retained (which serves the adjacent garage business) – the Winner City building lies to the north of the garage building and has both a flying and creeping freehold, which means the applicant owns part of the building that extends above the garage (at first floor) as well as below (basement level). Following amendments, the plans would now see the retention of the first floor of the Winner City building which extends above the garage as shown in red below but the demolition of the remainder of the building:



- 7.42. Upon request the applicant has supplied details of how the partial demolition of the building would be carried out to ensure the structural integrity of the retained building is preserved. Details have also been provided on how the retained elevations of the

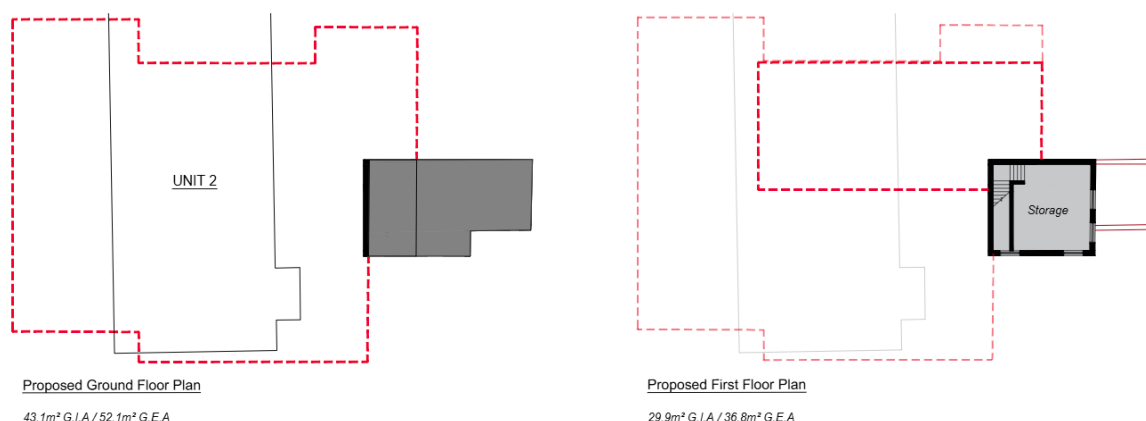
building would be treated (retaining the existing external wall and facing in red brick slips), to ensure that the building is suitably repaired following the demolition works. These details are considered to be acceptable.

- 7.43. Overall, given the context of the existing site and in light of the conclusions drawn above, the proposal would not be detrimental to the visual amenity and character of the area. It is therefore considered that the proposal would accord with the requirements of the abovementioned policies in this regard.

Impact on Amenity

- 7.44. Policy DM5 requires development to have a satisfactory relationship with neighbouring properties and land uses.
- 7.45. The site is currently in use as a restaurant, and it is accepted that surrounding uses are mostly visitor-based tourism and other commercial uses. The closest residential property to the site is to the south-west on the opposite side of the roundabout and beyond other commercial land uses. As such there would not be any overshadowing/overbearing or overlooking impact on any residential occupier as a result of the redevelopment of the site.
- 7.46. It is noted that the drive-thrus would operate 24/7 and there would be associated vehicular movements from deliveries and customers with vehicles idling around the drive-thru. The application has therefore been accompanied by a noise assessment which considers the potential impacts on the closest residential receptors from mechanical plant and vehicular movements associated with the proposed development. This assessment concludes that the noise impact from mechanical plant would be 'low', with a rating level consistent with '*No Observed Effect Level*', according to the Planning Practice Guidance on Noise. In terms of noise associated with vehicular movements, the assessment considers the potential impact of deliveries (day and night) and customer vehicle movements. The assessment concludes that there would not be any adverse impact on nearby receptors from daytime or nighttime deliveries as the noise rating level would be 'low'. Similarly, for customer vehicle movements in the day and night the assessment concludes that the noise impact would be 'low' (negligible and short term). The Council's Environmental Health Officer (EHO) has reviewed this assessment and raises no objection to its conclusions in this respect. Overall, it is therefore considered that the development would not have any adverse impact on nearby receptors. Concerns have been raised from adjacent business owners about the potential impact of the development on the adjacent animal park, however given the conclusions drawn by the Noise Assessment the EHO has raised no concerns or objection in this regard.
- 7.47. The EHO has also considered the potential impact of cooking odours from the proposed uses and has advised that any permission should include a condition that requires a suitable scheme for extract ventilation to be submitted and approved to prevent any adverse impacts through odour – this is considered to be reasonable given the nature of the uses and site context and could be requested to be submitted prior to first use of the premises.

- 7.48. In addition, as set out in the previous section of this report, following the demolition of the existing building on site the remainder of the building to the south would be retained. The impact on this adjacent business and ensuring that it can continue to operate is therefore an important consideration. Upon request the applicant has provided details of the works required to stabilise and make-good the remainder of the building which explains how parts of the ground and first floor of the building adjoining the neighbouring garage would be retained and the external elevations would be finished in a suitable facing material. The proposed ground and first floor plans below show the retained parts of the building.



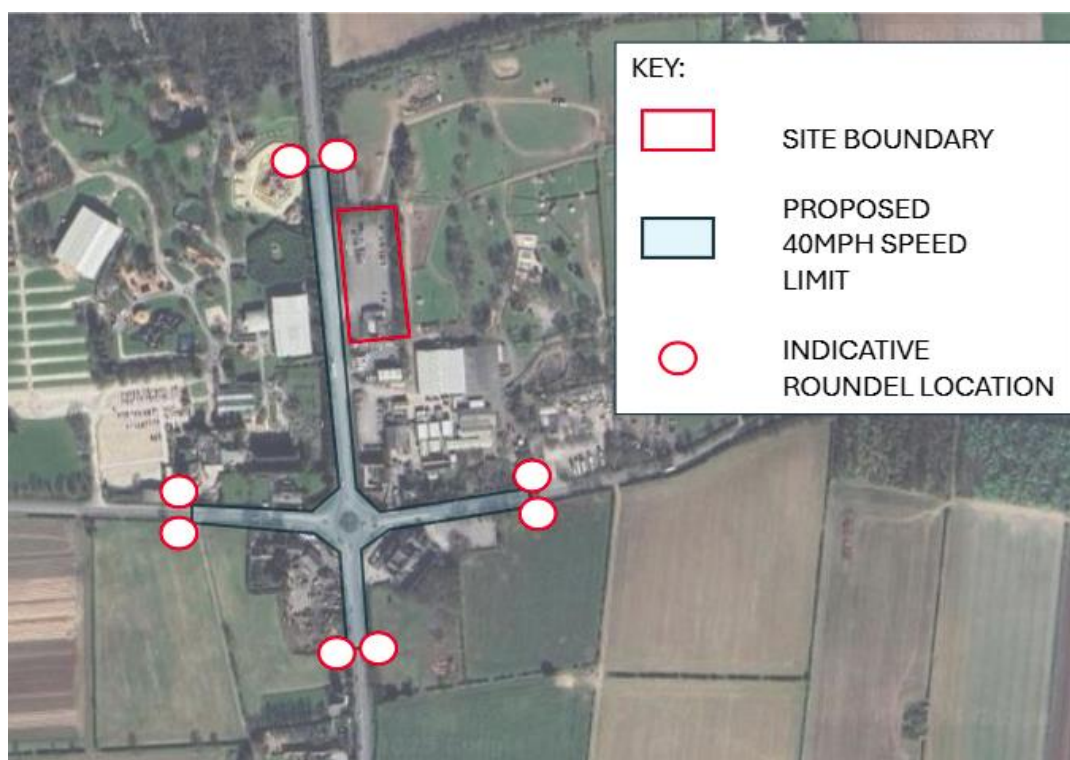
- 7.49. The application also includes details on the potential impact of the demolition and construction and is accompanied by a method statement which sets out proposed construction methods and working practices to ensure best practice measures are employed to minimise noise and dust. The EHO has reviewed this document and accompanying plan and has confirmed that this is adequate to prevent any adverse impacts during demolition and construction.
- 7.50. The EHO has also commented regarding the requirement for adequate ventilation and extraction details to prevent any odour nuisance and the agent had confirmed that this could be controlled by a suitably worded condition. It is also noted that the businesses currently utilise professionally managed odour ventilation systems and this would similarly be employed for the two units proposed. Concerns have also been raised about the potential for litter from the site, however the proposal would include appropriate refuse provision within the site, precise details of which would again be required by condition.
- 7.51. Therefore, given the conclusions above it is considered that the proposal would preserve the amenity of surrounding land uses and would therefore accord with Policy DM5 and the guidance in the NPPF in this regard.

Access and Highway Safety

- 7.52. Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking

provision.

- 7.53. The site currently takes access from the classified A614 Old Rufford Road, and the proposal previously included the repositioning of the access further north, broadly centrally along the site boundary, in addition to a reduction in parking provision across the site (when compared to the existing car park).
- 7.54. The A614 is a classified road and is subject to a 50mph speed limit in the vicinity of the site. There are refuges and a solid white line system which prevent overtaking on the A614. There is an extensive length of skid resistant surfacing on the southbound A614 approach to the A614 Old Rufford Road/C1 Mansfield Road (White Post) roundabout. The site is relatively close to the White Post roundabout, and the Highway Authority (HA) comments note that these experiences queuing at peak periods, including at weekends.
- 7.55. The supporting Transport Statement (TS) explains the context of the existing business (that employs 5 full-time employees) and proposed businesses (which would employ 40 staff) and how the proposal would see a reduction in usable/customer floor area across the site. The proposed uses would be open 24 hours a day throughout the whole year.
- 7.56. The application indicates that the proposed uses will have 20 full-time plus 20 part-time employees, with a total full-time equivalent of 40 staff. The applicant does not confirm how many staff will be in each unit at any one time. No information is provided on staff shift times.
- 7.57. Following consultation with the Local Highway Authority (LHA) and their concerns relating to the impact of increased traffic on the White Post roundabout to the south and on the revised access location and subsequent implications of the northbound climbing lane of the A461 amendments have been made to the scheme. It should be noted that the LHA agree the White Post roundabout is at capacity, and any additional demand from the proposed development would lead to a nominal increase in queueing on the northbound approach of the junction.
- 7.58. The measures proposed to mitigate the transport impacts of the proposal and to promote sustainable transport include: the application and implementation of a 40mph speed limit (the current speed limit is 50mph) for the area shown on the plan below, alongside an anti-skid treatment to the southern arm on the White Post roundabout; implementation of tactile paving along the eastern side of the A614 Old Rufford Road, alongside a 2m footway between the site access and the pedestrian crossing; revisions to the kerb radii of the existing access junction, removal of the deceleration land and implementation of 'Keep Clear' markings outside of the access; and a planning obligation of £75,000 towards the provision of a new pedestrian crossing facility on the eastern arm of the White Post roundabout across Mansfield Road and £20,400 towards the upgrade to the existing bus stop. In addition, the floor area of unit 2 has been reduced by 59.3sqm.



Plan showing extent of proposed 40mph limit

- 7.59. With regards to the access, the amended scheme now seeks to retain the existing access which would remove concerns over the otherwise reduction in length of the climbing lane to the north. Consideration has been given to the request to ban the right turn out of the site concluding that so long as suitable measures, including removal of the left turn deceleration lane and inclusion of a localised reduced speed limit were provided, the right turn out of the site would not pose particular concern. The reduction in the speed limit from 50mph to 40mph in the areas shown on the above plan would be secured via a pre-commencement planning condition.
- 7.60. Concerns raised with regards to distribution and assignment have been alleviated by the access layout allowing all manoeuvres but there remained issues with other elements of the distribution exercise undertaken. To mitigate the increased queue on the southern arm the applicant has offered to provide circa 150m of anti-skid surfacing to mitigate the issue, which is considered acceptable.
- 7.61. The LHA note the improved pedestrian accessibility to the site from the adjacent attractions, the footway on the eastern side of the A614 is proposed to be increased to 2m in width and tactile paving installed over the crossing of the northern arm and the adjacent access.
- 7.62. The submitted Travel Plans are not considered acceptable therefore it is necessary to include a condition for a Travel Plan to be submitted. The monitoring for this would be secured via a legal agreement which would also secure the planning obligations to upgrade the adjacent bus stops and towards pedestrian crossing facilities over Mansfield Road.
- 7.63. The site layout has been revised to allow the access to remain in its current location.

The LHA advise the revised layout provides more car parking spaces and better circulation than previous iterations, reducing the chance of conflict in the vicinity of the access. Details of the signing and lining to ensure that the layout is conveyed as clearly as possible to entering drivers would be secured via a condition.

- 7.64. Also, the swept paths of the delivery vehicle shown identifies that the room for delivery vehicles is constrained and there is a risk that issues may be encountered, which risks impact on the A614. The applicant has confirmed that they would be willing to accept a condition for a delivery management plan which will restrict the size of vehicles and the times that deliveries can take place, to avoid conflicts when the car park is busy. A car park management plan is also required and would be secured via a condition.
- 7.65. On the basis of the above it is therefore considered that the development would be acceptable in this regard in accordance with SP7 and DM5, in addition to the provisions of the NPPF.

Impact on Ecology

- 7.66. Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

Habitats and Protected Species

- 7.67. Given the proposal would result in the demolition of an existing building that has the potential to support protected species a Preliminary Ecology Appraisal (PEA) has been submitted to accompany the application along with a Bat Survey Report (BSR) which presents the findings of two bat emergence surveys undertaken at the site.
- 7.68. THE PEA considers the presence/absence of protected species on the site and concludes that no protected species were identified on the site but makes recommendations for enhancement measures relating to birds, bats, invertebrates, and hedgehogs.
- 7.69. The BSR concludes that no bats were recorded emerging or re-entering the building to be affected by the development, however bats were recorded foraging and commuting across the site. Given there were no bats identified emerging from or entering the building no further recommendations are made in relation to additional surveys and it can be concluded that the demolition would not adversely affect bats. The BRS does, however, recommend that demolition is carried out outside of the bat activity and bird nesting season, any external lighting is appropriately cowed to reduce light spill and bat and bird boxes are installed as enhancement features to contribute to the favourable conservation status of bats. These measures are considered to be appropriate to be controlled by a suitably worded condition.
- 7.70. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Trees and Hedgerows

- 7.71. It is noted that the northern and eastern boundaries are formed by mature trees, some of which are in third party land beyond the fencing that encloses the site. The aerial image below shows the site and the positioning of the trees, noting the majority of the site is a sealed surface which extends up to the tree lines.



2022 Aerial Image of the Site

- 7.72. The application has been supported by an Arboricultural Report and Tree Protection Plan (TPP) which considers the potential impacts of the development on surrounding trees. The Report explains that the boundary trees are in a generally healthy condition, however some of the trees are growing close to the edge of existing hard surfacing which is likely to be impacting their rooting structure/growth.
- 7.73. The proposed plans would result in the removal of 10 trees:

Tree Number	Common Name	Category	Location
T5	Hornbeam	C2	
T6	Hornbeam	C2	
T7	Hornbeam	C1	
T8	Ash	C1	
T9	Hornbeam	C2	
T12	Ash	C2	
T14	Hornbeam	C2	

T15	Hornbeam	C2	
T16	Ash	C1	
T17	Ash	B3	

- 7.74. Whilst regrettable, it is noted that these trees are not protected by TPO or by virtue of being located within a Conservation Area and therefore could be removed without the prior consent of the LPA. In addition, the Tree Report explains that the removal of these trees would not impact on wider public amenity given there are other trees behind and adjacent which would still provide the appearance of a continuous tree line. Furthermore, the removal of these trees would be compensated for by replacement planting elsewhere on site – precise details of which could be controlled by a suitably worded condition.
- 7.75. The Tree Report goes on to consider the potential interaction of the development with trees to be retained around the perimeter and explains that these trees would not require any management works to implement the scheme given their canopy height and clearance is such there would be no conflict. The footprint of the buildings are positioned outside of the Root Protection Areas (RPAs) of the trees to be retained, so the Tree Report explains that the construction works to implement this would not directly impact on the trees. Hardstanding circulation spaces throughout the site would be adjacent to the trees, however this would be the same as the existing arrangement on site and subject to construction measures being implemented in accordance with the Tree Protection Plan (and Method Statement) the Arboriculturist advises that there would not be any greater effect on the adjacent trees than existing.
- 7.76. The Tree Report explains that there is the potential for impacts on the trees to the north of the site (T2-4, T10, T20-26) due to the construction of the drive-thru track around Unit 1 as this would cross the RPAs of these trees, however the Tree Report explains that this incursion is only partial and most of the RPAs of the trees at this point are already covered in hard surfacing. The Report therefore explains that it is likely that the existing root development of these trees has already developed running more parallel to the hard surface or at deeper depths where they will not be impacted by the removal of the existing tarmac and installation of a new access road. The age of the trees in relation to this surface means this is possible without significantly impacting their long-term health and viability. The canopy overhang from the trees is also sufficient that this would not interact with the building and would not impact on the future layout proposal or access. Subject to the implementation of the permission in accordance with the Tree Protection Plan and method statement, Officers consider the development would not have an adverse impact on the trees adjacent to the site.

- 7.77. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Biodiversity Net Gain (BNG)

- 7.78. 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)) for major developments from 12 February 2024 and 'minor sites' on 2 April 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.
- 7.79. As the application was submitted after the dates cited above and the development is not considered to fall within any of the exemptions in the legislation, BNG is mandatory for this proposed development.
- 7.80. The application has been accompanied by an amended BNG Report and Metric Calculation which have been reviewed by the Council's Ecology Officer. The Report explains that the main habitat areas currently present on site are 4208sqm of sealed surfaces with peripheral vegetation of 480sqm of neutral grassland. The main linear features currently present on site are lines of trees along the north and eastern boundaries, amounting to 137m.
- 7.81. The report explains that the planned development of buildings, parking area, access roads and footpaths is to be predominantly over existing sealed surfaces but will also result in the loss of 173sqm of neutral grassland and 30m of tree line. However, the ecological impact of the development is to be offset through the creation of 259sqm of similar neutral grassland to extend the peripheral habitat, 308sqm of modified grassland within the parking areas and at the entrance, and 100sqm of ornamental shrubs in beds around the buildings. The proportions of the two grassland types have been calculated to sufficiently offset the losses and would be achieved through proposed landscaping. Additionally, thirteen individual broadleaved trees are proposed to be planted within the parking area, and a line of trees is to be planted within the southern boundary patch of neutral grassland. This would result in a 49.37% net gain in habitat units and 19.51% reduction in hedgerow units.
- 7.82. The Council's Ecology Officer has reviewed the proposals and advised that the proposal has maximised the opportunity to conserve, enhance and restore biodiversity and is therefore compliant with this aspect of Core Policy 12. The submitted Biodiversity Net Gain Assessment (BNG) and associated Statutory Biodiversity Metric (SBM) contain errors that will require amendment. However, in this instance, if the applicant and their ecologist agree with his assessment, this can be resolved at the time of discharging the deemed biodiversity gain condition, which is a pre-commencement condition. To meet the deemed biodiversity gain condition off-site biodiversity units will have to be purchased. And all the post-development greenspace will represent significant on-site enhancement and will need to be secured

by an appropriate planning condition.

- 7.83. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Flood Risk/Drainage

- 7.84. Core Policy 10 (Climate Change) (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM10 (Pollution and Hazardous Substances) sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 also requires new development proposals to pro-actively manage surface water. The NPPG is clear of the importance of sustainable drainage systems as a means of control for surface water run off to mimic natural drainage as closely as possible.
- 7.85. Notwithstanding comments that have been received from third parties in relation to flooding concerns, it is noted that the site is within Flood Zone 1 on the Environment Agency flood maps, which means it is at low risk of flooding. Nevertheless, the application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA explains that the ES's flood map also identifies the site as being at very low risk (less than 0.1% annually) of surface water flooding.
- 7.86. It is noted that surface water flooding can be exacerbated if a development increases the amount of hard surfacing/impermeable area on the site which has the potential to change the surface water flow of the site and the surrounding area. Therefore, it is important to ensure that any surface water flows generated by the change to impermeable area are collected on site and do not pass into neighbouring land. In this case it is noted that the majority of the site is already covered by hard surfacing and the development would not seek to increase this. Nevertheless, the FRA explains that the proposed drainage system would ensure that any potential for additional flow would not impact any other areas of the site or increase the risk of surface water flooding in the area.
- 7.87. In terms of foul drainage, the FRA explains that there is a public foul sewer running directly from the site that then runs adjacent to Old Rufford Road. This sewer then converts to a public foul sewer which continues to run along Old Rufford Road.
- 7.88. The supporting Drainage Strategy explains that following site investigations infiltration is unfeasible for the development and the closest watercourse is beyond significant third party with restrictive topography meaning it is unsuitable to discharge flows from the development. Surface water runoff would therefore be discharged to the existing highway drainage sewer system to the west of the development site.
- 7.89. The drainage Strategy explains that surface water discharge would be restricted using a flow control in accordance with best practice guidelines and surface water flows in exceedance of the recommended discharge rate would be attenuated on site using underground cellular storage attenuation. Foul drainage from the proposed

development would be discharged to the existing Severn Trent foul sewers surrounding the site. The Drainage strategy explains that a pre-development enquiry has been submitted to Severn Trent which has approved the proposals. The accompanying Plan to the Drainage Strategy also shows the site would utilise permeable paving around the car parking areas.

- 7.90. Overall, with the Drainage Strategy submitted the development would not increase the risk of flooding within the site or to third party land. NCC as the Lead Local Flood Risk Authority have been consulted on the application and have commented that standing advice is applicable, the relevant parts of the standing advice require developments not to increase flood risk to the site or third parties, to consider drainage in accordance with the hierarchy of (infiltration, watercourse, sewer) and incorporate SUDs where feasible. The submitted details comply with the Flood Risk standing advice and the proposal is therefore considered to be acceptable in this regard subject to a condition requiring the implementation of the submitted Drainage Strategy.

Planning Obligations

- 7.91. Existing bus infrastructure in the vicinity of the site consists of NS0050 White Post Farm, raised boarding kerbs and wooden shelter, and NS0051 White Post Farm, raised boarding kerbs and wooden shelter. Nottinghamshire County Council has requested a planning obligation of £20,400 to be paid to provide improvements to these two bus stops. The improvements are justified in that they would meet the access standard set out in the Council's Highway Design Guide with bus stop facilities that meet the standard set out in the Appendix to the Council's Public Transport Planning Obligations Funding Guidance.

- 7.92. The obligation would provide for the following improvements:

NS0050 White Post Farm – Real time bus stop poles and displays including electrical connections, shelter refurbishment or other enhancements as required.

NS0051 White Post Farm – Shelter refurbishment or other enhancements as required.

- 7.93. On this basis it is considered that the obligation would meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 7.94. In addition to this monitoring fees for the onsite BNG and Travel Plan will also be secured via the legal agreement. The applicant has agreed to the requested obligations and monitoring and details are set out in the draft legal agreement which has been published online.

- 7.95. Legal Agreement Heads of Terms

- £20,400 paid to provide improvements to the two bus stops NS0050 & NS0051
 - a. NS0050 White Post Farm – Real time bus stop poles and displays including electrical connections, shelter refurbishment or other enhancements as required.

b. NS0051 White Post Farm – Shelter refurbishment or other enhancements as required.

- £75,000 towards the provision of a new pedestrian crossing facility on the eastern arm of the White Post roundabout across Mansfield Road.
- Management and monitoring fee for Travel Plan.
- Management and monitoring of on-site BNG including a monitoring fee for on-site BNG.

Other Matters

- 7.96. Health & Wellbeing – Officers note that third party comments raise concerns about the impact of the development on people health and wellbeing, the risk of increasing obesity, pressure on the NHS and attraction of the fast-food outlet to children using surrounding local businesses. Chapter 8 of the NPPF discusses promoting healthy communities. Para. 96c. states that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of access to healthier food. Under para.97 the refusal of planning applications for hot food takeaways and fast-food restaurants is advised in certain circumstances. It is not considered that these circumstances apply to the application site as detailed below.
- 7.97. The Council does not have a development plan policy which dictates how to assess the potential accumulation of fast-food businesses (as is typically the case for more urban authorities) but nevertheless it is noted that there is not an accumulation of such uses in the vicinity of the application site. Officers also note that there is no evidence to suggest that obesity levels are of a significant concern locally and note that the site is not on a key walking route between schools (which would have the potential to expose children to these fast-food outlets without supervision). Any children visiting the surrounding leisure/tourism and day nursery facilities would be under adult supervision but notwithstanding this fact, it is not considered that the proposed development would impact the health and wellbeing of local residents.
- 7.98. Third party comments also reference the potential for an increase in anti-social behaviour as a result of the development, however there is nothing to suggest that this would be the case and the fear of crime and antisocial behaviour is not a material planning consideration.
- 7.99. Other benefits - In addition to the 40 full/part time jobs that would be created by the development, the supporting statements to the application explains the development could also support construction jobs, generate an additional £7.9 million of Gross Value Added during construction; generate £2.1 million of additional Gross Value Added per annum through direct operational employment; and deliver an uplift in business rates revenue in the order of £35,000 per annum. These socio-economic benefits would weigh positively in favour of the scheme.
- 7.100. Land Contamination – The Application is accompanied by a Desk Study and Preliminary Risk Assessment which includes an environmental screening report, an assessment of potential contaminant sources and a brief history of the sites previous uses. The

Council's Contaminated Land Officer (CLO) has reviewed this report and advised that a site walkover has not been completed as part of the desktop and is recommended prior to the Phase 2 intrusive investigation. In addition to this the CLO comments explain they would expect a pre-demolition asbestos survey and petroleum license search of the property given the adjacent former filling station. They note that the former filling station is described as being decommissioned, however there is no evidence detailing how this was done and to what level or whether any contamination risks remain. The CLO concludes that they would expect this to be clarified and evidenced and therefore request the use of the full phased contamination condition to support the recommendations for additional work to support the desktop and for a full phase 2 intrusive investigation. Given the previous land uses this is considered to be reasonable.

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 – LEG2526/9688

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. Legal Services will need to be instructed in relation to the drafting and negotiation of the s106 Agreement.

9.0 Conclusion

9.1. Overall, the principle of development has been found to be acceptable, a justified need for the particular location has been demonstrated, the scale of development has been restrained to the minimum necessary to serve the need and the units have been designed to avoid an adverse impact on the surrounding landscape. The proposal would also deliver wider socio-economic benefits and would utilise an existing brownfield site. No adverse impacts have been identified in respect of impact on the character and appearance of the area, amenity, highways safety or flooding/drainage and whilst there would be some tree removal, this would be mitigated by replacement planting and an on-site biodiversity net gain that exceeds the requirements of the relevant legislation.

9.2. The application is therefore considered to accord with the Development Plan and provisions of the NPPF, which is a material consideration. It is therefore recommended that the application is approved, subject to the conditions listed below and the signing of a S106 agreement in respect of Biodiversity Net Gain and other financial contributions addressed above.

10.0 Conditions**01**

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried except in complete accordance with the following plans, reference numbers:

- 4421_PL01B Location Plan (deposited 29.07.2024)
- 4421_PL06 Proposed Floor Plans – Unit 1 (deposited 29.07.2024)
- 4421_PL07 Proposed Elevations – Unit 1 (deposited 29.07.2024)
- 4421_PL05P Proposed Site Plan (deposited 13.10.2025)
- 4421_PL08C Proposed Floor Plans – Unit 2 (deposited 13.10.2025)
- 4421_PL09B Proposed Elevations – Unit 2 (deposited 13.10.2025)
- 4421_PL12B Proposed Signage Plan – Unit 2 (deposited 13.10.2025)
- 4421_PL14.1A Proposed Perspectives 1 (deposited 13.10.2025)
- 4421_PL14.2A Proposed Perspectives 2 (deposited 13.10.2025)
- 4421_PL14.3A Proposed Perspectives 3 – Unit 1 (deposited 13.10.2025)
- 4421_PL14.4A Proposed Perspectives 4 – Unit 2 (deposited 13.10.2025)
- 4421_PL14.5A Proposed Perspectives 5 – EV Chargers (deposited 13.10.2025)
- 4421_PL15.1C Proposed Floor Plans – Part Demolished Building (deposited 13.10.2025)
- 4421_PL15.2C Proposed Elevations – Part Demolished Building (deposited 13.10.2025)
- 4421_PL16A Construction Set Up Plan (deposited 13.10.2025)

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

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

Reason: In the interests of visual amenity.

04

No development shall commence until an application for a traffic regulation order as indicatively shown within the Supplementary Technical Note is made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.

Reason: In the interests of highway safety.

05

The development shall not come into use until the access works as indicatively shown on drawing number STH_111_001_02 rev 3 and a minimum length of 150m of anti-skid surfacing on the A614 northbound approach to Whitepost Roundabout has been provided.

Reason: In the interests of highway safety.

06

The development shall not be brought into use until a Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery Management Plan shall set out the following:

- a. Location of loading/unloading areas for both units and means of demarcation
 - b. Hours of operation for deliveries/servicing
 - c. Frequency and timing of vehicles
 - d. Types and size of vehicles expected
 - e. Requirement for occupiers to enter into agreements with suppliers to comply with delivery restrictions
 - f. Requirement for occupiers to keep records, to be made available to the Local Planning Authority on request
 - g. Monitoring and enforcement mechanisms
 - h. Review or update mechanism.
- The Delivery Management Plan shall then be adhered to for the lifetime of the development.

Reason: In the interests of highway safety and to ensure that there are sufficient car parking spaces available commensurate with the development.

07

The development shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum it shall include the arrangements for all parking onsite and include provisions for managing, monitoring, enforcement and review. All on-site parking spaces shall be solely for the use of the development hereby approved and shall not be used for any other purpose. The approved plan shall be implemented as soon as the development is first brought in to use and shall remain in place thereafter.

Reason: To ensure that sufficient car parking is available to meet the development needs, in the general interests of highway safety.

08

The development shall not be brought into use until signing and lining within the car park has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

09

Notwithstanding the submitted versions, which are not approved, no part of the development hereby permitted shall be brought into use until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanisms) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the potential for sustainable transport movements is secured.

10

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

Part A: Site Characterisation

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

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

11

The use hereby permitted shall not be begun until a scheme for protecting the neighboring occupier to the south, Ruford Garage, from noise from the drive-thru café/restaurant and associated drive through track has been submitted to and approved in writing by the local planning authority. The scheme shall be in line with

details outlined in the 'Clear Acoustic Design comment on the impact of noise on Rufford Garage' dated 11/11/2024. All works which form part of the scheme shall be completed before any part of the approved development is first brought into use. The scheme as approved shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of neighbouring occupiers.

12

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

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

13

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

14

The approved hard and soft landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

15

The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development

16

Before the use hereby permitted commences, the scheme for the installation of any equipment proposed to control the emissions of fumes and smell from the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed before the development is occupied or first brought into use and operated and maintained in accordance with the manufacturer's instructions throughout the lifetime of the development.

Reason: In the interests of the amenity of neighbouring occupiers.

17

Demolition of the existing building shall take place in accordance with the following precautionary measures: a) Demolition manager to be briefed on appropriate

ecological sensitive measures; b) Roof tiles and associated felt and other roofing materials to be removed by hand; c) Provision to be made for an ecologist to be available should a bat be discovered; and d) Demolition to be done between October-February inclusive.

Reason: To safeguard protected species as required by the National Planning Policy Framework, Policy DM5 of the Allocations and Development Management DPD and Core Policy 12 of the Amended Core Strategy (2019) Method of Working has been implemented satisfactorily. cautionary Working Methods – Bats

18

The development shall not commence until, a "lighting design strategy for biodiversity" for the proposed development has been submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site, or immediately adjacent to it, that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans showing lux levels and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

19

The approved development shall not commence until a bat 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 (two bat boxes and two bird nest boxes), and details for fixing them into place (including height). The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and be 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.

20

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning

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

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

21

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

- (a) A non-technical summary in the form of an annotated plan;
- (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) The location 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;
- (d) The long-term management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

B. Notice in writing shall be given to the Council when the HMMP works have started.

C. Within 6 months of completion of the approved development:

- (a) The habitat creation and enhancement works set out in the approved HMMP shall be completed; and
- (b) A completion report, evidencing the completed habitat enhancements, shall be submitted to, and be approved in writing by the Local Planning Authority.

E. The created and/or enhanced habitat 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 the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure.

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to

its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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

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

03

Note from Cadent Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

04

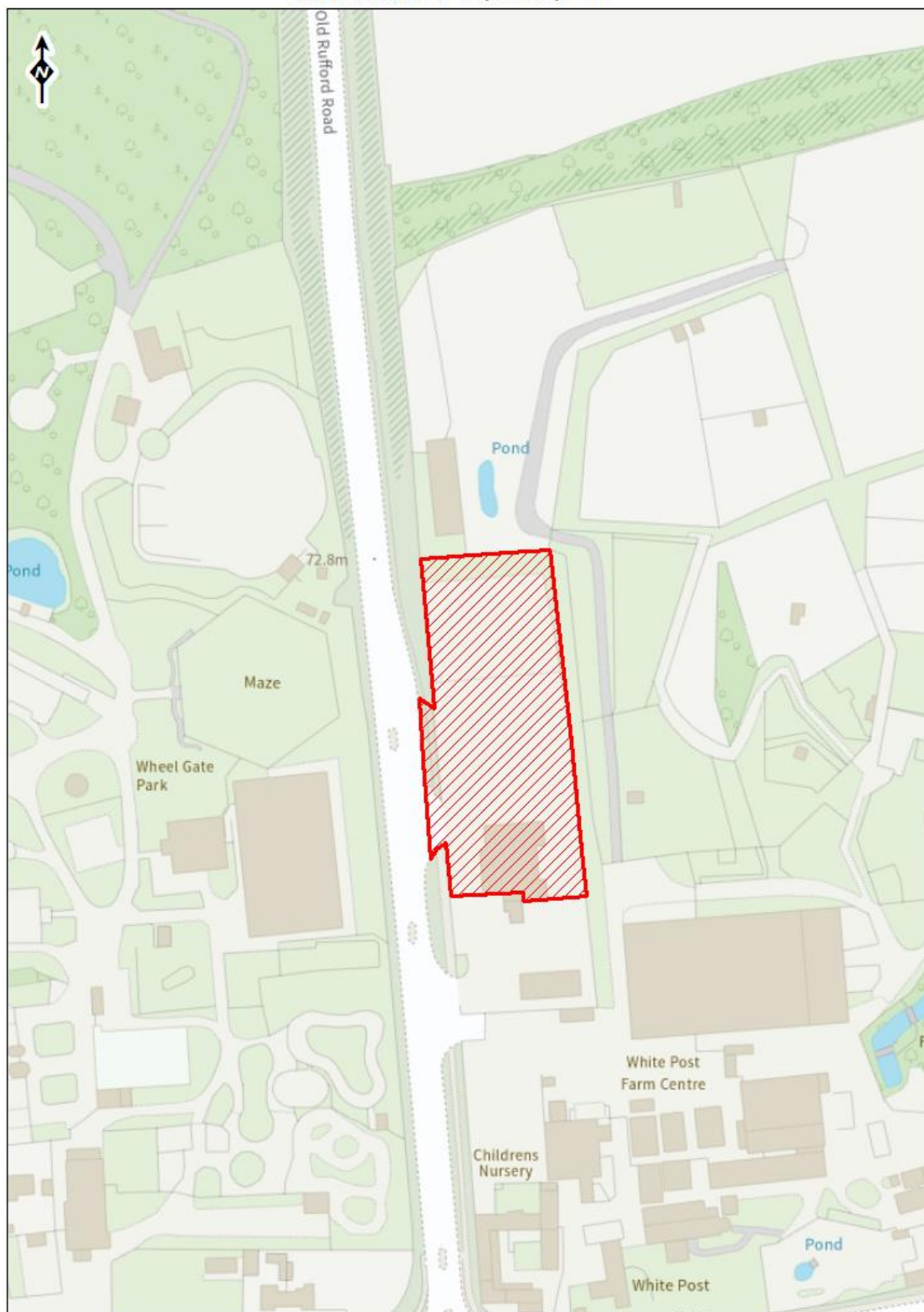
An amended version of the 'Biodiversity Net Gain Calculation' (Ref. S7199) Report dated 07/10/2025 prepared by Betts Ecology and associated Statutory Biodiversity Metric shall be submitted to, and be approved in writing by, the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved documents. A.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 24/01338/FUL



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Delegated Report

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegbaaju, Planner

Report Summary			
Application No.	25/00222/FUL		
Proposal	Demolition of existing agricultural buildings. Erection of 5 new dwellings, detached garages, associated surfacing and boundary treatments.		
Location	Land At Manor Farm Sand Lane Spalford Newark On Trent NG23 7HF		
Applicant	Mr & Mrs Chennells	Agent	Mr Daniel Evans Fytche-Taylor Planning Ltd Unit 5 The Quays Burton Waters Lincoln LN1 2XG
Registered	21.02.2025	Target Date Extended Date	18.04.2025 18.11.2025
Recommendation	That Planning Permission be granted subject to the condition(s) detailed at Section 10.0		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as it is contrary to policy DM8 of the Development Plan.

1.0 The Site

- 1.1 The application site is located within the open countryside to the north of Sand Lane in Spalford. Access to the site is taken via Sand Lane via a driveway leading to a central courtyard which is surfaced with loose gravel.

- 1.2 The application relates to two large rectangular open-fronted agricultural buildings located in the west and north of the site. The buildings feature areas of concrete hardstanding to their front elevations and are constructed of breezeblock to the lower proportions, with concrete posts and beams for structural support. The buildings also feature corrugated metal sheeting to the upper portions of the walls and the roofs (see images below). The buildings are currently used for storage purposes associated with the wider use of the site as a grass turf company known as 'Tillers Turf,' although not all of the existing floorspace appears to be utilised.



1.3



1.4

Barn 1



1.5

Barn 2



1.6

Barn 3

- 1.7 There is an existing farmhouse on site to the south of the site close to the highway, which appears to be unoccupied. A further residential dwelling, Lancaster House, is located to the east of the site. Various other more traditional agricultural buildings and a steel framed shed are located to the south of the central courtyard. Recently, these buildings (barns) have been granted planning permission for conversion to two dwellings. A mast is located immediately to the west of the agricultural building which is located to the north of the courtyard.
- 1.8 A further large open sided steel framed agricultural building (Barn 3) is located to the north of the site, immediately to the rear of one of the buildings subject to this application. Upon visiting the site, the building was being used for the purposes of

storage of materials and machinery.

- 1.9 The site is located within Flood Zone 2 and Flood Zone 3a, as defined by the Environment Agency Flood Maps.
- 1.10 There is an existing Public Right of Way running along the vehicular access into the site that continues west into the open fields beyond the application site.

2.0 Relevant Planning History

- 2.1. 24/00422/CPRIOR - Application to determine if prior approval is required as to the impacts of the proposed change of use of agricultural buildings to 5 dwelling houses and the building operation reasonably necessary for the conversion as per Schedule 2 Part 3 Class Q. prior Approval Required and Granted 23.04.2024. (Not implemented)
- 2.2. 23/01593/CPRIOR -Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 No. dwellinghouses and for building operations reasonably necessary for the conversions as per Schedule 2 Part 3 Class Q. Application Refused 02.11.2023.

- Residential curtilages would exceed the curtilage limit set out within paragraph X of Part 3 of the GPDO.

- Insufficient information to enable the authority to determine whether the site would be contaminated land.

- Insufficient information to enable the authority to assess transport and highways impacts.

- 2.3. 23/00706/CPRIOR - Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 No. dwellinghouses and for building operations reasonably necessary for the conversions as per Schedule 2 Part 3 Class Q. Application Refused 06.06.2023.

- Extent of partial demolition not reasonably necessary to carry out building operations for the buildings to function as dwellinghouses.

- No structural survey to demonstrate buildings are capable of conversion without strengthening.

- Residential curtilages would exceed the curtilage limit set out within paragraph X of Part 3 of the GPDO.

- Insufficient information to enable the authority to determine whether the site would be contaminated land.

3.0 The Proposal

- 3.1 The application seeks permission for the 'Demolition of three existing agricultural buildings. Erection of 5 new dwellings, detached garages, associated surfacing and boundary treatments.'

- 3.2 The proposed development follows Class Q approval 24/00422/CPRIOR granted 23/04/2024. As such, the 5no. dwellings proposed are in lieu of the 5no. dwellings that would have been created through conversion of the existing buildings.
- 3.3 The proposed development consists of a mix of 3-bed and 4-bed dwellings with the proposed layout similar to the arrangement of the previous buildings.
- 3.4 New subdivision is proposed within the site to denote the individual plots; close boarded fencing will be avoided with boundary walls and hedging providing private garden spaces.
- 3.5 Access arrangements for the site would utilise the existing arrangements from Sand Lane (see existing and proposed site plans below).



- 3.6 Existing Site Plan



3.7 Proposed Site Plan

3.8 Documents assessed in this appraisal:

- Drawing No: 893 COR 00 00 D A 0100 REV P04 – Proposed Site Plan (05.06.2025)
- Drawing No: 893 COR 00 XX D A 0900 REV P04 – 3D Site Views (received 05.06.2025)
- Drawing No: 893 COR 01 XX D A 0300 REV P03 – Plots 1 & 2 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 01 ZZ D A 0200 REV P03 - Plots 1 & 2 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 02 XX D A 0301 REV P02 – Plot 3 Proposed Elevations (received 10.02.2025)
- Drawing No: 893 COR 02 ZZ D A 0201 REV P02 – Plot 3 Proposed Floor Plans (received 10.02.2025)
- Drawing No: 893 COR 03 XX D A 0302 P04 – Plots 4 & 5 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 03 ZZ D A 0202 P04 – Plots 4 & 5 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 04 XX D A 0204 P03 – Carport Floor Plans & Elevations (received 05.06.2025)

- Drawing No: A1 03 – Barn 1 Existing (received 10.02.2025)
- Drawing No: A1 04 Barn 2 Existing Plans (received 10.02.2025)
- Drawing No: 598 SPA 0519 A1-02 – Existing Site Layout Plan and Barn 3 Plans & Elevations (received 20.02.2025)
- Drawing No: 893-COR-00-00-D-A-0000 REV P04 – Site Location Plan (received 21.02.2025)
- Visuals (received 20.02.2025)
- Tree Survey (received 10.02.2025)
- Planning Statement (received 20.02.2025)
- Design & Access Statement (received 10.02.2025)
- Flood Risk Assessment (received 10.02.2025)
- Land Contamination Assessment (received 10.02.2025)
- Preliminary Roost Assessment (received 05.06.2025)
- Addendum to FRA (received 14.04.2025)
- Addendum 2 to FRA (received 05.06.2025)
- Biodiversity Assessment – Final Report (received 05.06.2025)
- Biodiversity Metric Calculation Tool (received 05.06.2025)
- Existing Biodiversity Metric Condition (received 05.06.2025)
- Proposed Biodiversity Metric Condition (received 05.06.2025)
- Addendum 3 to FRA (received 15.07.2025)
- Cover Letter (received 05.06.2025)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 12 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 01.09.2025.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 9 – Selecting Appropriate Sites for Allocation
 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)

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

- 5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.
- 5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.
- 5.5. **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

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

- 6.1. **Nottinghamshire County Council (Highways)** – Following amendments to the site plan and repeated objection by highways, the applicant submitted photographs showing works done to the existing access. According to them, these works relate to a planning permission for the extension of a water storage lagoon on the wider site area, and it was obtained from the Nottingham County Council (i.e. 19/01868/FULR3N). The Highways Officer has however provided the following comments on the photos.

“Because the access hasn’t been licensed it is not known if it has been constructed as approved but that which was approved is 16m wide with large sweeping compound radii to accommodate vehicles associated with sand extraction. It isn’t suitable for domestic use and leaves a wide-open access encouraging inappropriate vehicular speeds on entry and exit in the direct vicinity of a public right of way, so I would not recommend that this access is left in situ to serve the development at hand. I would advise the LPA to be very wary of allowing the applicant to use an access suitable for quarrying. As it is considered unsafe for pedestrians to share the space as currently shown we would object, but it is possible to apply a condition which addresses the issues.”

- 6.2. **Historic Environment Officer** – The following comment was provided following the submission of an Archaeological Desk-Based Assessment (DBA). *“I reviewed the DBA and concur with its findings and conclusions. Although the potential for archaeological remains ranges from low to high (prehistoric to post-medieval), based on the location of the proposed development and possible earlier disturbance due to the construction of the farm and associated facilities, on balance it is considered that further archaeological investigation or monitoring isn’t required. We do ask that an advisory note is attached to any consented scheme to contact this service if any deposits are found.”*
- 6.3. **Nottinghamshire Lead Local Flood Authority** – They considered the application but will not be making any comment, given the scale.
- 6.4. **Environment Agency** – The proposed development will only meet the NPPF requirements in relation to flood risk if a condition is imposed to ensure compliance with the floor level mitigation measure detailed in Addendum 3 to the FRA.

Town/Parish Council

- 6.5. **Spalford Parish Meeting** – Objection due to concerns based on highways safety, unsustainable location, lack of amenity to serve rising population growth, flooding, ecology, contribution to non-affordable housing stock and land contamination.

Representations/Non-Statutory Consultation

- 6.6. **NSDC Conservation** – *“The proposed development can be considered to preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF (2024) and Policy DM9 of the Allocations & Development Management Policies DPD. Some amendments are recommended to preserve the local vernacular style of the development.”*
- 6.7. **NSDC Contaminated Land Officer** – Requested for clarification on retention of the existing barn to the north of the site. Impose planning condition for the provision of a construction management plan prior to demolition or construction works.
- 6.8. **NSDC Environmental Health Officer** – Recommends the use of the full phased contamination condition.

- 6.9. **NSDC Ecology** – Proposed on-site BNG enhancement to be monitored through a proportionate monitoring fee which will be secured by a Unilateral Undertaking (UU). Concerning impact on bats, a preliminary roost assessment was provided and the Precautionary Working Method Statement put forward will be acceptable without specific justification given it is site specific, and the measures can be conditioned.
- 6.10. No comments have been received from any third party/local resident.

7.0 **Appraisal**

- 7.1. The key issues are:

- Principle of development
- Impact on the Open Countryside and Character of the Area (including setting of nearby NDHA)
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology and Trees
- Impact on Flood Risk

- 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 proposal consists of the demolition of two existing agricultural buildings and replacement with five new dwellings and detached garages on a site located within the open countryside. Therefore, in determining whether the principle of the development is acceptable, the guidance within Spatial Policy 3 (Rural Areas) of the Amended Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD are applicable.
- 7.4. In locations beyond settlements such as the application site, Spatial Policy 3 advises that 'Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD'. In this case, the site is located adjacent to existing developments to the north-west of the Spalford built-up area, however, it falls within the open countryside. Therefore, the applicable DPD Policy is DM8.

- 7.5. Policy DM8 gives advice and more detailed guidance on development within the open countryside and states that development will be strictly controlled and limited to the types of development listed within the policy. It is noted that the existing buildings on site are used for agricultural purpose, albeit there is an extant Class Q prior approval to convert them to five dwellings. With this in mind, the proposal will be appraised as new dwellings in the open countryside.
- 7.6. In regard to 'new dwellings', the amended version of policy DM8 in the emerging local plan states; 'Planning permission will not be granted for isolated new dwellings unless they are of outstanding quality or innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'
- 7.7. In this case, it is considered that the proposed development would enhance the immediate setting given the design, materials and layout. However, it is not considered to be of innovative design or outstanding quality. Looking at the existing development (barns) on site, the increased scale and massing that would result from this scheme would impact the openness of the countryside, albeit it would not be an encroachment because the new dwellings would replace existing buildings on site.
- 7.8. The proposal therefore conflicts with the aim of DM8 and would ordinarily be unacceptable in principle.
- 7.9. However, it is noted that there is an existing fallback position on the site. There is an extant prior approval for the conversion of the barns to five dwellings, and therefore the principle of five dwellings on the application site has been established. In addition, it is considered that the proposed design and landscaping would be an improvement on the prior approval scheme and would as such result in a better visual appearance. Furthermore, by engaging the tilted balance, the scheme would be likely be acceptable irrespective of its conflict with policy DM8 or the fallback position. In accordance with paragraph 11 of the NPPF, the principle of development is supported unless it could be established that there would be adverse impacts that would significantly outweigh the benefits. This is discussed below.
- 7.10. The Council's current position is that it cannot demonstrate a 5-year housing land supply. Therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits. Given this, the Council's development plan is not up to date in relation to housing delivery for the purposes of decision making. The district's housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.
- 7.11. With this in mind, it should be determined if Spalford is a sustainable village. Spalford village has no local services and limited bus services to Newark and other Principal Villages. However, it is approx. 5.4 miles to Collingham which is a Principal Village, as such there would be easy access for private car owners. Therefore, the site is

considered to be located at the fringe of a sustainable location, and as such is considered acceptable for residential development.

- 7.12. Based on the foregoing, the site is considered to be a sustainable location for residential development, and with the presumption in favour of sustainable development in mind, the proposal is being supported subject to the site-specific appraisal below.

Housing Mix

- 7.13. In terms of the proposed residential use, Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. The most recent Housing Need Survey (2020) undertaken for the district identified a market need in the Collingham sub area for 3-bedroom houses (46.8%) followed by 4 or more-bedroom houses (17.9%). The proposal is for 3no. 3-bedroom and 2no. 4-bedroom dwellings. Given the significant need for the housing types in the sub area and the proposed mix, it is therefore considered that the scheme would strongly contribute to the housing need in the Collingham sub area. Whilst noting the Parish Council's comment on the potential for the dwellings to be unaffordable, the scheme is supported on the grounds of its significant contribution to the sub-area's housing need.
- 7.14. Compared to the fallback position (prior approval), the scheme would provide a relatively similar accommodation, with the only difference being the inclusion of 1no. 2-bedroom dwelling in the prior approval scheme. For context, the prior approval had 2no. 4-bedroom, 2no. 3-bedroom and 1no. 2-bedroom dwellings whilst the proposed scheme comprises 3no. 3-bedroom and 2no. 4-bedroom dwellings.
- 7.15. With regards to the proposed living standards for future occupiers, the scheme has been assessed against the Technical Housing Standards, nationally described space standard DC&LG 2015 which is a material consideration. It would comply with the space standard, as such ensuring the design of the dwellings would create attractive places to live.

Impact on the Open Countryside and the Visual Amenities of the Area (including setting of the nearby NDHA)

- 7.16. 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. The site is within Policy Zone ES PZ 02 as identified within the SPD. The Landscape Condition is defined as 'moderate', and the landscape sensitivity is defined as 'very low.' The policy action for built features is to 'conserve' what remains of the rural landscape by concentrating new development around existing settlements and to 'create' new development

which reflects the local built vernacular. The proposal entails demolition of existing agricultural buildings followed by development of 5 new dwellings which would be situated at the edge of the Spalford built up area. Therefore, the scheme would ensure the existing rural landscape is conserved. It would also reflect the local built vernacular, given the proposed materials.

- 7.17. 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. This is also reflected in policy DM5.
- 7.18. Section 12 of the NPPF (Achieving well-designed places) paragraph 135 states that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.19. The proposed site layout provides for the replacement of existing agricultural barns with five dwellings. The dwellings would be oriented to reflect the locations of the existing agricultural sheds. The proposed five new dwellings would roughly follow the existing site layout with the inclusion of garages to the front of the plots. The design of the dwellings is somewhere between domestic and agricultural, for example large (barn door style) openings are included within the principal elevations of all the plots.
- 7.20. The proposed development would combine a mix of traditional and contemporary design by replicating the traditional rural vernacular and introducing modern elements. It would use local materials and forms. The dwellings have been designed with various eaves heights, mixing single storey, room in the roof and full two storey. Each plot would feature a single storey element with a height that in keeping with the scale of traditional cart shed design seen elsewhere on site.
- 7.21. In terms of materials, red brick with a tumbled appearance similar to that of the existing buildings on the wider site would be used as the main façade material. Brick detailing would be used at eaves level and around openings. The proposed detailing would take reference from the existing buildings on the wider site, including dentil coarse eaves, soldier coarse window heads, bullnose brick cills and bullnose brick piers to the carports. Larger openings would have reconstituted stone lintels at the head. The brickwork is proposed to be complemented with a natural red, clay pantile roof, with black polyester coated (RAL 9005) gutters on rise and fall brackets and downpipes.
- 7.22. To complement the materials selected, all of the fenestration is proposed to be black (RAL 9005) polyester powder coated aluminium. The openings would be various sizes, avoiding a uniform appearance consistent with the adopted design approach.
- 7.23. Where the more contemporary insertions are proposed, it would be singular material for both roof and façade, providing a contemporary reinterpretation of the agricultural shed aesthetic. This would be standing seam zinc with matching flashings and ridge, all finished in light grey.

- 7.24. Boundary treatment including hedge planting at the front boundaries would be implemented to give a soft edge to the garden frontages and enhance the immediate setting of the site.
- 7.25. Furthermore, given the site's location within the setting of Manor Farm, a non-designated heritage asset (NDHA), the impact on the significance of this building has been appraised by the Council's Conservation Officer. The following comments were received from the CO.
- 7.26. *"The proposed development would take place within the setting of manor Farmhouse, a brick-built farmhouse finished in render following a double pile arrangement with a pantile roof. The farmhouse has a collection of historic agricultural buildings to the north; however, these do not form part of the application site. These buildings have architectural and historic interest as well as associative value and are the historic fabric maintains its integrity. A site of the historic smithy also lies within the setting of the application site, roughly 50m west of the application site.*
- 7.27. *The proposed development would not include any of the historic barns at Manor Farm, the development would involve the demolition of the modern portal framed agricultural buildings in an L-shaped layout forming the north-western periphery of the village. The proposed five new dwellings would roughly follow this site layout with the inclusion of garages to the front of the plots. The design of the dwellings is somewhere between domestic and agricultural, for example large (barn door style) openings are included within the principal elevations of all of the plots, yet plots 1, 2, and 3 include dormer windows, which are not a feature of agricultural buildings.*
- 7.28. *The nearby vernacular farm buildings at Manor Farm are simple pitched roof structures with gable ends, it is recommended to retain this local vernacular in the proposed new dwellings and avoid the introduction of more complex hipped roofs. This is also noted within the applicants DAS.*
- 7.29. *The proposed garages would appear prominent in the newly established street scene and would form the focus of the views from Sand Lane. Garages should be recessive features in the street scene, and the arrangement of the buildings does not follow the natural grain of development for a farmyard site which would naturally form a small intricate cluster. An alternative arrangement to reduce the prominence of the garages of plots 1-3 would enhance the development and make for a more open environment to enhance natural surveillance, and to create incidental interaction between neighbours.*
- 7.30. *The proposed palette of materials to include brick and clay pantiles would reinforce the local vernacular and create a sense of place. The use of more contemporary materials on the more recessive extensions to the new dwellings can be seen as appropriate.*
- 7.31. *Impacts to local archaeology and potential for lithics should be confirmed with the County Archaeologist.*
- 7.32. *The proposed development can be considered to preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF*

(2024) and Policy DM9 of the Allocations & Development Management Policies DPD. Some amendments are recommended to preserve the local vernacular style of the development.”

- 7.33. The officer agrees with the CO’s conclusion on the impact on the setting of the NDHA. In terms of their comment on design and the siting of the garages, paragraph 216 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, as no harm has been identified to Manor Farm, no such balance is necessary. The development is therefore considered to be fully in accordance with Policy DM9 of the Allocations & Development Management Policies DPD.

- 7.34. The garages have been specifically designed to appear as ancillary offshoots to the main building range. The proposed layout overall would be acceptable because it is similar to the existing layout of the site. The garages would be detached; however they are relatively small in scale and not overly prominent. Looking at the proposed hipped roofs of the dwellings, these would be sympathetic with some of the existing dwellings in the Spalford built up area (see image below). As such they would not conflict with the character and appearance of the wider area. Although not necessarily typical of agricultural buildings, the hipped roof design would add some variety to the scheme. In addition, the proposed design would raise local design standards, and when considered against the alternative of retaining the existing buildings under the approved Class Q, the proposed development represents a clear enhancement to the character and appearance of the area.

7.35.



Hipped roof dwellings in Spalford (highlighted in red)

- 7.36. Overall, the visual impact of the proposal in relation to character of the area and the wider landscape is considered acceptable and in accordance with Core Policies 9 and 13, DM5, DM5(b) and Parts 15 and 12 of the NPPF. Likewise, it would preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF (2024) and Policy DM9 of the Allocations & Development Management Policies DPD. The proposed landscaping and boundary treatment which would form part of the enhancement can be secured by condition.

Impact upon Residential Amenity

- 7.37. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.38. Paragraph 135 of the NPPF aims to create development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.39. There would be no overlooking between the plots given the lack of windows on the first floor elevations (see 3D image below). In terms of impact on neighbouring

occupiers, it is considered that there would be sufficient separation distance with the southeastern neighbours, thereby removing any concerns in this regard.



3D - View From South East



3D - View From North West

7.40.

7.41. In relation to the amenity for the future occupiers of the dwellings, there would be ample space for garden space as well as parking provision. There would be a mix of 3-bedroom and 4-bedroom dwellings with separate family living area and a kitchen and dining area. The floorspace of the dwellings would be well over the minimum space standards set out in the Government's Nationally described space standard. All habitable rooms would have at least one window. There are therefore no concerns that the proposed dwelling would have unacceptable amenity levels for the future occupiers.

7.42. Given the above, the proposal is in accordance with Policy DM5 and Part 12 of the NPPF in relation to amenity.

Impact upon Highway Safety

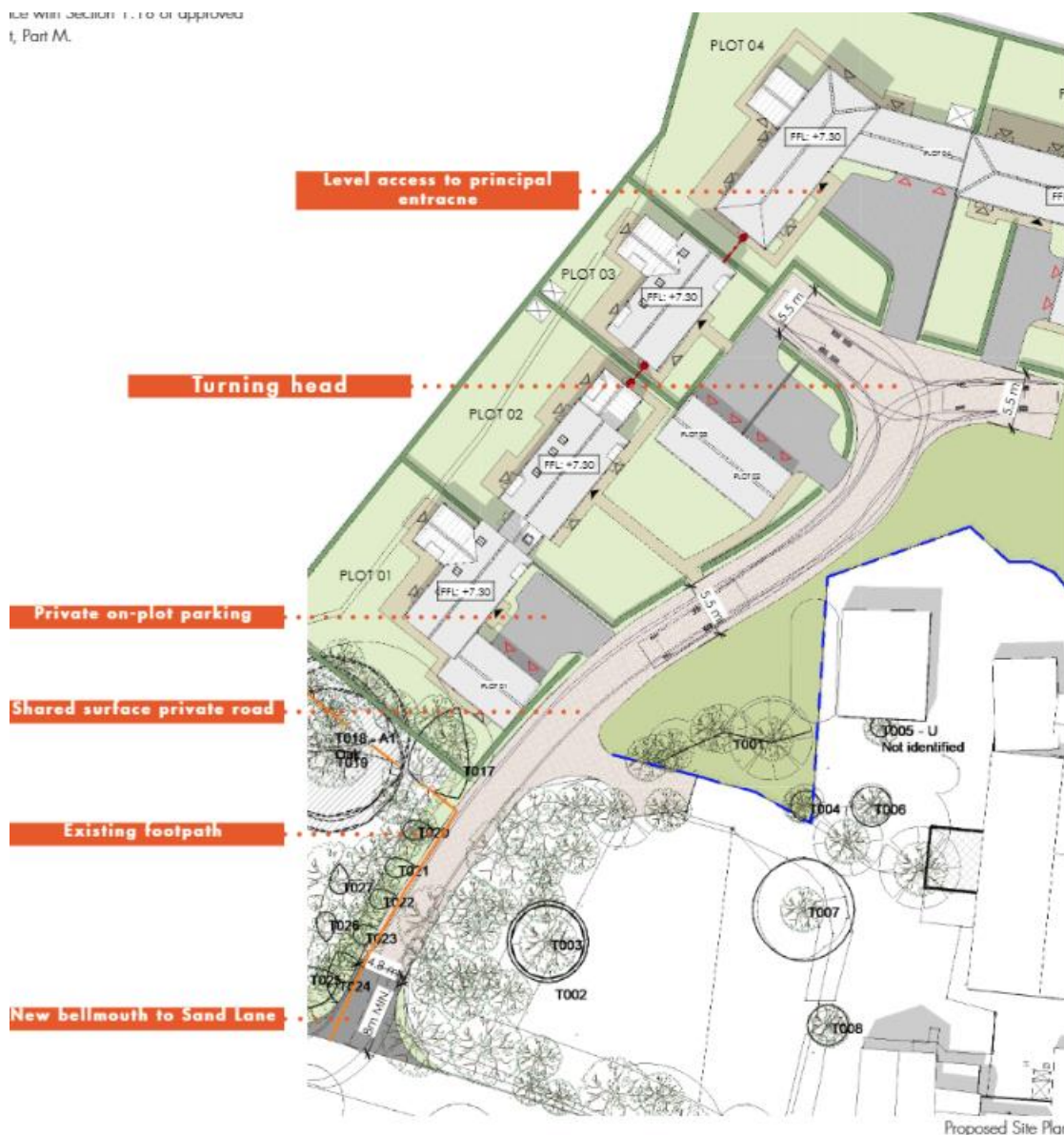
7.43. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

7.44. 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.

- 7.45. The proposed development proposes to make use of the existing access from Sand Lane. It is noted that the same arrangement was granted as part of the recent Class Q approval. There would be a shared surface private road leading from the access to the proposed development. The minimum width of the private driveway would be approx. 4m (towards the access), increasing to a maximum of 5.5m towards the northeast and as it extends into the parking areas of the dwellings. Car parking provision has been made with two spaces for each dwelling, with all dwellings benefitting from covered parking within a carport. Visitor parking is also incorporated through additional on plot parking space. See site plan below.

Use with Section 1.1.0 of approved
t, Part M.



- 7.46.

- 7.47. The NCC Highways team initially objected to the scheme on the grounds that the proposed visibility splay does not comply with the requirements of the Nottinghamshire Highway Design guide (HDG). Other reasons for the objection included inadequate parking provision (at least 3 car parking and 3 cycle parking spaces required), and carports not compliant with the LPA's minimum requirements

(according to parking standards SPD). Overall, the Highways officer requested a revised site layout showing improved site access and carport details.

- 7.48. Revised plans have been submitted through the lifetime of the application, albeit the last revised site plan submitted was objected by the Highways officer. They however confirmed that the visibility splays on the revised site plan would be appropriate.
- 7.49. Following this highways comment, the agent has submitted photographs of recent works done to the site access. According to them, these works are associated with planning permission 19/01868/FULR3N which was granted by the County Council, and they stated that it represents a significant material consideration in the context of this application. As such, it was proposed that this access would also serve the proposed development (see images below).



Previous access



Existing access

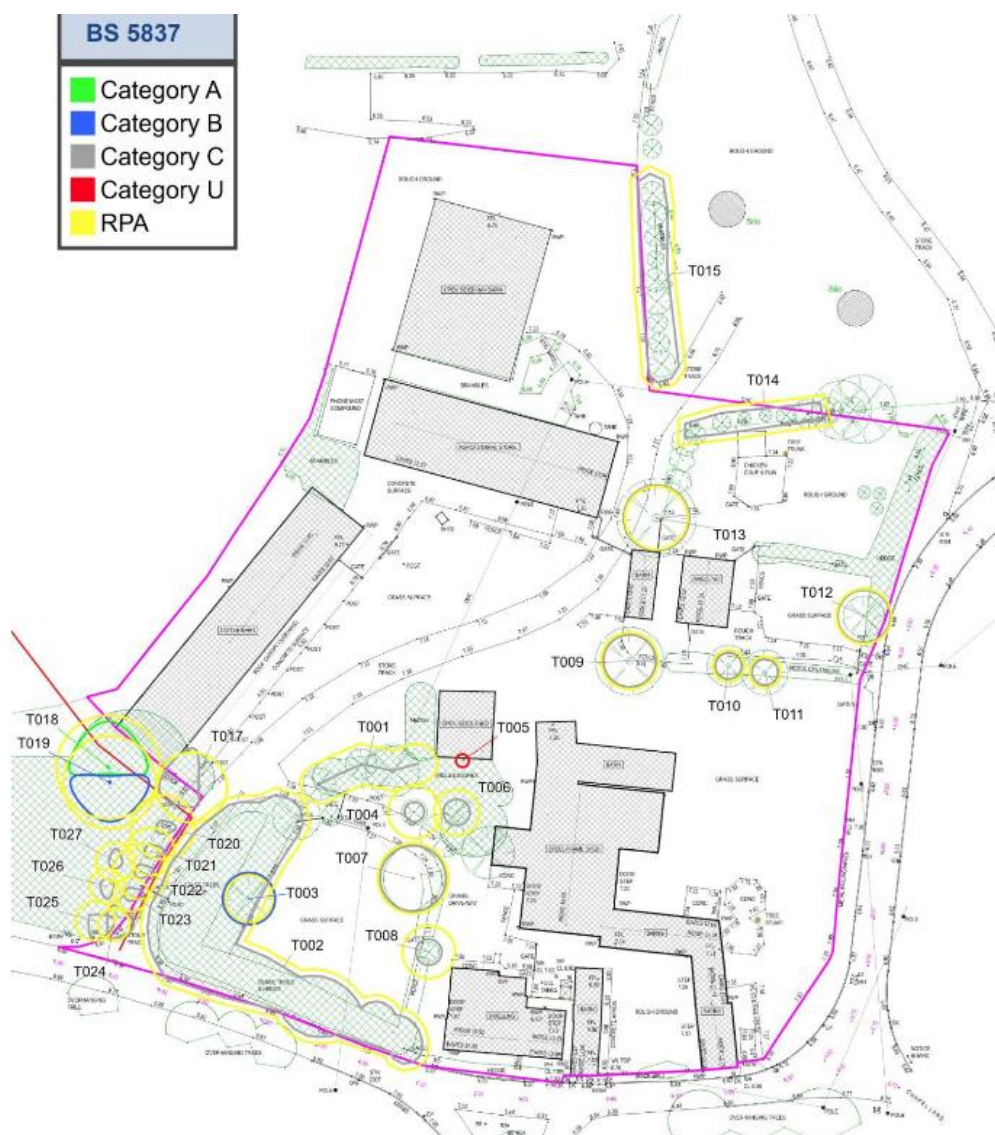
- 7.50. This access (existing access in photo above) has however been objected by the highways team due to its excessive width and the potential safety risk to pedestrians. To support the objection, the officer made the following comment – *“It is not known if it was constructed as approved but that which was approved is 16m wide with large sweeping compound radii to accommodate vehicles associated with sand extraction. It isn’t suitable for domestic use and leaves a wide-open access encouraging inappropriate vehicular speeds on entry and exits in the direct vicinity of a public right of way, so I will not recommend that this access is left in situ to serve the development at hand. It was required for heavy and large slow moving vehicles and is therefore not appropriate to serve a purely residential development, with small, light and fast vehicles, directly adjacent to a PROW.”* To safeguard against this risk to pedestrians, the team has suggested a pre-occupation condition, requiring details of the access to be submitted to and approved by the local planning authority, which will be imposed.
- 7.51. Subject to compliance with this highways condition, it is not considered that the scheme would have a detrimental impact on highway safety, for future occupiers of the dwelling or pedestrians using the right of way. NCC Highways would be consulted on the submitted drawing as part of a discharge of condition application.

Impact upon Ecology & Trees

- 7.52. Policy DM5 states where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.
- 7.53. The Preliminary Roost Assessment submitted found negligible potential for bats in building B3 but low potential in buildings B1 and B2 (see image below).



- 7.54.
- 7.55. Following the Council's ecologist's comment, further information on Precautionary Working Method approach to be applied during construction works were provided by the applicant's ecologist. It has been confirmed with the LPA's ecologist that measures would be acceptable without specific justification given it is site specific, and these measures can be conditioned.
- 7.56. Looking at impact on trees, the tree survey submitted in support of the application identified 94 items of vegetation with different retention categories (only one is Category U). The survey advised that the RPA of the trees should mostly remain undisturbed by creating a Construction Exclusion Zone (CEZ). Other design advice such as retention of most of the trees and no digging close to the main entrance was recommended on pages 7-9 of the report. Based on the tree constraints plan (see image below) contained in the Tree Survey, the proposal would be mostly separated from the RPA of trees. Specifically, it was recommended that trees T018 and T019 should be retained because they are the best trees bordering the site. The RPAs are shown on the proposed site plan, and it is noted that Plot 1 would be moved sufficiently away from the root protection area of T018 and T019 to avoid any impact. T017 is category C so should not constrain the development and the development would be outside of the RPA. The existing barn is closer to the trees but will be removed and additional separation provided which should mitigate any impact.



7.57.

Tree Constraint Plan

- 7.58. 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 Council's ecologist has appraised the BNG information submitted to support the application. The information has been revised by the applicant through the lifetime of the application. Following amendments to the BNG information, the Council's ecologist confirmed that the initial concerns on the BNG assessment have been resolved. In summary, the ecologist has recommended the General Biodiversity Gain condition which will be added as an informative. Furthermore, it was recommended to impose planning conditions which include monitoring of the on-site enhancement; this will be secured by a Unilateral Undertaking.

Impact upon Flood Risk

- 7.59. Most part of the application site is located within Flood Zone 2, with the lower half of Barn 2 located within Flood Zone 3a, as defined by the Environment Agency Flood Maps (see image below).



- 7.60. Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones.
- 7.61. Paragraph 174 of the NPPF advises that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.62. With reference to NPPF Annex 3: Flood risk vulnerability classification, the proposed development would fall within the category of 'more vulnerable' development, which is considered acceptable (in flood risk terms) in Flood Zones 2 and 3a. For sites in Flood Zone 3a, more vulnerable uses such as new dwellings will require the 'exception test'.
- 7.63. However, the scheme is appraised in light of the established fallback position under Class Q of the GPDO. Prior approval was granted for the conversion of the existing agricultural buildings to form five new dwellings. With this in mind, it would be considered reasonable and pragmatic to apply the sequential test at site level only. It is therefore considered that the proposed development passes the sequential test given the fallback position.
- 7.64. To pass the exception test, paragraph 178 of the NPPF states that the development should demonstrate that (a). it would provide wider sustainability benefits to the community that outweigh the flood risk and (b). it will be safe for its lifetime taking

account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. It is considered that the scheme would contribute to the Council's housing land supply, provide sustainable dwellings and jobs during construction. The submitted FRA also recommended flood protection measures (page 16) to safeguard future occupiers against potential flood occurrences. These measures are in accordance with the standing advice from the Environment agency and they are considered acceptable. It is considered that the development would be safe for its lifetime (100 years) and would not increase flood risk elsewhere. Based on this appraisal, the proposed development passes the exception test.

- 7.66. Overall, subject to compliance with the condition recommended by the Environment Agency, the proposal is considered to be acceptable in flood risks terms. It would therefore comply with Core Policy 10 and the relevant aims of the NPPF.

Other Matters

- 7.67. The Parish Council's concerns have been addressed in the appraisal above. The application is subject to Planning Committee's decision because it is contrary to the Council's development plan (contrary to DM8).
- 7.68. **Community Infrastructure Levy (CIL)** - The proposed development would result in over 100 sq. m of net additional floorspace/Gross Internal Area and is therefore CIL liable. Details of the charge will be sent to the applicant.

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 – LEG2526/5332

- 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. In summary, the principle of development is unacceptable as it conflicts with the criteria for new dwellings in the countryside under policy DM8 of the Council's Allocation and Development Management DPD. However, given the extant fallback position for the site, the principle of 5 dwellings is already established. In addition, since the Council cannot currently demonstrate a 5-year housing land supply, the presumption in favour of sustainable development, as outlined in paragraph 11 of the NPPF, would be applied. It is considered that the site's relatively close proximity to Collingham, which is a Principal Village, in addition to its location at the edge Spalford built up area are reasons to conclude the site is sustainable. The proposed design, materials and landscaping would enhance the site both visually and in terms of

biodiversity. The proposal would therefore enhance the immediate setting of the site, as required by paragraph 84(c) of the NPPF.

- 9.2. In terms of visual impact, the proposed development would not harm the setting of the nearby non-designated heritage asset and the rural character of the area. It is considered that there would be no detrimental residential amenity and highways impact. The recommended PWMS from the applicant's ecologist will be secured with planning conditions. Likewise, the on-site BNG enhancement will be secured by a Unilateral Undertaking.
- 9.3. There would be no detrimental impact on trees as most of the trees on site are situated far from the existing barns.
- 9.4. In terms, of impact on flood risk, the application has passed the site-specific sequential and exception tests and it is not considered there would be any increase in flood risk as a result of the development. Subject to condition, the development would be safe for future occupiers.
- 9.5. The recommendation is therefore to approve the application subject to conditions. There are no material considerations to indicate otherwise.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

- Drawing No: 893 COR 00 00 D A 0100 REV P04 – Proposed Site Plan (05.06.2025)
- Drawing No: 893 COR 00 XX D A 0900 REV P04 – 3D Site Views (received 05.06.2025)
- Drawing No: 893 COR 01 XX D A 0300 REV P03 – Plots 1 & 2 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 01 ZZ D A 0200 REV P03 - Plots 1 & 2 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 02 XX D A 0301 REV P02 – Plot 3 Proposed Elevations (received 10.02.2025)
- Drawing No: 893 COR 02 ZZ D A 0201 REV P02 – Plot 3 Proposed Floor Plans (received 10.02.2025)
- Drawing No: 893 COR 03 XX D A 0302 P04 – Plots 4 & 5 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 03 ZZ D A 0202 P04 – Plots 4 & 5 Proposed Floor Plans

(received 05.06.2025)

- Drawing No: 893 COR 04 XX D A 0204 P03 – Carport Floor Plans & Elevations
(received 05.06.2025)

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted addendum to the flood risk assessment (ref: Addendum 3 to the FRA, July 2025 Version 1) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than those stated within addendum 3 to the FRA

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

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

05

Notwithstanding the approved site plan the development shall not be occupied until the access is provided in accordance with a drawing to be first submitted and approved in writing by the local planning authority. The access shall be constructed in a hard bound material for a minimum distance of 8m behind the highway boundary and include measures to prevent the discharge of surface water to the public highway and shall be maintained such for as long as the development is in existence.

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

06

Prior to any development commencing above damp proof course, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- o full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards,

- and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- o existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - o proposed finished ground levels or contours;
 - o means of enclosure;
 - o car parking layouts and materials;
 - o other vehicle and pedestrian access and circulation areas;
 - o hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

07

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

The approved hard landscaping shall have been completed prior to first occupation of the dwellings hereby approved.

Reason: In the interests of highways safety and visual amenity.

09

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

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

10

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved 'Biodiversity Assessment Report' and Statutory Biodiversity Metric, both dated 30.05.2025 produced by Archer Ecology Ltd.

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 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;

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

(c) The monitoring methodology and frequency in respect of the created or enhanced habitat.

C. Notice in writing shall be given to the Council when the HMMP works have started.

D. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 6 months of first occupation of the fifth dwelling.

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

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure.

Reason: In the interests of biodiversity.

11

A. Prior to commencement of the approved development, notice in writing confirming that a named ecologist holding an appropriate Natural England survey licence has been contracted to implement the precautionary working methods outlined within the Conclusions and Recommendations section of the Preliminary Roost Assessment letter, produced by Archer Ecology Ltd. dated 24th September 2024, and received 05 June 2025, shall be provided to, and be approved by, the local planning authority.

B. Within 1 month of completion the Precautionary Methods of Working and Bats, a report, produced by the named ecologist, of the supervised works shall be provided to, and be approved by, the local planning authority.

Reason: To safeguard protected species as required by the National Planning Policy Framework, ADMDPD Policy DM5 and Core Strategy Policy 12

12

A. The approved development shall not commence until a 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 (including height).

B. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and be 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.

13

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

14

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation (and other than the re-build of Barn 2 which has already been completed) must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's

‘Model Procedures for the Management of Land Contamination, CLR 11’.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 47

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.

other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class D: Porches.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

- Class B: Means of access to a highway.

Unless consent has firstly be 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.

Informatives

01

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

02

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

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

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them on via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com

04

The developer is advised to contact Nottinghamshire County Council's Archaeology Section, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ (tel: 0115

9772129) for advice if anything of archaeological interest is found.

05

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))

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.

The Biodiversity Gain Plan should be submitted via the Planning Portal, as an application for approval of details reserved by condition following grant of planning permission.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

06

For the purposes of Part B(b) of Condition 08 completion of the development, and therefore the start of the 30-year period is considered to be first occupation of the fifth dwelling.

07

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.

08

- There must be no disturbance to the bridleway surface without prior authorisation from the Rights of Way team.
- The bridleway must remain open, unobstructed, and safe at all times unless a TTRO is in place.
- No materials, equipment, or vehicles should be stored on the bridleway.
- If construction vehicles are required to cross the bridleway, the surface must be protected and restored upon completion of works.
- Any existing hedge or tree line bordering the bridleway is the responsibility of the landowner or occupier, who must ensure it does not encroach upon or obstruct use of the right of way.

09

The applicant is advised that the development makes it necessary to alter a vehicular access to the public highway and will therefore require either a Section 278 Agreement or a Section 184 licence (depending on the works) under the Highways Act 1980. This must be obtained from the Highway Authority prior to any works commencing on site. For further information and to apply, please contact Nottinghamshire County Council's Highway Services at licensing@viaem.co.uk or telephone 0300 500 8080.

10

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 137, 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

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 - 25/00222/FUL



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Report to Planning Committee 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne – Planning Development Officer

Report Summary			
Application Number	25/01492/PIP		
Proposal	Application for permission in principle for a residential development of one dwelling		
Location	Land At Willow Hall Farm Mansfield Road Edingley NG22 8BQ		
Web Link	25/01492/PIP - Application for permission in principle for a residential development of one dwelling		
Applicant	Mr & Mrs Anthony Tyler	Agent	Town-Planning.co.uk – Mr Anthony Northcote
Registered	07.05.2025	Target Date	03.06.2025
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 comprises approximately 0.19ha of land and forms part of a field located in the open countryside positioned towards the south-west of the main built-up area of Edingley village. It is accessed via an access track (approximately 180 metre long) from Mansfield Road (classified) which also serves Willow Hall Farmhouse to the west of the site. Access into the field is via a metal field gate.
- 1.2 The site is currently occupied by a number of structures including a Nissen hut, various containers/sheds and a caravan. The wider field is surrounded by relatively mature trees/hedgerow. Agricultural fields are located immediately to the north, east and south of the site. It should be noted that part of the field (the south-western corner) falls within flood zone 2 (medium risk) whereas the remainder of the site falls within zone 1, at low risk of fluvial flooding.
- 1.3 The site is immediately adjacent to two Local Wildlife Sites (LWS), namely 'Edingley Grassland LWS' and 'Mansfield Road, Pasture LWS' which are located to the east. A small watercourse is located along the southern boundary of the site. Edingley FP16 runs parallel with and beyond the northern boundary of the application site.

countryside, the proposal would not result in an isolated new home, in an unsustainable location. However, this does not outweigh the conflict with local and national planning policies that seek to protect the character and landscape setting of the countryside. Consequently, the proposal would not accord with the development plan as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.”

- 2.3 22/01743/OUT - Outline application for residential development to erect 1 no. dwelling house with all matters reserved. Refused 13.03.2023 for the following reason:

“In the opinion of the Local Planning Authority, the site lies in the open countryside where there is a presumption against new development as set out by Spatial Policy 3 and Policy DM8 of the Development Plan, unless it meets one of the exceptions set out. The proposal does not meet any of the exceptions set out in that it is not for a rural workers dwelling nor (as an outline application with all matters reserved) does it advance a dwelling of exceptional quality or innovative design. A proposed dwelling in this location, as a matter of principle, would likely result in an incongruous feature and would constitute encroachment into the countryside, that would adversely impact upon the setting of the surrounding rural landscape. Development of this site would result in an unsustainable form of development and undermine strategic objectives contrary to Spatial Policy 3 (Rural Areas) and Core Policies 9 (Sustainable Development) and 13 (Landscape Character) of the Amended Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management Development Plan Document (DPD) which together form the relevant parts of the development plan as well as the NPPF, a material planning consideration. There are no material considerations that outweigh the harm identified.”



Extract from the indicative site layout, submitted with 22/01743/OUT

- 2.4 14/01848/FUL – A full application for a prefabricated self build two bedroom bungalow was refused on 8th January 2015 by the Planning Committee in accordance with the recommendation on the basis that; 1) it was unjustified development in the open countryside and 2) due to a lack of ecological information. The application site related to the

whole field.

- 2.5 02/02416/OUT – Outline planning permission for a bungalow was refused on the grounds of the site's location outside the village envelope, refused 22.01.2003.
- 2.6 3782525 – Extend and renovate cottage 6 outbuildings, approved 08.09.1982.
- 2.7 37870815 – Site residential caravan, approved 06.10.1987.

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of one dwelling. 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 dwelling would share/use the existing access off Mansfield Road through a private drive that is currently used by Willow Hall Farm. 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 02 September 2025
 - Application Form received 02 September 2025
 - Site Location Plan received 02 September 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of two properties have been individually notified by letter. A site notice has also been displayed near to the site on 11 September 2025.
- 4.2 Site visit undertaken 8 May 2025.

5.0 Planning Policy Framework

The Development Plan

- 5.1 **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**
 - Spatial Policy 1 - Settlement Hierarchy
 - Spatial Policy 2 - Spatial Distribution of Growth
 - Spatial Policy 3 – Rural Areas
 - Spatial Policy 7 - Sustainable Transport
 - Core Policy 9 - Sustainable Design

- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2 **Allocations & Development Management DPD (adopted 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. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.

5.4 Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.5 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (with amendment - February 2025)
- Planning Practice Guidance

6.0 **Consultations**

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

Statutory Consultations

6.1 **NCC Highway** – The proposed dwelling will be served from an existing access. It is likely that upgrades to the access in terms of its surfacing and geometry will be sought upon technical details being submitted.

Parish Council

- 6.2 **Edingley Parish Council** – supports this application.

Representations/Non-Statutory Consultation

- 6.3 **NSDC Environmental Health Contamination team** – stated that the land is a potentially contaminative as the land-use was agriculture, and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. Furthermore, the Nissen hut on site may required for asbestos removal and disposal including appropriate documentation for this.
- 6.4 **No other representations have been received from any other third/interested parties.**

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).

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).

Location

- 7.5 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. Edingley doesn't feature within the hierarchy so therefore falls within the later category. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.6 Due to the detached nature of the site, it is considered to be located within the open countryside and thus outside of the main built-up settlement of Edingley, however acknowledging it is adjacent to existing housing within the village. 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 Whilst Edingley is an 'other village', it has some local services of its own, together with a regular bus service providing sustainable access to larger settlements such as Newark and Mansfield. Facilities such as the village pub and restaurant, church, village hall and bus stops are all within walking distance of the site. These can be safely accessed via both the Public Right of Way (PROW) that runs past the front of the site or via the private farm track and along the pavement on Mansfield Road. A more extensive range of facilities are also available in the neighbouring village of Farnsfield, which is approximately 2km from the site, and can be accessed by bus, bicycle or via the pedestrian footway along Mansfield Road.
- 7.8 The appeal decision dated March 2024 for 23/00890/OUT also concluded that *"The proposal would not result in an isolated new home and would accord with paragraphs 83 and 84 of the Framework. I have therefore reduced weight I have given to the locational conflict with Spatial Policy 3 and Policy DM8 accordingly."* This conclusion by the Inspector has not changed and it is still our opinion that although in the open countryside, it is not isolated, and it is sufficiently close to existing facilities, to be acceptable.
- 7.9 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.
- 7.10 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.
- 7.11 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.12 Footnote 8 (in relation to out of date policies) states, *‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.’*

7.13 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs and given its location close to an existing settlement this is considered acceptable.

7.14 The site will provide an additional housing unit on the edge of the village but on land considered to be within the open countryside. At this stage it is not known whether the dwelling would be bungalow or house or the final design of it, but the details would come at the technical detail stage.

Land use

7.15 Residential is a suitable use of the land considering the proximity to the village and being adjacent to Willow Hall Farm (a dwelling). The site is also in proximity to the predominantly residential area (land to the rear of dwellings on Mansfield Road). It is noted that the highways authority has suggested that upgrades to the access in terms of its surfacing and geometry could be sought upon technical details being submitted.

Amount of Development

7.16 The application proposes one dwelling. The site covers approximately 0.19 hectares. The generally accepted density for new residential development within the District is 30 dwellings per hectare. The number of dwelling on site would be 1, which equates to an approximate density of 6 per hectare. Given the rural, edge of settlement location, this ratio is considered acceptable, as any higher density would likely result in an unacceptable visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).

Planning Balance

7.17 In this instance, the location is considered to be within the open countryside adjacent the built village of Edingley. 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 Edingley is an 'other village', with some but not all the essential amenities, Edingley has transport connections to Farnsfield which is a Principle village and 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

- 7.18 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

- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Hockerton Village Farmlands (MZ PZ 34) which is described as a gently rolling and undulating topographical area, dominated by arable farming with few detracting features. The landscape sensitivity is defined as 'moderate' and condition is defined as 'good' and the proposed action for the area is to 'conserve and reinforce' including conserving the rural character of the landscape by limiting any new development around the settlement of Edingley.
- 7.23 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

dwelling should not result in harm or detrimental impact on the character or appearance of the area. The construction of a new dwellings would likely be more prominent than the existing structures. The design should aim to minimise the visual impact due to the edge of settlement 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

- 7.24 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.
- 7.25 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwelling to the site is Willow Hall Farm immediately west of the proposed site with a shared boundary. Westfield House off Mansfield Road which lies to the north/northeast the proposed is a minimum of 70m from the main part of the site. The access to the site would be the existing shared access currently serving Willow Hall Farm. Given the separation distance it is not considered that there would be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy (subject to final details).

Impact on Highways

- 7.26 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.
- 7.27 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.
- 7.28 The existing access for the Willow Hall Farm would be utilised for the development as a shared drive. The access would need to meet the requirements set out in the NCC Highways Design Guide. Subject to access improvements, it is considered the scheme would be acceptable in relation to highway safety and the highway network. 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.

Trees, Landscaping and Ecology

- 7.29 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.

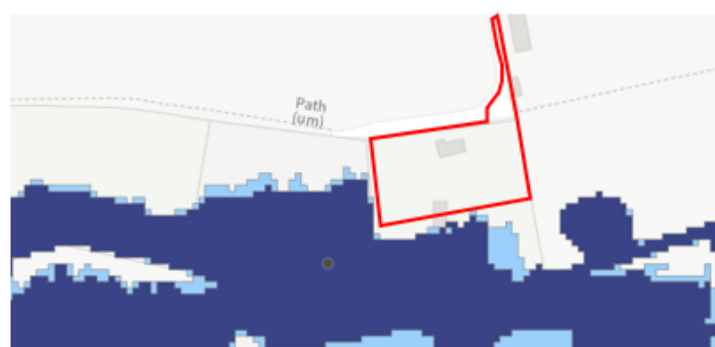
- 7.30 It is not clear whether the proposal would result in the removal of any trees within the site or around the access. In the event that this is the case, in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and the PEA would be required to support the Technical Details Consent application.
- 7.31 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.
- 7.32 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).

Flood Risk

- 7.33 The proposed site lies within flood zone 1 which is at lowest flood risk. The southwestern corner of the field annotated in light blue (on the right hand image below) falls within flood zone 2, at medium fluvial risk, and the dark blue indicated that the area is within flood zone 3a.



Proposed site plan



Extended of Flood Zone 2

- 7.34 Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5.

- 7.35 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.36 It is acknowledged that the current red outline of the proposed site has been reduced from the southern section compared to the previously considered outline planning application (23/00890/OUT). Given that the proposed site would be wholly within flood zone 1, the flood risk would not warrant further consideration.

Contamination Risk

- 7.37 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.
- 7.38 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.
- 7.39 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)

- 7.40 The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m² 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)

- 7.41 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 Implications – LEG2526/3507

- 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 one dwelling and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, 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

10.0 Informative Notes to the Applicant

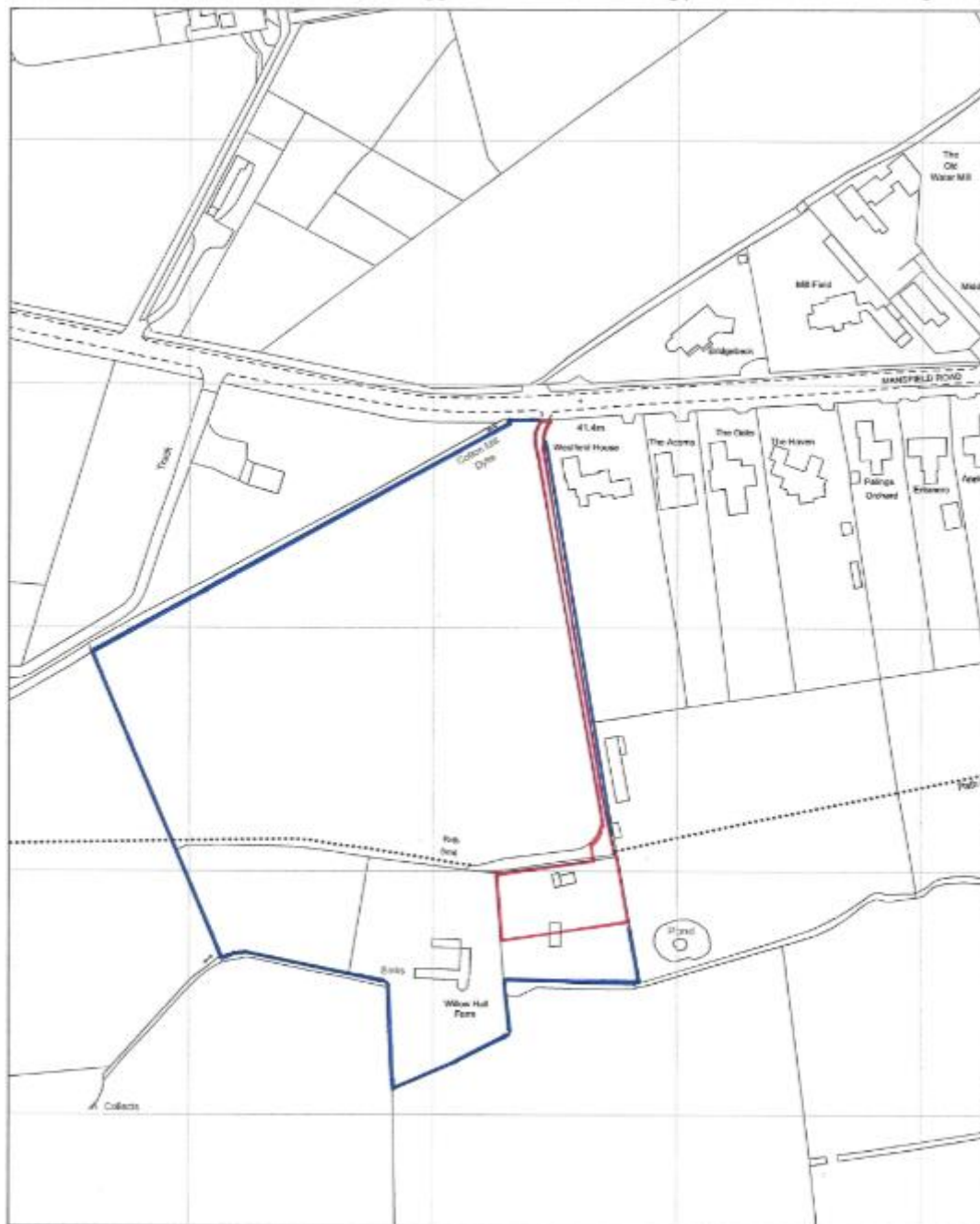
- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's up to date Development Plan Policy sets out the criteria for which all new development should be assessed against. This includes but is not limited to

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 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Howard Cheng – Planner

Report Summary			
Application No.	25/00961/FUL		
Proposal	Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation		
Location	Kennels Farm May Lodge Drive Rufford		
Applicant	Willett Homes Ltd	Agent	IBA Planning Limited - Mr Nick Baseley
Web Link	25/00961/FUL Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation Kennels Farm May Lodge Drive Rufford		
Registered	04.07.2025	Target Date	29.08.2025 (EOT until 17.11.2025)
Recommendation	To Grant Planning permission subject to the condition(s) detailed at Section 10.0.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the principle of development would represent a material departure from the Development Plan (Policy DM8 of the Allocations & Development Management DPD), and the recommendation is for approval.

1.0 The Site

- 1.1 The application site is located approx. 0.6 miles to the east of Rufford and currently comprises 2 no. of disused agricultural buildings. The one closer to the northeastern boundary has become derelict.
- 1.2 These buildings benefit from a prior approval, which was granted in March 2024 under reference number 23/02276/CPRIOR, for the creation of 5 no. of dwellinghouses including demolition works.
- 1.3 The application site is not served by any public highway although there is a public right of way (footpath) running in an east-west direction to the south of the application site. The application site is only accessible via private single track roads.

- 1.4 The application site is located within the grounds of Rufford Abbey Park and Garden, which is Grade II listed (List Entry Number 1001085). There is a Scheduled Monument (List Entry Number 1011013) approx. 880m to the northwest of the application site. There are also a number of a listed buildings to this direction including the Grade I listed Rufford Abbey (List Entry Number 1302352).
- 1.5 Immediately to the north and west of the application site is a woodland. To the east and south of the site are open fields.
- 1.6 The access track and existing buildings are sitting on a flat ground. The surrounding land within the application site slopes up very gently from west to east.
- 1.7 The application site is located within Flood Zone 1.
- 1.8 Site photos are as follows:



Photo 1 – The application site



Photo 2 – The application site from a distance from the southwest



Photo 3 – Southeastern elevation of the longer existing agricultural building



Photo 4 – Views towards the west and southeastern elevation of the shorter (derelict) existing agricultural building

2.0 Relevant Planning History

2.1.

Reference number	Proposal	Decision	Date of decision
23/02276/CPRIOR	Application to determine if prior approval is required for change of use of existing (former) agricultural building to create 5no. dwellinghouses (resubmission of 23/00383/CPRIOR)	Prior Approval Required and Granted – Not implemented however is extant.	13.03.2024
23/00383/CPRIOR	Application to determine if prior approval is required as to impacts of the development "Change of use of	Application Refused	03.05.2023

	agricultural buildings to 5 dwellinghouses" and risks on the site (resubmission of 22/01080/CPRIOR)		
22/01949/DEM	Application to determine if prior approval is required as to the method of demolition, for the demolition of an agricultural building, and any proposed restoration of the site.	Prior Approval Is Not Required	08.11.2022
22/01079/CPRIOR	Notification of change of use of part of agricultural building to Class E.g to flexible commercial use under Schedule 2, Part 3 Class R.	Application Closed	29.07.2023

3.0 **The Proposal**

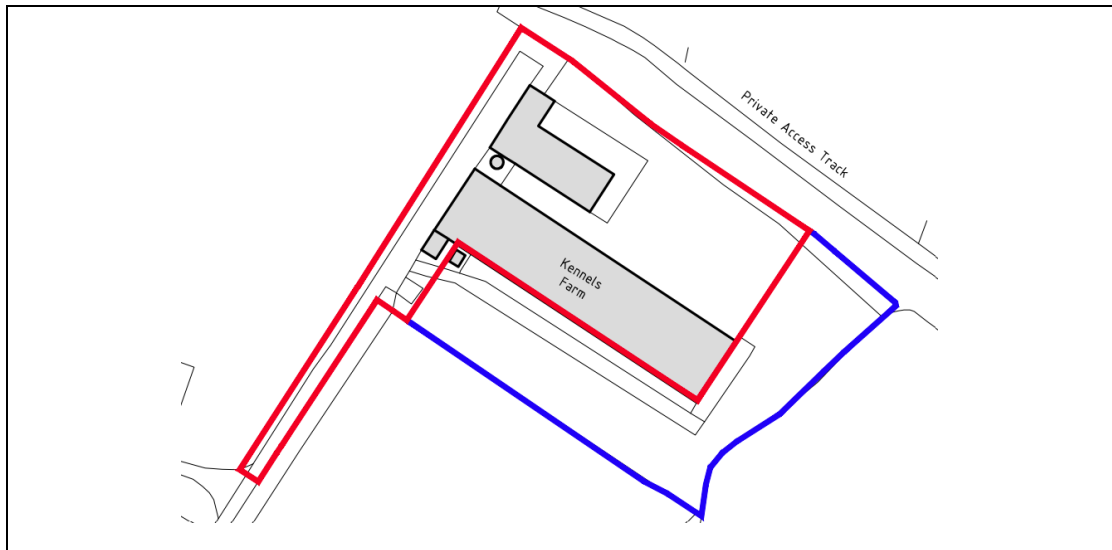
- 3.1 The application seeks permission for the demolition of existing agricultural buildings on the application site and the erection of a single dwelling house with ancillary accommodation in the form of a one-bed annexe. The main portion of the proposed dwelling would be single storey, and there would be a two storey element near the northeastern boundary of the application site.
- 3.2 It would be finished in Ground Granulated Blast-furnace Slag (GGBS) concrete with vertical profiled 'Millboard' or similar cladding.
- 3.3 Documents assessed in this appraisal:

Name	Reference No.	Version	Date received
Bat Roost Assessment	RSE_6280_01_V2*	V2	11 th June 2025

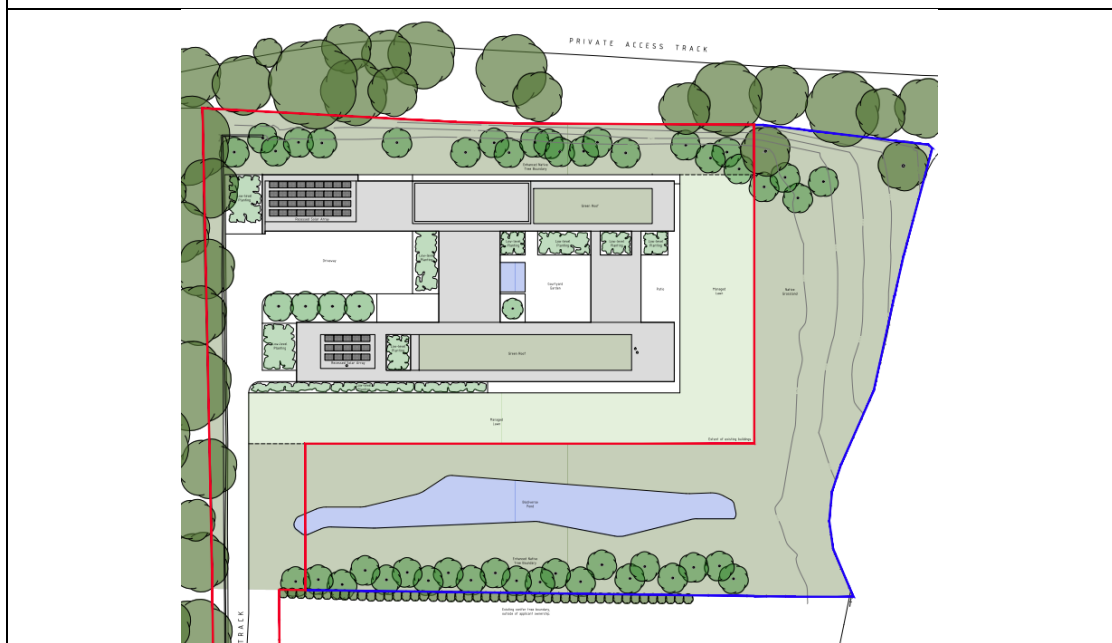
Proposed Landscaping Plan	24/012/020		11 th June 2025
Proposed Elevations 4 North East	24012/018	v01	11 th June 2025
Proposed Elevations 3 South East	24012/017		11 th June 2025
Proposed Elevations 2 South West	24012/016		11 th June 2025
Proposed Elevations 1 North West	24012/015		11 th June 2025
Proposed First Floor Plan	24012/012		11 th June 2025
Proposed Ground Floor Plan	24012/011		11 th June 2025
Building 2 Elevations	24012/007		11 th June 2025
Existing Building 2 Floor Plan	24012/005		11 th June 2025
Existing Building 1 Elevations	24012/003		11 th June 2025
Existing Building 1 Floor and Roof Plans	24012/002		11 th June 2025
Proposed Site Plan	24012/010		11 th June 2025
Letter from agent	KennelsFarmRedevt/2 (dated 10 th June 2025)		11 th June 2025
Revised Design and Access Statement	(dated March 2025)	2	4 th July 2025
Revised Site Location Plan	24012/001	V03	4 th July 2025
Access Map (Not Site Location Plan)	24012/001	V04	13 th October 2025
Heritage Statement	25005 (dated 6 th October 2025)		13 th October 2025
Revised BNG Metric Calculator	(Dated 7 th October 2025)		13 th October 2025
Revised BNG Visualisation Plans	(Dated 7 th October 2025)		13 th October 2025

*The cover page shows a reference number of RSE_6280_01_V1 with an Issue Date of July 2022.

3.4 Key plans are as follows:



Plan 1 – Existing Block Plan



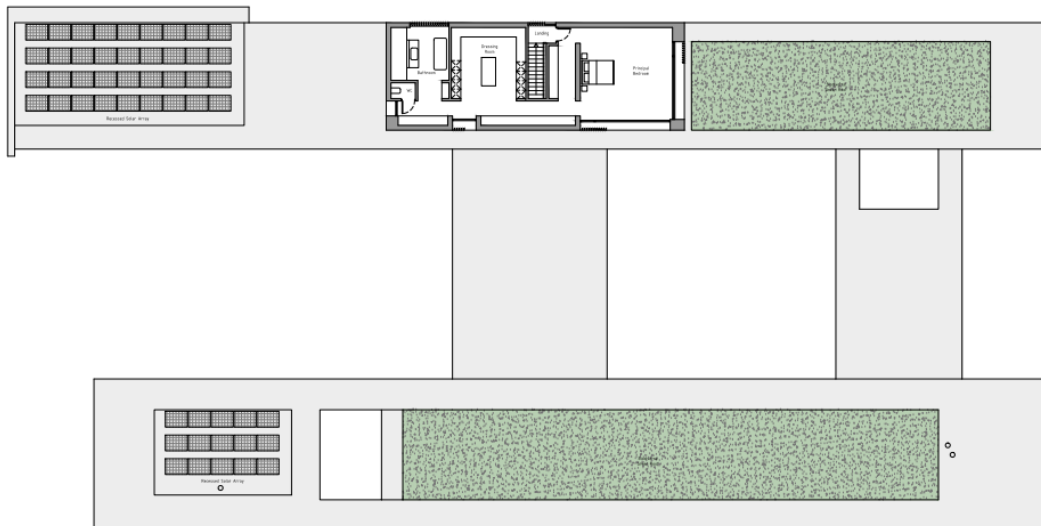
Plan 2 – Proposed Site Plan



Plan 3 – Proposed Front (top) and Rear (bottom) elevations



Plan 4 – Proposed southeastern (top) and northwestern (bottom) side elevations



Plan 5 – Proposed Ground floor (top) and First floor (bottom) plans

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 3 properties have been individually notified by letter. Two site notices

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

4.2 Site visit undertaken on 7th August 2025.

4.3 Amended Biodiversity Net Gain information, an additional plan to confirm access route and a heritage statement have been received during the course of the application. It is considered not necessary to consult the neighbours again on this basis.

5.0 Planning Policy Framework

5.1. Neighbourhood Plan

Not applicable.

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

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 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

5.3. Allocations & Development Management DPD (adopted July 2013)

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended

Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

5.6. Other Material Planning Considerations

National Planning Policy Framework (2024, amended Feb 2025)

Planning Practice Guidance

Draft Amended Allocations & Development Management DPD (September 2023, second publication)

Residential Cycle and Car Parking Standards & Design Guide SPD (2021)

Landscape Character Assessment SPD (2013)

6.0 Consultations and Representations

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

- 6.1. Environment Agency – Decided not to make any formal comment as the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.
- 6.2. Highway Authority (Nottinghamshire County Council) – Considered there are unlikely to be any wider highway implication, and although the site is not in a sustainable location it is a replacement use. Pointed out the County Council's Countryside Access Team should be consulted.
- 6.3. Historic England – (latest comments) No objection to the proposal on heritage grounds.
- 6.4. Initial comments from Historic England raised concerns on the proposal on heritage grounds due to insufficient information to fully assess the potential impact of the proposal on the historic environment.
- 6.5. Lead Local Flood Authority (Nottinghamshire County Council) – Considered it is not required to response to this application as it is not a major application.
- 6.6. The Gardens Trust – Did not wish to make comments on the application.

Town/Parish Council

- 6.7. Rufford Parish Council – Objected to the proposal on the grounds that it is new residential development in a rural area.

Representations/Non-Statutory Consultation

- 6.8. Lincolnshire County Council Archaeology Team – No further action is required in relation to archaeology.
- 6.9. Nottinghamshire County Council Public Right of Way Team – Objected to the proposal until certain named conditions are accepted. Set out how the safety of the public will be managed need to be addressed and required assurances that the public right of way will not be impacted upon neither during or after the development phase.
- 6.10. NSDC Conservation – Considered the proposal would preserve the special interest of the registered park & garden, and the setting of the Abbey, and that the proposal would have no adverse impact on the setting of any other heritage asset. Suggested a condition to control development with the curtilage of the proposed dwelling.
- 6.11. NSDC Ecology – (latest comments) Provided suggested conditions for the submission of a construction environmental management plan as well as details of bat and bird box prior to the commencement of development. Pointed out the latest submitted BNG information only contained a minor error remaining that can be amended at the point of submissions and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development.
- 6.12. Initial comments from NSDC Ecology raised no concerns to the potential ecological impacts of the proposal except pointed out the BNG information was inaccurate and required amendments.
- 6.13. NSDC Policy – Confirmed the consented conversion development has been included in the 5 year housing land supply, and considered the impacts arising from the reduction in number of dwellings at this location would be modest to the housing land supply.
- 6.14. NSDC Pollution Prevention and Control – Recommended the use of the full phased contamination condition.
- 6.15. The Ramblers – No objection.
- 6.16. A comment has been received from a member of the public that can be summarised as follows:
- No objection and welcome it as a more favourable alternative to the previously approved scheme
 - Request that access to the development be limited via Red Hill only to minimise impact on the neighbouring property, and ask that such restriction be formally included as a condition

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact upon Designated Heritage Assets

- Impact upon Visual Amenity, the Character of the Area and Open Countryside
- Impact upon Amenity
- Impact upon Highway Safety and Public Right of Way
- Impact upon Ecology
- Contaminated Land
- Flood Risk and Water Management
- Planning balance

- 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 applications concern designated heritage assets of a listed building section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall 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. The duties in section 66 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Preliminary matters

- 7.5. It is noted the proposal would include ancillary accommodation in the form of a one-bed annexe. The applicant has confirmed that the ancillary accommodation is proposed to be ancillary to the main dwelling and is not proposed to be in any form of independent dwelling/separate planning unit. The applicant has also provided further clarifications on the potential ancillary uses, which can include for occupation by the future occupiers' elderly parent(s).
- 7.6. It is considered that the inclusion of such one-bed annexe as an ancillary accommodation within this application for a single dwelling would be in line with the description of the application, which reads 'Residential redevelopment of former poultry complex comprising the construction of 1no. dwelling and ancillary accommodation' and does not raise concerns in relation to the creation of a separate planning unit.

Principle of Development

- 7.7. Spatial Policy 1 of the Amended Core Strategy DPD (ACSDPD) defines the Settlement Hierarchy for the district and the application site is not located in an area within the category of 'Settlements central to delivering the Spatial Strategy' of the Hierarchy. Spatial Policy 1 sets out this proposed development should be assessed against Spatial Policy 3.
- 7.8. Spatial Policy 3 of the ACSDPD relates to rural areas and sets out development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. It also sets out that policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.9. Policy DM8 of the Allocations & Development Management DPD (ADMDPD) relates to and controls development in the open countryside. There are 12 types of development listed under Policy DM8. It is considered the proposal, which is for the demolition of existing disused agriculture buildings and erection of a single residential dwelling, would relate to the third type of development, New and Replacement Dwellings. This part of 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.*
- 7.10. It is not considered that the proposed dwelling would meet the requirements of DM8.
- 7.11. As set out under Paragraph 5.4, a schedule of 'main modifications' has now been agreed to the submitted Draft Amended Allocations & Development Management DPD (DAADMPD). The wording of this part of DM8 has been proposed to be amended within the DAADMPD but are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given. DM8 in the DAADMPD in relation to New and Replacement Dwellings reads as follows:
- Planning permission **will not be granted for isolated new dwellings unless they are of outstanding quality or** innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.*
- 7.12. The main differences between ADMDPD and DAADMPD have been emboldened. It is not considered that the proposal is of outstanding quality and can significantly enhance its immediate setting being sensitive to the defining characteristics of the local area.
- 7.13. In short, it is considered that the proposal would conflict with both Policy DM8 in the ADMDPD and Policy DM8 in the DAADMPD.

- 7.14. However, prior approval was granted for the creation of 5 no. of dwellinghouses from the existing disused agricultural buildings (including demolition works) in March 2024 (under reference number 23/02276/CPRIOR), and this consent is extant (i.e. the applicant can create residential use on site by benefiting from this consent as of the time of writing the report).
- 7.15. It is considered that the prior approval consent provides a realistic fallback position for the applicant in creating residential use on the application site.
- 7.16. Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development and that this is at the heart of the NPPF (paragraph 10). Paragraphs (c) and (d) of Paragraph 11 of the NPPF explains what this means for decision making. It commands development proposals that accord with an up-to-date development plan be approved without delay [paragraph (c)] and to grant permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless two scenarios apply [paragraph (d)]. Explanations as to when policies that are most important for determining an application are considered out-of-date have been provided by Footnote 8 of the NPPF. Footnote 8 sets out being out-of-date also includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites for applications involving the provision of housing.
- 7.17. A revised version of the NPPF was published in December 2024 which reintroduced the requirement to include a 'buffer' to the five-year supply of housing. Newark and Sherwood District Council as the local planning authority determining this application since then only has 3.43 years of housing land supply, falling short of the minimum of five years' worth of housing required by the NPPF.
- 7.18. As such, it is considered that the policies which are most important for determining the application are out-of-date and Paragraph 11(d) of the NPPF applies.
- 7.19. Paragraph 11(d) of the NPPF sets out that permission should be granted unless one or both of the following applies:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*
- 7.20. Footnote 7 of the NPPF expands on 'protect areas or assets of particular importance' and designated heritage assets are one of them.
- 7.21. Having regard to the extant approval for the creation of 5 no. of dwellinghouses at the application site, and Paragraph 11(d) of the NPPF, it is considered that the principle of

proposal is acceptable, subject to the following assessment on material considerations which seeks to address the various considerations set out in Paragraph 11(d) in turn.

Impact upon Designated Heritage Assets

- 7.22. The application site is located within the grounds of Rufford Abbey Park and Garden, which is Grade II listed (List Entry Number 1001085). There is a Scheduled Monument (List Entry Number 1011013) approx. 880m to the northwest of the application site. There are also a number of a listed buildings to this direction including the Grade I listed Rufford Abbey (List Entry Number 1302352).
- 7.23. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
- 7.24. Core Policy 14 of the ACSDPD seeks the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy.
- 7.25. Policy DM9 of the ADMDPD sets out, in accordance with the requirements of Core Policy 14, all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.
- 7.26. As set out under Paragraph 5.4, a schedule of 'main modifications' has now been agreed to the submitted Draft Amended Allocations & Development Management DPD (DAADMDPD). The wording of the relevant part of DM9 has been proposed to be amended within the DAADMDPD and is subject to a proposed main modification, albeit very minor in nature. DM9 in the DAADMDPD requires all development proposals concerning heritage assets to **conserve them in a manner appropriate to their significance**, contribute to the wider vitality, viability and regeneration of the areas in which they are located **(including its contribution to economic vitality)**, reinforce a strong sense of place **and be enjoyed for their contribution to the quality of life of existing and future generations**. The main differences between ADMDPD and DAADMDPD have been emboldened. It is considered that substantial weight can be given.
- 7.27. Paragraph 210 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 7.28. When considering the impact of a proposed development on the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to or loss of significance of a designated heritage asset should require clear and convincing justification (Paragraphs 212 and 213 of the NPPF).
- 7.29. Historic England (HE) was consulted and the initial comments raised concerns on the proposal on heritage grounds due to insufficient information to fully assess the potential impact of the proposal on the historic environment. The applicant submitted a heritage statement and HE has been consulted again. The latest comments from HE confirmed HE has no objection to the proposal on heritage grounds. HE set out the presence of intervening woodland and varied topography would limit the physical and visual relationship between the site and Rufford Abbey, and its listed buildings.
- 7.30. The Gardens Trust was also consulted and did not wish to make comments on the application. The Archaeology Team from Lincolnshire County Council confirmed no further action is required in relation to archaeology.
- 7.31. The Conservation Team has also been consulted and considered the proposal would preserve the special interest of the registered park & garden, and setting of the Abbey, given the separating distances, heavily screened site by trees to the north and west and the low topography of the application site. The Conservation Team has also deemed that this part of the Rufford Abbey Park and Garden can be seen as a weaker element of the landscaped Park owing to the enclosed nature of the fields. It is considered that the current poor condition of the application site fails to make a positive impact upon the significance of the Park.
- 7.32. The Conservation Team has suggested that consideration should be given to the control of development within the curtilage of the proposed dwelling, both within the grounds, and to the roof of the proposed dwelling. This is in the interests of preserving the low impact nature of the proposal, to protect the character of Rufford Park. A condition has been recommended to remove the permitted development rights from the proposed dwelling.
- 7.33. It is considered that the proposal would have no adverse impact on the setting of any other heritage asset.
- 7.34. In short, it is considered that the proposal would not result in any unacceptable impacts to any designated heritage assets, subject to the recommended condition.

Impact upon Visual Amenity, the Character of the Area and Open Countryside

- 7.35. Core Policy 9 of the ACSDDP expects new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural

environment and contributes to and sustains the rich local distinctiveness of the District through a number of ways.

- 7.36. Policy DM5 of the ADMDPD states that (4.) the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.37. DM5 in the DAADMDPD has been subdivided into four parts (a, b, c and d), and part a and a portion of part b relate to design. DM5 (a) of the DAADMDPD relates to the design process and is subject to a main modification. Therefore, only very limited weight has been given. DM5(b)(4.) of the DAADMDPD relates to Local Distinctiveness and Character and reads the same as the currently adopted DM5(4.). They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.38. The adopted Landscape Character Assessment SPD, which is a District-level assessment of landscape character, provides an explanation of the differences between landscapes that is based around a sense of place, local distinctiveness, characteristic wildlife, and natural features. Based on the comprehensive assessment of this landscape character SPD, 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.
- 7.39. The application site is located in Policy Zone S PZ 10 within the Landscape Character Assessment SPD and the landscape condition has been defined as good. The landscape sensitivity has been defined as moderate and the landscape action is to conserve and reinforce. It sets out one of the landscape actions is to promote measures for reinforcing the traditional character of farm buildings using vernacular building styles.
- 7.40. A design and assessment statement has been submitted in support of the application, which loosely follows the design process set out in Part a of DM5 of the DAADMDPD. In brief, the proposal is based on two linear forms, connected with secondary cross-links, and seeks to emulate the existing arrangement of parallel poultry sheds. Different material options were explored and landed on GGBS concrete as the primary building material, with vertical profiled 'Millboard' or similar cladding as a secondary finish. The submitted design and assessment statement explain that they have sustainability benefits which will be further discussed in the Planning balance section (Paragraph 7.85). The proposed vertical profiled cladding is the same material approved under the previous prior approval consent.
- 7.41. The application site is on ground lower than the surrounding land, and there is a woodland to the north and west. The proposed dwelling would be contained within the application site in a rectangular shape. The private amenity spaces would be featured within the dwelling in the form of an internal courtyard, limiting the spread of development footprint.
- 7.42. It is acknowledged that the proposed dwelling would feature a two storey element, however, it would be located near the rear northern boundary and would not appear

disproportionate or overly dominating, having regard to its width in comparison with the linear form of the proposed dwelling. The remainder of the proposed dwelling, except the chimney, would be single storey with a height of approx. 3.5m.

- 7.43. More and most importantly, the proposal would replace the existing disused agricultural buildings, which would represent not only a betterment to the existing buildings, but also a betterment to the consented 5 no. of dwellinghouses to be created from converting the existing buildings. Additional planting has also been proposed, including trees, low level planting and green roof, which would improve the appearance of the proposed dwelling and surrounding area.
- 7.44. Conditions have been recommended for details of the cladding, timber battens and solar panels to be submitted prior to their installation in the interests of visual amenity. A condition has also been recommended for details of hard and soft landscape works to be submitted.
- 7.45. On balance, it is considered that the proposal would not result in any unacceptable harm to the open countryside and the visual amenities of the area subject to the conditions.

Impact upon Residential Amenity

- 7.46. Policy DM5 of the ADMDPD states that (3.) development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.47. DM5(b)(3.) in the DAADMDPD relates to Amenity and additionally states that all proposals for new housing developments should demonstrate that they provide adequate internal and external space in order to ensure an appropriate living environment for future occupiers. They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.48. There would be an approx. 70m distance separating the proposal from the closest neighbouring residential property in the vicinity, The Kennels Bungalow. Given the separating distance and the residential nature of the proposal, it is considered that the proposal would not result in any unacceptable impact to the amenity or operation of any surrounding land uses.
- 7.49. Turning to the amenity of the future occupiers of the proposal, it is considered that all habitable rooms would receive sufficient daylight. The proposed dwelling would meet the Technical housing standards – nationally described space standard as a 6-bedroom 8-person two storey dwelling. There would be an internal courtyard garden as well as covered patio areas, which would provide sufficient amenity space for the future occupiers of the proposal.
- 7.50. The application site is bounded by woodland to the north and west, and open fields to the east and south, which would not be harmful to the amenity of the future occupiers of the proposal.

- 7.51. In short, it is considered that the proposal is acceptable in this regard.

Impact upon Highway Safety and Public Right of Way

- 7.52. Spatial Policy 7 of the ACSDPD relates to Sustainable Transport. It covers all aspects of sustainable transport from accesses, impact of additional traffic to highway network, safety, parking provision and need for travel. It also encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities.
- 7.53. Policy DM5 (1.) and (2.) of the ADMDPD relate to Access and Parking respectively. Policy DM5 (1.) seeks safe and inclusive access to new development, and Policy DM5 (2.) sets out parking provision for vehicles and cycles should be based on the scale and specific location of the development.
- 7.54. DM5(b)(1.) and (2.) in the DAADMPD relate to Access and Parking respectively and additional wordings have been included to encourage integration of sustainable and active modes of travel, as well as to maximise opportunities for multimodal travel. They are not subject to a proposed main modification. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given
- 7.55. Given the nature of the proposal, it is acknowledged the proposed development would rely mainly on private transport. The Highway Authority (Nottinghamshire County Council) (HA) has been consulted and considered that there are unlikely to be any wider highway implications. The HA also pointed out the site is not considered to be in a sustainable location although it would be a replacement use.
- 7.56. The Residential Cycle and Car Parking Standards & Design Guide SPD (RCCPSDGSPD) sets out the recommended minimum parking standards, based on location of the property and number of bedrooms, and design principles for parking in new residential developments in the District.
- 7.57. The proposed dwelling would be located near Rufford and would have 6 bedrooms. According to the RCCPSDGSPD, a minimum of 3 spaces are recommended. The proposal would include a garage and a covered parking area. It is considered they can accommodate 3 no. of cars, and electric vehicles charging facilities. A store room has also been proposed immediately next to the garage which would be able to accommodate cycle parking spaces.
- 7.58. As pointed out by the HA, the proposed development would be accessed via a public right of way. The Public Right of Way that would be used by the proposed development is currently a footpath (Rufford No. 12) and the Public Right of Way Team (PRWT) at Nottinghamshire County Council has been consulted. The PRWT suggested that there would be an increase in traffic to and from the site and pointed out how the safety of the public will be managed has not been mentioned.
- 7.59. The applicant has submitted an access plan during the course of the application confirming future occupiers of the proposed development would be using the private access road to the north and west of the proposed dwelling before joining the public

right of way to reach Red Hill Lane. The applicant has also clarified that the owner of the application site is also the owner of the public right of way and already has an obligation to maintain it.

- 7.60. The PRWT raised two points regarding the public right of way and objected to the proposal until the two points have been accepted by the applicant, which would allow the development to be acceptable.
- 7.61. The two points requires no disturbance to the surface of the footpath without prior authorisation and the safety of the public using the path be observed at all times. The applicant has agreed to the two points via an email and an informative has been recommended regarding those points.
- 7.62. The Ramblers have also been consulted and raised no objection to the proposal. The Ramblers advised that the right of way should be kept clear and the safety of users ensured during the work, assuming there will be heavy traffic during the demolition and rebuilding. One of the points that the applicant has already agreed to request the safety of the public using the path to be observed at all times.
- 7.63. The proposal would not directly affect the public right of way and it is understood that it is likely the future occupier(s) will enter into an agreement with the land owner to contribute proportionately to the maintenance of the public right of way. It is therefore considered that the proposal would not result in any unacceptable impacts to the public right of way.
- 7.64. Besides, in view of the extant prior approval consent for 5 no. of dwellinghouses (4 no. of 2-bedroom dwellinghouses and 1 no. of 4-bedroom dwellinghouse), it is considered any impacts to the public right of way that this proposal might have would be less than the already consented development.
- 7.65. It is noted that a comment has been received from a member of the public requesting a condition be imposed to restrict the access to the development be limited via Red Hill Lane only. As per Paragraph 7.59, the applicant has confirmed that future occupiers of the proposed development would be using the private access road to the north and west of the proposed dwelling before joining the public right of way to reach Red Hill Lane. It is also understood that the roads near the application site are all privately owned, and in view of the scale of the proposed development, it would not be reasonable to restrict the usage of private roads via a condition as this would be a future private matter between the occupiers and all interested parties including the land owner(s).
- 7.66. In short, it is considered that the proposal would have sufficient parking provision and would not result in any unacceptable impacts to the public right of way. It is acknowledged the proposal would rely mainly on private transport and its sustainability will be further discussed in the Planning balance section (Paragraph 7.86).

Impact upon Ecology

- 7.67. Core Policy 12 of the ACSDPD seeks to conserve and enhance the biodiversity and

geological diversity of the District. Policy DM7 of the ADMDPD seeks to protect, promote and enhance green infrastructure in line with Core Policy 12. Policy DM7 in the DAADMDPD seeks to protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance, and further requires all development proposals to enhance biodiversity of a net gain of at least 10%. They are subject to modifications in very minor in nature. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.

- 7.68. Policy DM5 (5.) and (7.) of the ADMDPD relate to Trees, Woodlands, Biodiversity & Green Infrastructure and Ecology respectively. Policy DM5(5.) seeks to protect and enhance natural features of importance within or adjacent to development sites. Policy DM5(7.) requires the submission of an up-to date ecological assessment when a site may provide a habitat for protected species, and states significantly harmful ecological impacts should be avoided.
- 7.69. DM5(b)(6.) in the DAADMDPD relates to Trees, Woodlands, Biodiversity and Green and Blue Infrastructure. It states that all natural features within or adjacent to development sites should not be unnecessarily adversely impacted. DM5(b)(7.) in the DAADMDPD relates to Ecology and additional wordings have been included to state new Development should deliver an evidenced net gain in biodiversity appropriately integrated into design and layout in accordance with Policy DM7. They are subject to modifications in very minor in nature. In line with paragraph 49 of the NPPF, it is considered that substantial weight can be given.
- 7.70. A Bat Roost Assessment (dated September 2024) has been submitted in support of the application. It considered the existing buildings offer negligible scope for roosting and no further survey is necessary. It recommended that precautionary approach be adopted during the early stage of the proposed development. The submitted Assessment also contained information regarding other protected species.
- 7.71. The Ecology Team has been consulted and considered the information in relation to bat and other protected species is appropriate and acceptable. The Ecology Team confirmed that the proposal would not have any impact on any site afforded either a statutory designation for its nature conservation interest, and suggested conditions for the submission of a construction environmental management plan as well as details of bat and bird box prior to the commencement of development. Conditions for the construction environmental management plan to be submitted prior to the commencement of development and the details of bat and bird box to be submitted prior to before development above damp proof course level take place have been recommended accordingly.
- 7.72. 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.

- 7.73. The applicant has provided amended details during the course of the application and now seek to make off site gains. The Ecology Team has confirmed that the latest submitted BNG information only contained a minor error remaining that can be amended at the point of submissions and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development. An appropriately worded BNG informative has been recommended.
- 7.74. In short, it is considered that the proposal would not result in any unacceptable impact upon ecology subject to the recommended conditions.

Contaminated Land

- 7.75. Paragraph 196(a) of the NPPF requires planning decisions to ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 196(b) then sets out land after remediation should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 7.76. No information in this regard has been submitted in support of this application. The Pollution Prevention and Control Team has been consulted and recommended the use of the full phased contamination condition. The condition has been recommended accordingly and it is considered the proposal would be acceptable in relation to land contamination.

Flood Risk and Water Management

- 7.77. Core Policy 9 and Core Policy 10 of the ACSDDP relates to Sustainable Design and Climate Change respectively. Together, they require new developments to pro-actively and positively manage surface water through design and layout.
- 7.78. DM5(9.) of the ADMDPD relates to Flood Risk and Water Management and further seeks to steer development away from areas at highest risk of flooding.
- 7.79. As set out in Paragraph 7.37, DM5 in the DAADMDPD has been subdivided into four parts (a, b, c and d). Policy DM5(d) in the DAADMDPD relates to Water Efficiency Measures in New Dwellings and requests proposals for new dwellings to meet the Building Regulation optional higher water efficiency standard of 110 litres per person per day, or relevant successor standard. Additional wording has also been included within DM5(b)(10.), which relates to Flood Risk and Water Management and is replacing DM5(9.) in ADMDPD, to seek demonstration that principles laid out within the drainage hierarchy have been followed, and the incorporation of sustainable drainage systems. They are subject to modifications and limited weight can be given.
- 7.80. The application site is located within Flood Zone 1. The Environment Agency has been consulted and decided not to make any formal comment as there are no fluvial flood risk concerns associated with the application site with it locating in Flood Zone 1.
- 7.81. The Lead Local Flood Authority (Nottinghamshire County Council) has considered it is

not required to respond to this application as it is not a major application.

- 7.82. It is noted the strip of land immediately adjoining the northeastern extent of the application site has a high chance (more than 3.3% chance each year) of flooding from surface water, and the remainder of the application site has a low chance (between 0.1% and 1% chance each year) of flooding from surface water.
- 7.83. Surface water is proposed to be disposed of via sustainable drainage system and foul sewage is proposed to be disposed of via package treatment plant. No connection to the existing drainage system has been proposed. A condition has been recommended for relevant details to be submitted, which include meeting water efficiency standard of 110 litres per person per day.
- 7.84. In short, it is considered the proposal is acceptable in relation to Flood Risk and Water Management, subject to the condition for further relevant details to be submitted.

Other Matters

- 7.85. **Community Infrastructure Levy (CIL)** – The applicant has clarified that a self build exemption is not proposed to be claimed and the existing buildings on site do not qualify for exemption for the purpose of the calculation. The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £0m² for CIL purposes. The development would result in 860m² of Gross Internal Area, the CIL charge on this development is therefore £0.

Planning Balance

- 7.86. The proposal would have no adverse impact on the setting of any designated heritage assets and therefore does not provide a strong reason for refusing the proposal as per Paragraph 11(d)(i) of the NPPF.
- 7.87. Turning to 11(d)(i), it is acknowledged that the application site is not located in a sustainable location, however, as set out in Paragraph 7.14, the prior approval consent for the creation of 5 no. of dwellinghouses from the existing disused agricultural buildings (including demolition works) granted in March 2024 under reference number 23/02276/CPRIOR provides a realistic fallback position for residential use at the application site. This material consideration establishes the principle of residential use at the application site significantly. It is noted the Parish Council has objected to the proposal on the grounds that it is new residential development in a rural area.
- 7.88. This proposal would reduce the number of dwellings at an unsustainable location by 4 (from 5 to 1), although it would simultaneously result in a net loss of 4 dwellings towards the housing land supply. The Policy Team has been consulted and it is considered that the level of benefits and harm arising from the reduction in number of dwellings at this location would both be modest. It is considered the low density of the proposal and lack of affordable homes do not give rise to any adverse impacts despite the lack of housing land supply within the District given the location of the application site.

- 7.89. The design of the proposal is considered to represent a betterment of the consented conversion development which would utilise the existing buildings on site. The proposed dwelling has also been designed with the intention to be in line with Passive House principles to achieve highly efficient thermal and environmental performance, including orientation of the dwelling, solar panels, sustainable drainage system, etc. It is considered the positive environmental impacts would weigh positively in the overall balance, albeit would be limited given the scale of the proposal, which is for a single dwelling, and the benefits would mostly be felt by the future occupiers of the proposed dwelling.
- 7.90. The reduction of number of dwellings would also reduce the number of vehicles required to use the public right of way, which would bring limited benefits.
- 7.91. The proposal would not result in any unacceptable adverse impacts to the open countryside, the visual amenities of the area, amenity and highway safety. The proposal would also be acceptable in relation to ecology, contaminated land, flood risk and water management, subject to conditions.
- 7.92. It is considered that the benefits of the proposal would not be outweighed by adverse impacts arising from the unsustainable location of the proposed dwelling, and planning permission is recommended to be granted.

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.

Legal Implications – LEG2526/7760

- 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. It is acknowledged that the application site is not located in a sustainable location, however, there is a realistic fallback position to introduce residential use at the application site by benefiting from the previously consented conversion development.
- 9.2. It is considered the proposal would represent a betterment of the consented conversion development, due the design and incorporation of Passive House principles, reduce number of dwellings in an unsustainable location, reduce vehicles using the public right of way.
- 9.3. It is considered would have no adverse impact on the setting of any designated heritage assets, the open countryside, the visual amenities of the area, amenity and

highway safety. The proposal would also be acceptable in relation to ecology, contaminated land, flood risk and water management.

- 9.4. It is considered that the benefits of the proposal would not be outweighed by adverse impacts arising from the unsustainable location of the proposed dwelling. As such, the recommendation is to grant planning permission subject to conditions.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall be carried out in accordance with the application form and the following approved plans:

- Revised Site Location Plan, drawing no. 24012/001 Rev V03, received on 4th July 2025
- Proposed Elevations 4 North East, drawing no. 24012/018 Rev v01, received on 11th June 2025
- Proposed Elevations 3 South East, drawing no. 24012/017, received on 11th June 2025
- Proposed Elevations 2 South West, drawing no. 24012/016, received on 11th June 2025
- Proposed Elevations 1 North West, drawing no. 24012/015, received on 11th June 2025
- Proposed First Floor Plan, drawing no. 24012/012, received on 11th June 2025
- Proposed Ground Floor Plan, drawing no. 24012/011, received on 11th June 2025
- Proposed Site Plan, drawing no. 24012/010, received on 11th June 2025

Reason: To define the permission and for the avoidance of doubt.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity and to accord with Core Policy 9 of the adopted Newark and Sherwood Amended Core Strategy DPD and Policy DM6 of the adopted Allocations & Development Management DPD.

04

Notwithstanding the hereby approved plans, cladding and timber battens shall not be installed until details of the cladding have been submitted to and approved in writing by the local planning authority. The development thereafter shall be undertaken in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

05

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 Classes, A, AA, B, C, D, E, F, G and H of Part 1, as well as Classes A and C of Part 2 of Schedule 2 of the Order unless consent has firstly be granted in the form of a separate planning permission.

Reason: In the interests of preserving the low impact nature of the proposed development and to protect the character of Grade II listed Rufford Abbey Park and Garden, to accord with ACSDPD Core Policy 9 and Core Policy 14 and ADMDPD Policies DM5 and DM9.

06

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,
 - 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 'Land contamination risk management (LCRM)' (<https://www.gov.uk/government/publications/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. 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.

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

The annotated CEMP: Biodiversity Plan shall include 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.
- f) Reference to the Precautionary Methods of Working outlined at Section 4 of the Bat Roost Assessment report, dated 21/08/2025 produced by RammSanderson.

The approved annotated biodiversity plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard protected species as required by the National Planning Policy Framework, ADMDPD Policy DM5 and ACSDPD Core Policy 12.

08

No development above damp proof course level shall take place until a bat and bird box plan has been submitted to, and been approved by, the local planning authority. The plan shall show the type and location of the proposed boxes, and details for fixing them into place (including height).

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

09

Prior to the first occupation of the hereby approved development, bat and bird boxes shall be installed as per the details approved by Condition 08 and photographic evidence of the installed boxes shall be submitted to, and be approved by, the local planning authority.

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

10

No development shall take place 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 scheme shall demonstrate principles laid out within the drainage hierarchy have been followed, consideration have been given to sustainable drainage system and the Building Regulation

optional higher water efficiency standard of 110 litres per person per day, or relevant successor standard, is met.

The scheme for the disposal of foul and surface water shall then be implemented and completed in accordance with the approved details prior to the first occupation of the hereby approved development.

Reason: To ensure a satisfactory standard of development in terms of the disposal of foul water and to minimise the risk of flooding elsewhere, to accord with ACSDPD Core Policy 9 and Core Policy 10 and ADMDPD Policies DM5.

11

No development above damp proof course level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- (ii) proposed finished ground levels or contours;
- (iii) hard surfacing materials.

Hard landscaping works shall be completed in full in accordance with the approved details prior to the first occupation of the hereby approved development.

Soft landscaping works shall be completed in full in accordance with the approved details during the first planting season following the first occupation 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.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

12

Notwithstanding the hereby approved plans, prior to the installation of any solar panels, details, which shall include specifications and visual materials, finish and appearance, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to accord with ACSDPD Core Policy 9 and ADMDPD Policy DM5.

Informatives

01

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

02

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

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

03

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

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

04

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))

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.

The Biodiversity Gain Plan should be submitted via the Planning Portal, as an application for approval of details reserved by condition following grant of planning permission.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

05

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

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 – 13 November 2025.

Appeals Lodged

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

Background papers

Application case files.

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

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 19 September to 03 November 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3360680 23/02135/S73M	The Maltings Retail Park North Gate Newark On Trent	Section 73 application for removal of condition 20 attached to planning permission 23/01031/S73M, which requires improvements to the Northgate/Queens Road junction to provide a MOVA traffic signal control and nearside pedestrian detection facilities (or similar)	Written Representation	refusal of permission to vary a condition(s)
APP/TPO/B3030/10618 25/00407/TPO	66 Hine Avenue Newark On Trent NG24 2LH	Undertake works to tree protected by TPO N68 G2 Hine Avenue. T1 - Sycamore - fell	Fast Track Appeal	refusal of a planning application
6001034 25/00904/HOUSE	The Anchorage Boat Lane Bleasby NG14 7FT	Proposed alterations and extension to existing dwelling	Fast Track Appeal	refusal of a planning application

Appendix B: Appeals Determined (Between 19 September to 03 November 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
25/00121/ENFA	Land To East Of Moorhouse Road Egmanton Newark On Trent NG22 0HH	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).			Appeal Dismissed	3rd October 2025
Click on the following link to view further details of this application: 25/00121/ENFA Unauthorised GRT site and associated works Land To East Of Moorhouse Road Egmanton Newark On Trent NG22 0HH						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation
That the report be noted.

Background papers
Application case files.

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

Oliver Scott
Business Manager – Planning Development



Report to Planning Committee 13 November 2025

Director lead: Matt Lamb, Planning & Growth

Lead officer: Lee Robinson, Planning Technical Support Manager – Planning Development, x5821

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the three-month period July to Sept 2025 (Quarter 2).
Recommendations	For noting.

1.0 Background

- 1.1 The Planning Department undertakes a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.
- 1.2 Regarding performance for planning enforcement area in line with our Planning Enforcement Plan (PEP), this is reported in a separately. Please refer to ‘Quarterly planning enforcement activity update report’.

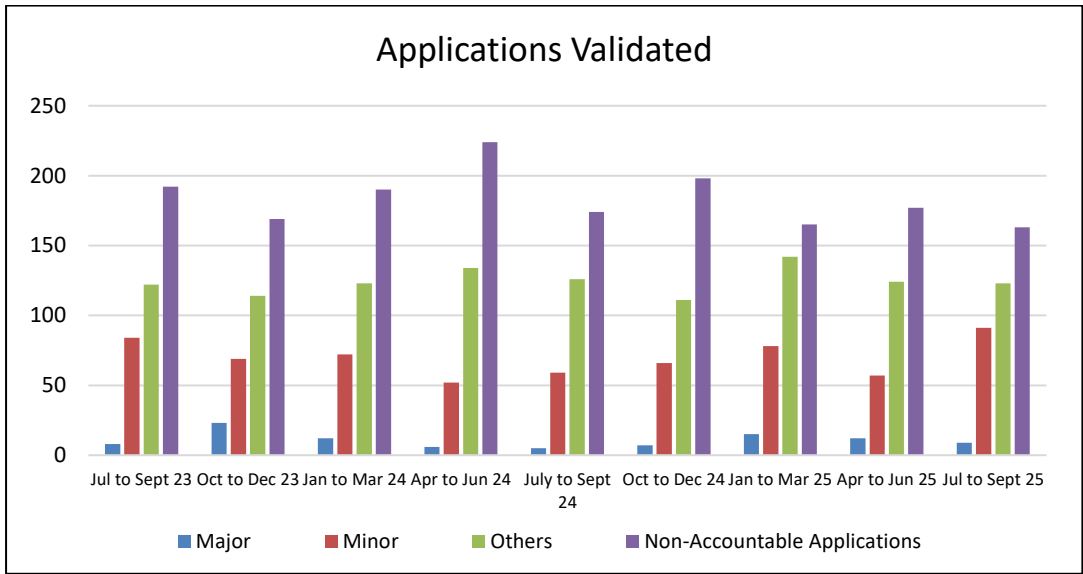
2.0 Performance

- 2.1 The table and graph below show the number of applications that have been received as valid each quarter from July 2024 to September 2025. They are presented in line with the Council’s reporting to Government.

Category	Jul to Sept 23	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24	Oct to Dec 24	Jan to Mar 25	Apr to Jun 25	July to Sept 25
Major	8	23	12	6	5	7	15	12	9
Minor	84	69	72	52	59	66	78	57	91
Others	192	114	173	134	174	111	142	124	123
All other*	369	352	399	402	390	407	369	350	380
Total	583	558	606	594	580	591	604	543	603

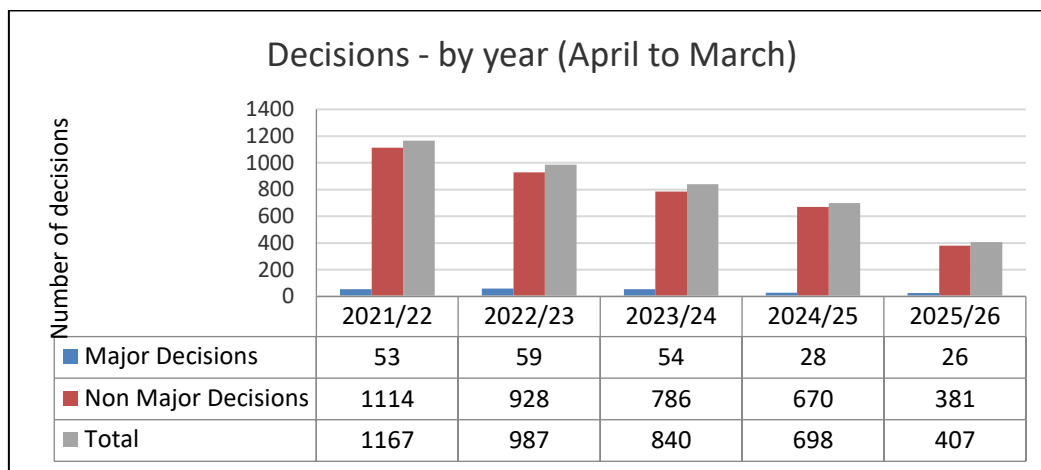
**Includes: Non – accountable applications, applications/S211 notices regarding protected trees and trees in a conservation area and Pre-application advice*

2.2 In the quarter July to Sept 2025, a total of 603 applications were validated. When comparing season trends, this quarter represents higher numbers than those reported against the same period in 2023 and 2024. Considering numbers validated in 2024, this quarter represents 4% increase. Applications within the 'Minor' category has seen the largest increase, with the figure being the largest number for at least 2 years. The remaining categories are considered consistent with the previous quarter, and although applications within the 'Major' category seeing a slight decrease, it is important to note, this is reflective of the national picture for planning application numbers. For awareness, nationally, between April to June 2025, district level planning authorities in England received 80,400 applications for planning permission, down 5% from the same quarter a year earlier (reference: <https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2025/planning-applications-in-england-april-to-june-2025-statistical-release>)



2.3 Potential factors for the reduction in majors could relate to patience in the building sector in readiness for government planning reforms and a raft of policy announcements. Biodiversity Net Gain has been a factor, albeit more typically in smaller sites. However, there are signs of major development picking up again and the business unit continues to remain optimistic about planning income.

2.4 Decisions for the year to date (April 2025 to September 2025), suggest, if recent (local) trends continue, will exceed those reported for the previous year. However, it is important to note, nationally, in Q1 2025, decided applications for planning permission, was reported to be down 1% from the same quarter a year earlier (reference: <https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2025/planning-applications-in-england-april-to-june-2025-statistical-release>)



2.5 Assessing local planning authorities' performance was introduced in the Growth and Infrastructure Act 2013. Planning performance is considered annually based on a defined previous 24-month assessment period that separately measures the speed and quality of decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. The authority needs to achieve 60% for majors and 70% for non-majors. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. Quality is set at 10%, this being the threshold for appeal overturns. Government is considering reducing this to 5%.

2.6 For authorities who under-perform against their national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.

Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks				
2025/26	87%	100%		
2024/25	100%	86%	91%	33%
2023/24	100%	93%	85%	92%
Minors – target 65% in 8 weeks				
2025/26	92%	91%		
2024/25	95%	87%	95%	89%
2023/24	94%	89%	92%	97%
Others – target 80% in 8 weeks				
2025/26	95%	84%		
2024/25	95%	97%	91%	96%
2023/24	94%	96%	86%	92%

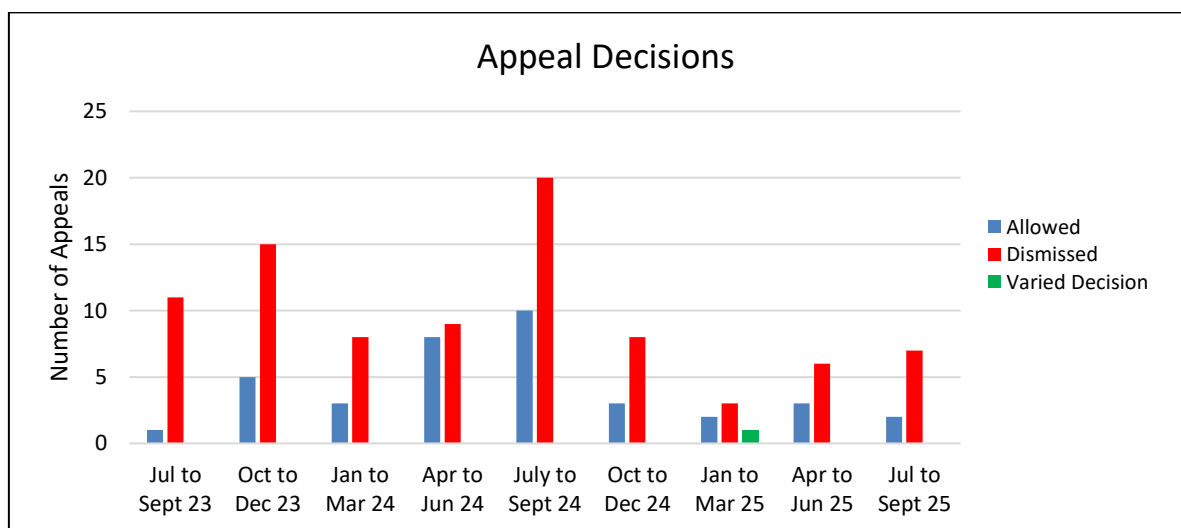
- 2.7 Performance at NSDC remains strong overall, with recognition of the decline observed in the 'Majors' category during Q4 2024/25. Results for the most recent quarter are exceptional, deciding 11 of 11 applications within the 13-week target date or agreed extension of time. As previously reported, performance can fluctuate according to the complexity of a scheme (note recent trends), negotiation undertaken, BNG as well as need for s106 planning obligation. Additionally, both 'Minors' and 'Others' categories have outperformed the national target, acknowledging a slight increase in 'Others'. The senior team continues to monitor this area of work with additional training and awareness undertaken.

Appeals

Appeal Decision	July to Sept 2024	Oct to Dec 2024	Jan to Mar 2025	Apr to Jun 2025	July to Sept 2025
Allowed	10	3	2	3	2
Dismissed	20	8	4	6	7
Total determined	30	11	6	9	9
LPA success rate	67%	73%	67%	67%	78%

Note: Figures do not include quashed decisions. A quashed planning appeal refers to a decision made by the planning authority to court that nullifies a previous decision on a planning application.

- 2.8 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement notices. The table and graph below highlight the number of appeals and whether they were allowed or dismissed. In general, appeals are determined on the same basis as the original application. The decision will be made considering national and local policies, and the broader circumstances in place at the time of the decision.



- 2.9 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions. Appeals are regularly reported to the Committee.
- 2.10 Overall, our appeal performance is good. The trend over the last 12 months is that we are seeing fewer appeals. However, given the 5 year housing land supply shortfall, we are anticipating an increase in challenges to refusals for greenfield sites at the edges of settlements. We have already seen a couple of examples of this

Trees

- 2.11 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Below is the Council's performance on s211 Notices (TWCA) over the last 12 months.

TWCA Total Notifications	Jul 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Mar 25	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sept 25
Total Notifications	36	32	44	53	37	37	38	32	38	21	27	29	40	30	39
Determined within 6 Weeks	30	31	42	53	36	37	38	32	38	21	27	29	38	30	39

- 2.12 When determining applications for consent under a Tree Preservation Order, the authority may: grant consent unconditionally; grant consent subject to such conditions as it thinks fit; refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others. The Council's performance on TPO applications is set out below.

TPO Total Applications	Jul 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Mar 25	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sept 25
Total Applications	6	10	7	9	5	11	5	5	8	7	3	3	13	5	10
Determined within 8 Weeks (or EOT)	4	6	4	8	5	10	5	5	8	7	3	3	13	4	10

- 2.13 This quarter's results for both TWCA notifications and TPO applications remain strong, with only a single S211 notification and TPO application exceeding the target dates. The case officer confirms a slight delay due to negotiations regarding works. This reflects the dedication and hard work of the tech support officers and specialist arboricultural assistance from AWA Tree Consultants who continue to support the team during the vacancy of the councils Trees and Landscape Officer.

3.0 Next steps

- 3.1 As previously reported, the past year have been extremely challenging and to support the team, we continue to utilise a planner consultant to assist with planning related application workloads, alongside ongoing commission of major projects officer, providing advice in support of several Nationally Significant Infrastructure Projects (NSIPs - large scale projects). The business unit has also recently commissioned external support from a conservation and heritage professional to assist our conservation team with the demand for planning related consultee responses.
- 3.2 I can report, the councils tree officer has now left the Local Authority. The Business Manager and Planning Technical Support Manager are currently finalising an options report regarding the vacancy. However, the previous absence, which now exceeds one year, has had a significant impact on the workload of technical support colleagues and continues to necessitate external assistance.
- 3.3 Performance data indicates positive progress; however, there remains scope for further improvement. Government planning reforms suggest renewed focus on performance metrics and locally set fees. In our recent communication to government, we emphasised that the speed of decision-making should not be considered the sole indicator of quality, although it remains a key area for development. We will continue to prioritise effective pre-application advice and enhanced communication moving forward.
- 3.4 Furthermore, we have invited the Planning Advisory Service (PAS) to provide an independent review and offer recommendations for improvement, with their visit scheduled for 26 November 2025. Salary benchmarking will be a potential area to review to ensure we support staff retention.

4.0 Implications

- 4.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

4.2 Legal Implications – LEG2526/9293

- 4.3 This report is for noting only.

5.0 Conclusions

- 5.1 The team has consistently met and surpassed performance expectations, and their ongoing support and dedication are commendable.



Report to Planning: 13 November 2025
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

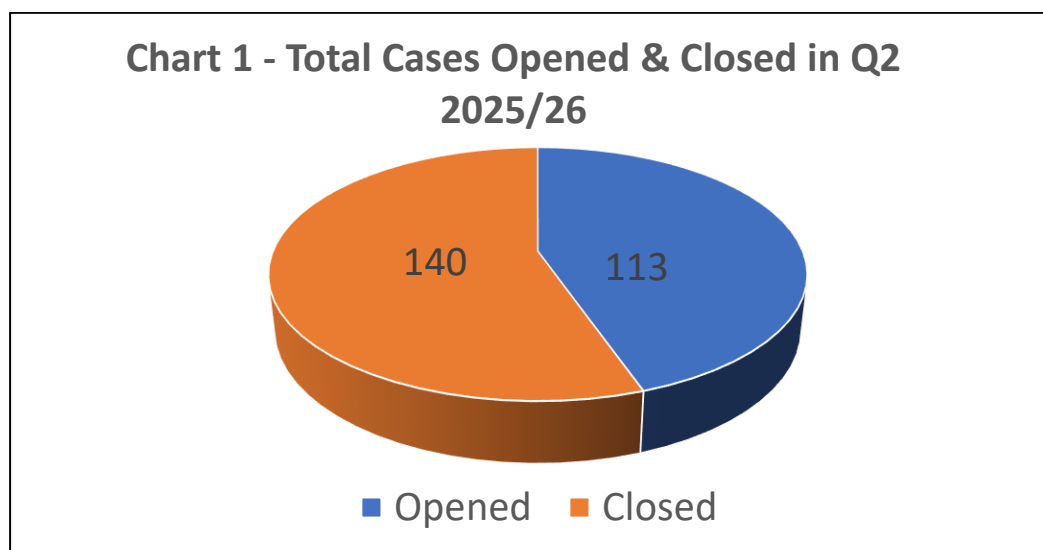
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year. To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.
Period covered	2025/26 Q2 – 1 st July 2025 to 30 th September 2025
Recommendation	For noting. The service assists in the delivery of Community Plan Objectives: • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

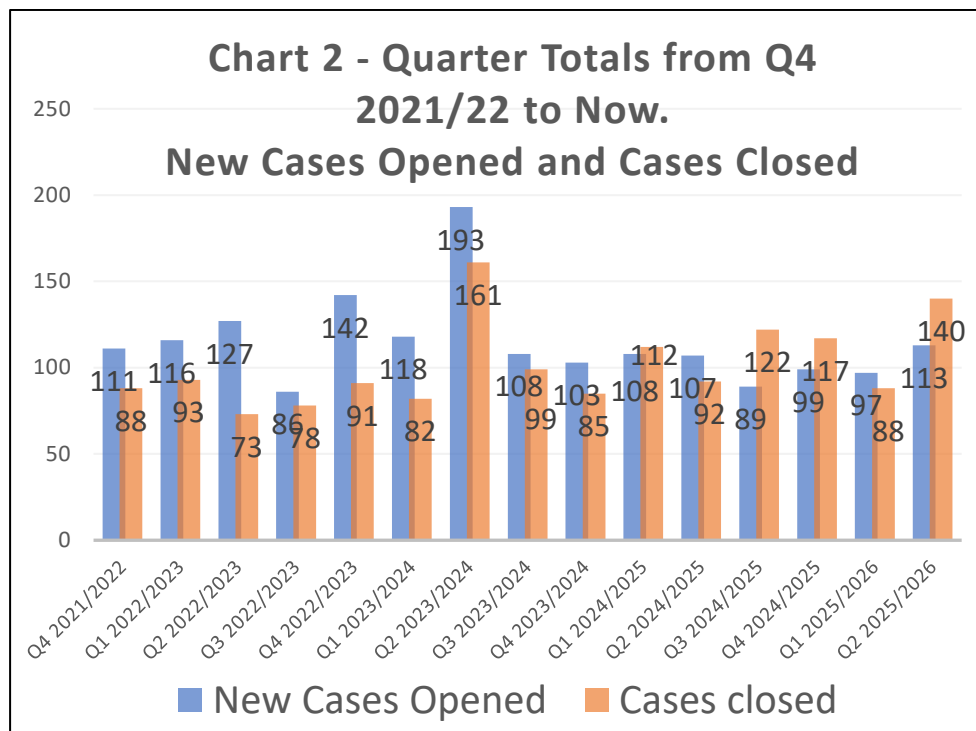
- 1.1 This report relates to the second quarter (Q2) of 2025/26 from 1st July 2025 – 30th September 2025 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q2 in terms of numbers of cases received, the reasons for cases being closed and response times.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides examples of cases where officers have managed to resolve the breaches through dialogue and negotiation during the quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

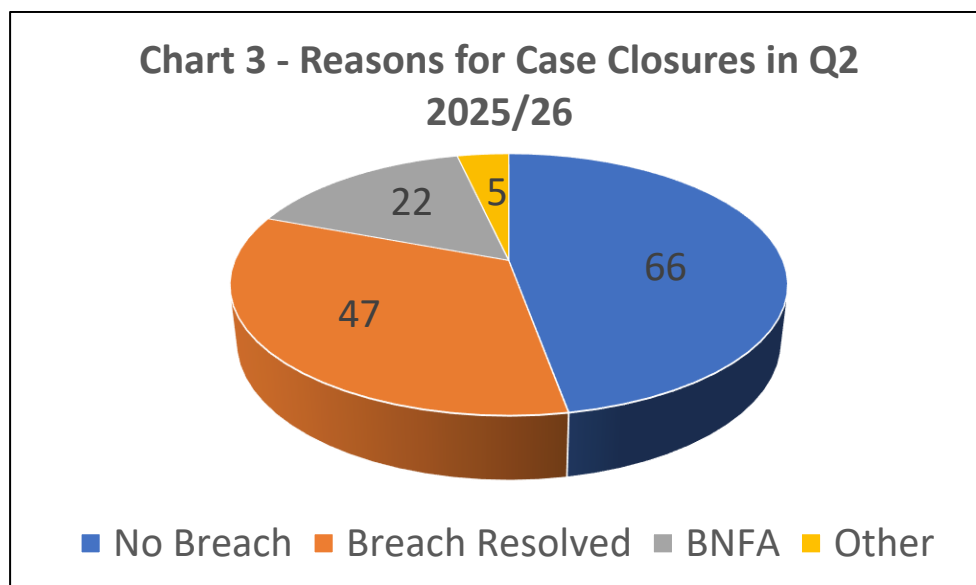
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q2. Members will note that the number of new cases opened (113) remains relatively consistent quarter to quarter. To compare to the same period in 2024/25, which totalled 107 new cases.
- 2.2 However, the number of cases closed was significantly higher this quarter – the highest number of closures within a quarter since Q2 of 2023/24.
- 2.3 This higher than usual number of case closures is in part thanks to a new initiative the team instigated in September where a day was set aside with all enforcement team members coming together to focus solely on case closures. This has proved a very helpful and effective tool and is set to continue into Q3 and beyond.



- 2.4 It should be noted that the Enforcement team continued to face notable challenges during Q2 with a small number of controversial and intricate cases that officers are continuing to be involved with that take up a disproportionate amount of time.
- 2.5 **Chart 2** provides a trend graph to help illustrate the quarter numbers of cases opened and closed. This is to provide a comparison of the performance from Q2 against quarter totals since Q4 2021/22.



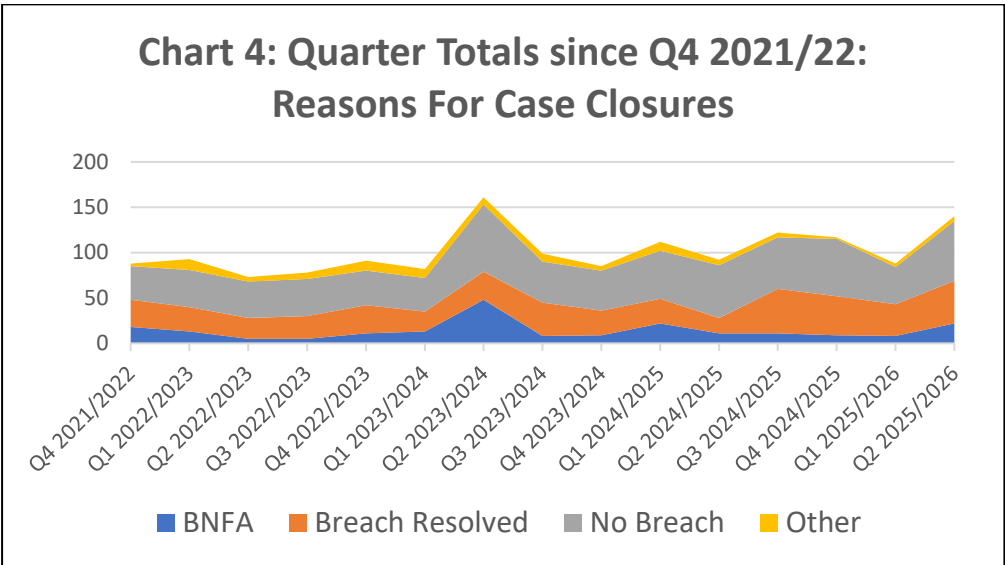
- 2.6 **Chart 3** sets out the reasons why cases have been resolved in Q2. The chart shows that, as is always the case, the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit). These ‘No Breach’ cases generally represent around 50% of cases and sit at 47% for this quarter. Overall, the number is 48% when viewing all data from the beginning of 2022.
- 2.7 We continue to assert the importance of investigating these cases so there is a record of the complaint and any associated action.



- 2.8 Also, of note this quarter is the number of cases closed as ‘BNFA’ – Breach, No Further Action. These are where a breach has been identified but the harm is

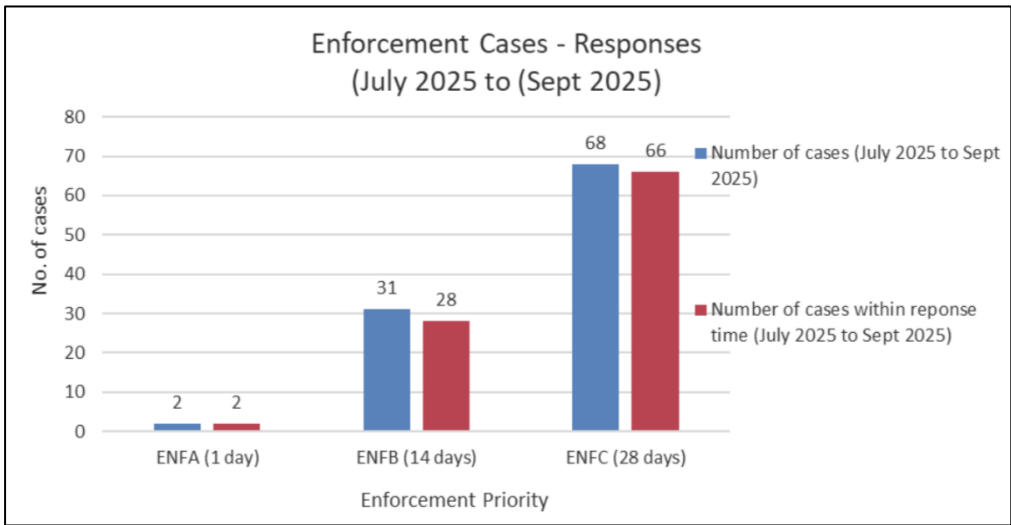
minimal, and a decision has been taken that it would not be expedient to take the case any further. The closure reports for these cases are time consuming. Despite the high workload currently experienced, the team was able to close 22 'BNFA' cases this quarter, which is an impressive achievement. There has only been 2 quarters since Q4 of 2021/22 when this figure has been matched or exceeded (Q2 2023/24 at 48; and Q1 2024/25 at 22).

2.9 **Chart 4** provides some context with Chart 3 and the reasons for the case closures per quarter.



2.10 **Chart 5** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 95% of enforcement cases have been actioned within the target period that is set out within the PEP.

Chart 5 – Response to Case Priority Targets in Q2 of 2025/26



2.11 Please note, any discrepancy between the combined total of cases in Chart 5 and the overall quarter figures for cases opened (in Chart 1) is due to (a) other case categories not being included. For example, ENFM (Enforcement Monitoring Cases) and CL (Certified Location Caravan Licence 'check'); and/or (b) the response time fell within this quarter whereas the case was opened in a prior quarter, for example.

2.12 **Table 1** sets out the number of Notices issued and appeal activity during Q2 of 2025/26

	JULY	AUGUST	SEPTEMBER
Notices Issued	0	3	1
Notices Complied With	5	0	5
Appeals Lodged	0	0	0
Appeals Determined	1	1	0

2.13 It should be noted that the outcome of the determined planning enforcement appeals were both in favour of NSDC.

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 25/00115/ENFB
Site Address: GRT Site, Bridge House Farm, Winthorpe
Alleged Breach: Alleged expansion of GRT site
Action To Date: Temporary Stop Notice (23.06.25) followed by Enforcement Notice (EN), Stop Notice and further Temporary Stop Notice (all 21.08.2025)

Background:

- 3.1.1 Officers were notified that a large quantity of soil was being imported onto a vacant parcel of land at the access via - but outside of - an approved residential caravan site on the outskirts of Winthorpe
- 3.1.2 Officers attended the site and spoke to the person overseeing the works, who explained that they hoped to raise the level of the land to counter known flooding issues, with a view to occupy the land.
- 3.1.3 Given the documented flood risk associated with the land, a Temporary Stop Notice was issued in June 2025, requiring the importation and spreading of ground materials to cease.
- 3.1.4 This Notice lasted for 56 days, and thereafter a second TSN, a Stop Notice, and a planning Enforcement Notice were issued in August 2025. This requires no further materials to be brought onto site and for any materials already imported to be removed from the Land.

Initial Image of works - April 2025



Images from Notice Serving - August 2025



3.2 EXAMPLE 2

Enforcement Ref: 24/00171/ENFC
Site Address: Birkland Drive, Edwinstowe
Alleged Breach: Alleged high fence
Action To Date: Enforcement Notice (EN) Issued September 2025

Background:

- 3.2.1 The LPA has been in discussions with the owner and their agent following multiple complaints received since May 2024 regarding the erection of a tall fence adjacent a highway used by vehicular traffic.
- 3.2.2 Within this case the owner and their agent have asserted that the fence is permitted development under Class A of Schedule 2 Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (other means of enclosure) owing to it replacing a hedge which they consider (the hedge) amounts to development under Section 55 of the Town and Country Planning Act 1990.
- 3.2.3 The LPA has strongly opposed the view that a hedge is development and following a final meeting earlier this year and time for deliberation on the opposing assessments of the LPA, an Enforcement Notice has been issued (29th September 2025) as no further communication has been received.
- 3.2.4 The Notice was issued because in the opinion of the LPA that the development (fence), by reason of its size and its siting, presents a discordant feature in the street scene which does not respect the character of the site or locality. The development therefore fails to accord with Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Allocations and Development Management DPD (2013) which together form the relevant parts of the Development Plan; and the NPPF which is a material planning consideration.

- 3.2.5 The owner is required to reduce the entirety of the fencing erected adjacent to the highway to no more than 1m in height within 180 days of 29th October 2025 (27th April 2026) unless an appeal is made against the notice.

Boundary prior to fence installation



Completed Fence Photo



4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER

4.1 EXAMPLE 1

Enforcement Ref: 25/00261/ENFC
Site Address: Forest Road, Ollerton
Alleged Breach: Alleged outbuilding in frontage and high fencing adjacent to highway
Action To Date: Negotiated removal of outbuilding and reduction of fence

Background:

- 4.1.1 Complaint received from the Accountancy firm that neighboured this residential property, regarding a structure that had been installed to the frontage. This structure did not benefit from permitted development permission due to its location at the front of the property.
- 4.1.2 Upon review, it was clear that the fencing at the frontage exceeded what would be allowed under permitted development as it was adjacent to the highway.
- 4.1.3 The owner was contacted on 20.08.2025 requesting (a) the removal of the structure from the frontage of the property; and (b) to reduce the height of the fence to no more than 1-metre.
- 4.1.4 A site visit on 04.09.2025 showed that the outbuilding had been removed in its entirety and the fence had also been cut down to a reasonable height to allow this case to be recommended for closure with both breaches being resolved.

Initial Complaint Photos



After Compliance Photos



4.2 EXAMPLE 2

Enforcement Ref: 24/00318/ENFC
Site Address: Karissma, High Street, Edwinstowe
Alleged Breach: Alleged tiling of stallriser in Conservation Area
Action To Date: Negotiation and works completed to remedy the breach

Background:

- 4.2.1 A complaint was received from a local Councillor, to advise that this prominent retail unit within the Edwinstowe Conservation Area had tiled the 'stallriser' at the frontage of the property.
- 4.2.2 The investigation found that the modifications, involving tiling of stallrisers and pilasters, were carried out without express consent.
- 4.2.3 This case was a good example of the multi-team approach with negotiation at the heart of resolving this matter.
- 4.2.4 Following collaboration between the enforcement and conservation teams, the owner amended the shopfront design by removing tiles from pilasters and aligning the design with the Shopfront SPD, resulting in an appearance that enhances the building and conservation area.
- 4.2.5 The conservation team now has no objections; and the case has been closed.

Initial complaint photos



Post works/compliance photos





4.3 EXAMPLE 3

Enforcement Ref: 25/00159/ENFC
Site Address: Various locations across the district
Alleged Breach: Unlawful display of estate agent for sale boards
Action To Date: Contact made with 17 estate agents with a combined 31 boards removed or relocated.

Background:

- 4.3.1 An initial complaint was received in May 2025 regarding the fixing of estate agent 'for sale' boards on street signage in and around the Southwell area.
- 4.3.2 Upon review, this method of advertising appeared to be widespread issue as it was not just isolated to Southwell with examples also being seen in Newark, Balderton, Coddington, Fernwood, Kelham, Wellow, Ollerton and Thurgaton.
- 4.3.3 The legislation states that an advert that is advertising the sale of land or a building may only be displayed on the land or building to which the advert relates.

Thus, an advert may not be displayed on communal/ highway land/ furniture such as a street sign or lamp post as this does not form part of the sale. The display of such an advert is therefore an offence and can only be remedied by the removal of the advert.

- 4.3.4 Whilst this 'project' is still ongoing, we have to date contacted 24 different estate agents about a combined 41 'for sale' boards that have been installed in such a manner and to request their removal. It is pleasing to be able to report that (at the time of writing), at least 37 had been removed as requested.

Below are examples of 'before' and 'after' removals in various locations across the district

Southwell – The First Complaint

Before



After



Southwell – Before



After



Balderton - Before



After



Kelham – Before



After



Thurgaton – Before



After



Newark - Before



After



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00429/ENFC
Site Address: Robin Hood Way, Blidworth
Alleged Breach: Alleged car port
Action To Date: Enforcement Notice (EN) issued June 2024. Appeal dismissed.
Complied with July 2025.

Background:

- 5.1.1 A complaint was submitted following the installation of a large car port that had been erected forward of the principle elevation and that a tall fence had been erected adjacent a highway used by vehicular traffic.
- 5.1.2 Following a site visit, the owner was asked to remove the car port and reduce the height of the fence. The owner wished to have the opportunity to remedy via application and submitted 24/00059/HOUSE - Proposed car port (retrospective). No details were ever submitted with the application, so it was returned as invalid.
- 5.1.3 In consequence, an EN was issued 24.06.2024. The Notice required the car port to be removed, and the fence be reduced in accordance with details set out.
- 5.1.4 An appeal was submitted, which was dismissed in May 2025. A site visit in July 2025 evidenced that the car port had been removed, and the fence had been reduced, all as per the EN.

Initial post-complaint photos





Compliance Photo



5.2 EXAMPLE 2

Enforcement Ref: 22/00313/ENFB
Site Address: Emmendingen Avenue, Newark
Alleged Breach: Alleged high fence
Action To Date: Enforcement Notice (EN) issued February 2023; Complied with in July 2025.

Background:

- 5.2.1 The occupiers of this property fitted an additional 1-metre in height fence panel atop their existing rear boundary fence, totalling approximately 3-metres, far in excess of the 2-metre height allowed under permitted development.
- 5.2.2 A request was made that the fence either be reduced to 2-metres or they submit an application to attempt to remedy the breach.

- 5.2.3 A retrospective application seeking to retain the fence was submitted and refused - ref 22/01953/HOUSE. An Enforcement Notice was then issued in 2023 requiring the reduction in height of the fence to no more than 2 metres.
- 5.2.4 A site visit on 24.07.2025 found that the Notice has been complied with. The 'compliance photo' below was taken from the church car park to the immediate south of the property.

Initial Photo



Compliance Photo – From Rear of Fencing



5.3 EXAMPLE 3

Enforcement Ref: 23/00217/ENFB
Site Address: Far Barn Farm, Thurgaton
Alleged Breach: Alleged parking of articulated trailers.
Action To Date: Enforcement Notice (EN) issued October 2023. Appeal dismissed. Complied with July 2025

Background:

- 5.3.1 The case is regarding the parking of articulated trailers at this site. A visit confirmed the allegation, and it was identified that the farm holders were using the site to store 'lorry-backs' as part of attempted farm diversification schemes.

- 5.3.2 This was considered a material change of use from agricultural use to a mixed use of B8 storage and agricultural use. An application was put forward to remedy the breach (23/01452/FUL - Change of use of part of grain store yard area to a mixed use for open air storage (retrospective)) but this was refused in October 2023 as it would result in a major perceptual change to the character and the appearance of the countryside and this would be experienced by receptors using the public rights of way network that surround the site
- 5.3.3 An EN was issued October 2023 requiring the use to cease. The notice was appealed with the outcome being to uphold the EN.
- 5.3.4 Following further discussions, compliance with the EN was found to have been achieved during a site visit in August 2025.

Complaint Photo



Compliance Photo



6.0 IMPLICATIONS

- 6.1 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 referred to these implications and added suitable expert comment where appropriate.

6.2 Legal Implications – LEG2526/4324

- 6.3 This report is for noting only.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.

END OF REPORT