



**Castle House
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Tuesday, 6 January 2026

**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
Councillor M Home
Councillor M Spoors**

MEETING:	Planning Committee
DATE:	Thursday, 15 January 2026 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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2. Apologies for Absence
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There are none.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 4 December 2025 at 4.00 pm.

PRESENT: Councillor D Moore (Vice-Chair)

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

APOLOGIES FOR ABSENCE: Councillor A Freeman (Chair), Councillor P Harris and Councillor T Wildgust

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

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

74 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor L Dales declared an other registerable interest for any relevant items as an appointed representative on the Tent Valley Internal Drainage Board.

Councillor K Melton declared a registerable interest in Agenda Item No. 9 – Great North Road Solar Farm – Local Impact Report, as a resident of Staythorpe.

Councillor S Saddington declared a registerable interest in Agenda Item No. 9 – Great North Road Solar Farm – Local Impact Report, as a resident of North Muskham.

75 MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2025

Subject to the following amendment, the minutes from the meeting held on 13 November 2025 were agreed as a correct record and signed by the Chair.

Minute No. 64 – Land to the South East of Bullpit Road, Balderton, Newark (25/00805/FULM)

Paragraph commencing: The Senior Planning Officer confirmed in response etc.

Delete the figure 16 in relation to the number of Winthorpe pitches
Insert the figure 6 in relation to the number Winthorpe pitches

Councillor T Smith joined the meeting part way through the following item and therefore did not take part in the debate or vote.

The Committee considered the report of the Business Manager - Planning Development which sought the development of the site for distribution uses (Use Class B8) including ancillary offices and associated works including access, car parking and landscaping.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons:

- (i) There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and
- (ii) There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed.

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

Councillor M Ayers, Coddington Parish Council, spoke against the application.

Councillor L Geary, Newark Town Council, spoke in support of the application.

Mr. R. Twigg, the Agent, spoke in support of the application.

Members considered the application with the adjacent Ward Member commenting as to whether there would be cumulative impact in relation to noise and lighting from Phase 1 of the development. She added that she welcomed the employment opportunities but had concerns regarding the ability to travel to the site, noting that there was no footpath from Coddington or Winthorpe. She also raised concerns about the impact should the development of this site coincide with that of the dualling of the A46.

In acknowledging the employment opportunities at the site, a Member noted that the majority of these might be for low-skilled workers and queried whether the developer would give consideration to upskilling their workforce. He added that it was a suitable location for solar panels due to the large roof area of the development.

Members debated a number of issues, including the potential scale and appearance of the new buildings, the relevance of the appeal decision from the adjacent unit and the benefits of the BNG offer.

In response to the issue of the lack of a direct footpath link to the site from Winthorpe again being raised, the Business Manager – Planning Development referred Members to paragraph 7.107 of the report, which detailed the revised Illustrative Landscape Masterplan (Rev 02) which included a link to the A1 underpass which would allow an access point to the site, if required.

AGREED (unanimously) that planning permission be approved, subject to conditions in the report and the S106 Agreement.

Councillor S Saddington joined the meeting part way through the following item and therefore did not participate in the debate or vote.

77 PLAYING FIELD, CROMPTON ROAD, BILSTHORPE, NG22 8PS - 25/00409/FUL

The Committee considered the report of the Business Manager – Planning Development which sought the construction of a new parish hall, new multi-use games area outdoor court, new phased playground, bin and bicycle store and new car park.

A site visit had taken place prior to the commencement of the Planning Committee for Members for the following reason:

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

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the following: Mrs A Wood.

Councillor R Holloway, Bilsthorpe Parish Councillor and District Ward Member spoke in support of the application.

Members considered the application and welcomed the proposed development. Comment was made in relation to the consultation response from Nottinghamshire County Council (Highways) and the request for a distinct and segregated route for pedestrians to the site from Crompton Road (Condition 12). In response, Officers advised that it would be for Members to consider whether such a condition would be reasonable and necessary to make the proposal acceptable. Members concluded that it would be better to amend condition 12 to enable a scheme of improvements to the pedestrian area be considered rather than imposing a footpath.

AGREED (unanimously) that:

- a) planning permission be approved, subject to the conditions detailed in Section 10.0 of the report and the signing of a Unilateral Undertaking to secure a fee for monitoring of on-site Biodiversity Net Gain; and
- b) delegated authority be given to the Business Manager – Planning Development, in consultation with the Chair and Vice-Chair of the Planning Committee to amend Condition No. 12.

The Committee considered the report of the Business Manager – Planning Development which sought the proposed development of nine detached dwellings along with associated garages, access road and landscaping.

A site visit had taken place prior to the commencement of the Planning Committee for the following reason:

There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection. The proposal is particularly contentious, and the aspects being raised can only be viewed on site.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the following: Zoe Henry.

Mrs D Tinklin, a member of the public, spoke against the application.

Councillor T Duffy, Blidworth Parish Council, spoke against the application.

Mr. L. Evans, the applicant, spoke in support of the application.

In considering the application, the local Ward Member commented that he welcomed the design of the development but that the proposed location was inappropriate. He stated that this was due to poor access to the site, existing issues with traffic and surface water flooding of No. 7 Cottage Close. He added that his main concern was one of highway safety, irrespective of Nottinghamshire County Council (Highways) revised consultation response.

Members expressed differing views on the proposed development with issues and concerns being raised in relation to the topography of the site, access to the site and the potential for increased flooding. The design of house types, garage and parking arrangement and the contribution of the site to the conservation area were discussed in detail. The importance of the stone wall on the main road was also discussed.

In considering the debate, Officers advised Members that given the concerns raised, they may wish to consider deferring the application to allow for further consultations in relation to the issue of surface water flooding at no 7 to be undertaken.

AGREED (with 9 votes for and 1 against) that the application be deferred in order to allow further consultation on surface water flooding to be undertaken.

Councillor T Smith left the meeting at the end of the previous item.

79 FORMER THORESBY COLLIERY, OLLERTON ROAD, EDWINSTOWE, NOTTINGHAMSHIRE, NG21 9PS - 25/00971/VAR106

The Committee considered the report of the Business Manager – Planning Development which sought a Deed of Variation to the Section 106 Agreement to remove occupation restrictions associated with the Ollerton roundabout works attached to Planning Permission 16/02173/OUTM.

Members considered the presentation from the Senior Planner – Planning Development which included plans of the development site.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the following: Nottinghamshire County Council.

Members considered the application with the local Ward Member noting the delays in relation to the Ollerton Roundabout improvement works and the effect this had had on the applicant's development.

AGREED (unanimously) that the application to the Deed of Variation to the Section 106 Agreement to remove occupation restrictions associated with the Ollerton Roundabout Works attached to Planning Permission 16/02173/OUTM be approved.

80 GREAT NORTH ROAD SOLAR FARM - LOCAL IMPACT REPORT (LIR)

The Committee considered the report of the Business Manager – Planning Development which presented the Local Impact Report (LIR) in relation to the Great North Road Solar Farm for Members approval.

Members considered the presentation from the Planner Major Projects - Planning Development, which included a site wide plan of the development area.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the following: Simon Betts, Case Officer, NSDC.

Members considered the covering report and the LIR with comment being made as to the loss of rich agricultural land within the district. Further comment was made as to the manufacture of the solar panels taking place overseas in China and being shipped to the UK being at odds with the purpose of solar panel farms which was to assist with mitigating the impact of climate change. Comment was also made that the companies involved in the development of solar panels had reserved space on the national grid in previous years in anticipation of future applications for solar farms coming forward. Whilst acknowledging the need for green energy, it was suggested that solar panels be sites in alternative locations before being used on agriculture land.

In acknowledging the need for sustainable energy, a Member noted that the Planning Committee's role was as consultee of the LIR. He suggested that every effort be made

to ensure that any benefits and compensation from the siting of the solar farm in the district be awarded to residents affected. He further suggested that local residents be informed that the Council had no influence on this development as it was not a Planning Authority decision. In response to comments regarding compensation, Officers advised that the Council could not compel the developers to award any compensatory payments.

AGREED (unanimously) that the draft LIR be approved to enable its release to the Examining Authority by Deadline One.

Having declared registerable interests in this item, Councillors Melton and Saddington did not take part in the vote.

During the debate of this item, the Chair indicated that the meeting duration had expired therefore a motion was moved by the Chair and seconded by Councillor Dales to continue the meeting. A motion was voted on with unanimous agreement to continue for a further hour.

81 WILDLIFE FEATURES AS PART OF NEW DEVELOPMENT GUIDANCE NOTE

The Committee considered the report of the Business Manager – Planning Policy & Infrastructure which sought to inform Members of the publication of a Guidance Note to encourage wildlife features as part of new development.

The report set out that following the agreed Motion to Council on 15 July 2025 in relation to the ongoing decline in swift and other cavity-nesting birds across the UK and how developers could be encouraged to install swift bricks in all suitable new residential developments, the Planning Policy team together with the Biodiversity and Ecology teams had developed a Guidance Note in relation to Wildlife Features as part of new development.

AGREED (unanimously) that the production and publication of the Guidance Note be noted.

82 APPEALS LODGED

AGREED that the report be noted.

83 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.17 pm.

Chair



Report to Planning Committee 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planner (Planning Development)

Report Summary			
Application Number	25/00785/FUL		
Proposal	Proposed Development of Nine detached dwellings along with associated Garages, Access Road and Landscaping.		
Location	Land to the north of 14 Cottage Close Blidworth NG21 0QE		
Applicant	Mr Lee Evans	Agent	-
Web link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SW5KD8LBM2N00		
Registered	12th May 2025	Target Date	7th July 2025 EOT until 22 nd August 2025
Recommendation	Grant Planning Permission subject to the conditions set out at section 10.0 of this report and Unilateral Undertaking for monitoring of BNG.		

This application was deferred at committee on the 4.12.2025 due to concerns with surface water flood risk. The Lead Local Flood Authority has been consulted, and the committee report has been updated to address drainage and flood risk matters. All updated sections are in red text.

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Thompson, due to the following concerns:

- Highway safety concerns with the proposed access and speeding traffic – there would be a need for traffic lights

- **Infrastructure should be thought about prior to any builds, and new sewerage pipes added instead of overloading existing ones**
- **Concerns over existing flooding - the road does flood at the bottom of Main Street, Dale Lane area because of blocked drains**

1.0 The Site

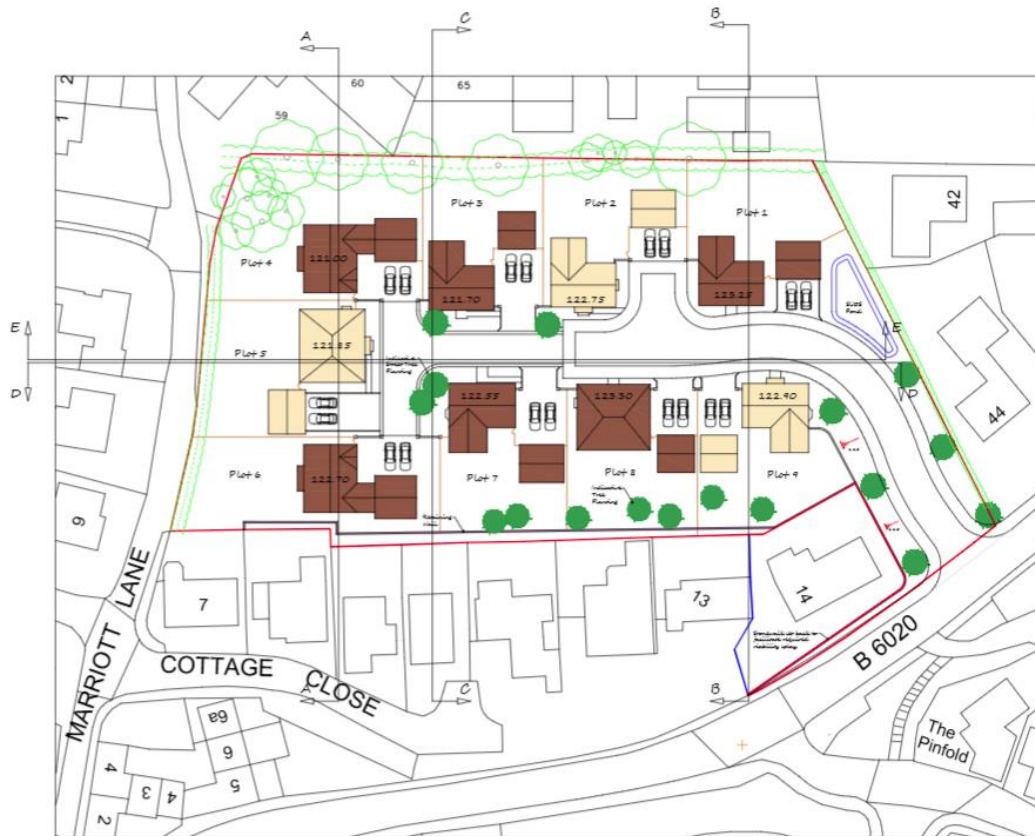
- 1.1 The application site is located to the north of dwellings fronting Cottage Close and Main Street, Blidworth and is within the conservation area. The site comprises undeveloped land, approximately 0.69 hectares in size. Marriott Lane bounds the site to the west, and a new residential development lies to the south (just outside of the conservation area). The site is bordered by mature hedgerow as well as sporadic trees. The ground levels of the site are not level, with a downward slope towards the north. The site has the following constraints:
- Conservation Area

2.0 Relevant Planning History

- 2.1 20/02114/OUTM Outline Planning Application (all Matters Reserved) for erection of 21 dwellings, entrance road and garages – Refused (reasons in relation to heritage harm, highways safety, surface water drainage, developer contributions).

3.0 The Proposal

- 3.1 This application seeks permission for 9 detached dwellings on the site, with a new access proposed from Main Street to the south (adjacent no.14 Cottage Lane). The dwellings would be large family homes - 5 of the dwellings would have 4 bedrooms and 4 would have 5 bedrooms. The proposed site plan is shown below:



3.2

3.3 Documents assess in this appraisal:

- 056 101 REV A PLOT 1 PLANS AND ELEVATIONS received 12th May 2025
- 056 102 REV A PLOT 2 PLANS AND ELEVATIONS received 12th May 2025
- 056 103 REV A PLOT 3 PLANS AND ELEVATIONS received 12th May 2025
- 056 104 REV A PLOT 4 PLANS AND ELEVATIONS received 12th May 2025
- 056 105 REV A PLOT 5 PLANS AND ELEVATIONS received 12th May 2025
- 056 106 REV A PLOT 6 PLANS AND ELEVATIONS received 12th May 2025
- 056 107 REV A PLOT 7 PLANS AND ELEVATIONS received 12th May 2025
- 056 108 REV A PLOT 8 PLANS AND ELEVATIONS received 12th May 2025
- 056 109 REV A PLOT 9 PLANS AND ELEVATIONS received 12th May
- 2025056 - 110 REV B PLOTS 1 5 AND 7 GARAGE PLANS AND ELEVATIONS received 25th July 2025
- 056 - 112 REV B PLOTS 3 8 AND 9 GARAGE PLANS AND ELEVATIONS received 25th July 2025
- 056 - 201 REV F SITE LAYOUT PLAN received 8th OCTOBER 2025
- 056 - 204 REV B SITE SECTIONS D-D E-E received 25th July 2025
- 0001 REV P SITE ACCESS LAYOUT received 25th July 2025
- 0002 REV P02 SITE ACCESS LONGITUDINAL SECTIONS received 25th July 2025
- 056 - 207 VEHICLE TRACKING received 25th July 2025
- Speed Survey Summary received 4th July 2025
- Visibility Calculations received 4th July 2025
- Design and Access Statement received 12th May 2025
- Biodiversity Gain Plan received 12th May 2025

- PHASE 2 PRE-DEVELOPMENT ARBORICULTURAL REPORT received 12th May 2025
- Location Plan received 12th May 2025
- Small Sites Metric received 5th June 2025
- Preliminary Ecology Survey received 5th June 2025
- Heritage Statement received 12th May 2025
- 0001 REV 0 TOPOGRAPHICAL SURVEY received 12th May 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 30 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 13th June 2025.

5.0 Policy Planning Framework

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

5.2 Allocations and Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. 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 took place between Tuesday 16 September and Tuesday 28 October 2025. The Inspector will now 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

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Appraisal

Housing Needs Survey

6.0 Consultations and Representations

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

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

- 6.1. **Nottinghamshire County Council (Highways):** No objection subject to conditions.
- 6.2. Comments received 18.08.2025 - *Following the Highway Authority's initial comments dated 14th July 2025, revised plans have been received that satisfies the County Council's gradient requirements. Some of the driveway lengths appear short. The applicant is referred to the County Council's Highway Design Guide. A bin store will also be required to cater for bins from the shared private drive. The most appropriate location would appear to be between plots 2 and 3 where a tree is currently detailed. Subject to these changes the Highway Authority would be happy to support the application subject to conditions.*
- 6.3. Comments received 27.10.2025 - *Further to the Highway Authority's consultation responses of the 18th of August 2025, a revised plan has now been received reference 056-201 Rev F that addresses previous concerns. Consequently, the Highway Authority has no objection to the proposal subject to conditions.*
- 6.4. Officer note: The recommended conditions have been included at the end of this report.
- 6.5. **Town/Parish Council:**

Blidworth Parish Council – Strong objection to application. Access is dangerous and inappropriate. Within the conservation area – the development is not fitting with the character of the village and is further ‘overdevelopment’ on greenfield space.

Representations/Non-Statutory Consultation:

- 6.6. **NSDC Conservation:** *Having assessed comments in the pre-app of PREAPP/00136/24 from the previous conservation officer, the development would not preserve or enhance the Conservation Area.*
- 6.7. *The scale of the dwellings (which were not provided during pre-app stage) are extensive and dominate the immediate rural character. The lane, hedgerow and the low-stone wall on the main road all form part of the character of the Conservation Area. These would be impacted on a less than substantial level of harm especially by the removal of the stone wall for the access (which is historic).*
- 6.8. *To summarise, the setting of the rural character of the site, the lane and historic wall are all key features, and the scheme would fail to enhance or preserve the Conservation Area.*
- 6.9. **NSDC Ecology:** The most recent comments (received 25th November 2025) reiterate that there are professional disagreements in relation to the BNG assessment and that amendments would be required when it comes to discharging the statutory BNG condition. The SUDS pond (Bioswale), four urban trees, the (assumed) grassland surrounding these and the proposed two new hedgerows H3 and H4 will represent significant on-site enhancement and will need to be secured by an appropriate planning condition, and monitoring fees secured most likely via a Unilateral Undertaking. Given the relatively small area of the on-site BNG and the habitat types involved that will require monitoring, it would be disproportionate to require the HMMP to include monitoring and for the submission of regular monitoring reports. In this instance it is considered that monitoring would most effectively be achieved by occasional visual inspections by the local planning authority. There would be a relatively modest charge for this. If the application were granted planning approval, planning conditions are recommended to make the application acceptable in terms of relevant national and local planning policy concerning biodiversity matters. The conditions include a condition to secure the on-site BNG; a CEMP condition; and Faunal Enhancement Plan. These conditions have been included at the end of the report.
- 6.10. **Lead Local Flood Authority:** As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments. However as a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

6.11. Comments have been received from 24 third parties/local residents that can be summarised as follows:

- Concerns regarding position of access onto Main Street – dangerous, not suitable for traffic, difficult bend on a hill, visibility concerns, speeding cars, narrow road,
- Concerns for pedestrian safety
- Change in levels will be very steep and in the winter will be inaccessible when there is snow and ice
- Would cause increase in traffic and congestion
- Concerns that development will cause loss of privacy to neighbouring dwellings and gardens
- Area is 'natural break' between conservation area and the new development
- Surrounding area has already been overshadowed by the large estate recently built on the Meadows, New Lane.
- Impact on the character of the area and landscape – currently characterised by low density housing and open green space
- Would detrimentally affect the conservation area
- Area is unstable
- Concerns construction will cause cracks from vibration, noise, dust and disturbance
- Narrow pavement – construction will obstruct this further
- Development has been refused time and time again
- Concerns for wildlife in field including red kites, a barn owl, and bats
- Concern that the work on the wall would damage its integrity
- Concerns regarding local services – difficult to get doctors appointment and local school is full
- No social housing included in the plans
- Already lots of new homes within Blidworth

- Field was intended to be protected as wildlife haven
- Query over site layout plan and ownership of corner of land (plot 4)
- Impact on neighbouring amenity (Plot 1) - Overbearing impact, overshadowing, and loss of privacy
- Field is peaceful and should be protected
- No clear advantages of development to local community
- Query as to if planning officers visit the site before making decisions
- **Officer note:** A number of submitted comments reference the site as being within the Green Belt however to clarify, the site is not within the Green Belt which is defined on the Policies Map.

7.0 **Appraisal**

7.1 The key issues are:

- Principle of Development
- Impact on the Character of the Area
- Impact on Amenity
- Impact on Highway Safety
- Impact on Ecology
- **Flood Risk and Drainage**
- Biodiversity Net Gain

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

Principle of Development

7.3 Blidworth is identified in Spatial Policies 1 and 2 as a Principal Village, whereby new residential development is acceptable in principle subject to site specific impacts. These are discussed below.

Housing Mix

7.4 Core Policy 3 sets out the housing mix, type and density expectations for new development. The policy states the District Council will seek to secure new housing development 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. The District Council will seek to secure an appropriate mix of housing types to reflect local housing need.

- 7.5 The most up to date housing needs survey was carried out in 2020. The district is divided into sub-areas. Blidworth falls within the Mansfield Fringe area. The need for the area is set out in the table below:

Table 5.8 Dwelling mix and future development priorities: Mansfield Fringe				
Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2-bedroom house	9.3	12.0	0.0	6.0
3-bedroom house	41.8	26.9	42.5	35.8
4 or more-bedroom house	21.7	34.3	32.2	35.8
1-bedroom flat	2.3	2.5	11.0	0.0
2 or more-bedroom flat	2.1	0.0	0.0	0.4
1-bedroom bungalow	0.0	0.0	0.0	2.4
2-bedroom bungalow	13.6	3.5	14.2	7.9
3 or more-bedroom bungalow	6.9	20.7	0.0	11.7
Other	2.2	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0

- 7.6
- 7.7 The highest need is for 4 or more bedrooms houses (34.3%). The scheme includes 4x 5 bed dwellings and 5x 4 bed dwellings. This does not reflect the broader mix that the table sets out, however it is noted that it would meet the greatest market need (4 and 5 bed dwellings), which would contribute to the need for larger family homes in the District overall. As the scheme is relatively small scale (under 10 dwellings) it is not considered that the lack of smaller homes should be a reason to refuse the application.
- 7.8 Core Policy 3 states that development densities in all housing developments should normally be no lower than an average 30 dwellings per hectare net. Development densities below this will need to be justified, taking into account individual site circumstances. The density equates to approximately 13 dwellings per hectare (9 dwellings on a site approximately 0.69 hectares in size). This is below the average, however given the context of the site within the conservation area (discussed further in the next section), it is considered that this lower density is required to limit the level of harm to the character and appearance of the conservation area and its rural character. Therefore the lower density in this case is acceptable.

Impact on Visual Amenity, the Character of the Area and the Conservation Area

- 7.9 The site is within the conservation area, therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. Section 72 states (inter-alia), 'with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

- 7.10 Core Policy 14 and DM9 reflect this and seek to preserve and enhance the heritage assets within the district. Core Policy 9 and DM5 seek to ensure that development reflects the local distinctiveness of the district. Part 12 of the NPPF reflects this, and requires new development to be visually attractive, to be sympathetic to local character and history, including the surrounding built environment and landscape setting, and to establish or maintain a strong sense of place.
- 7.11 Part 16 of the NPPF sets out at paragraph 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.12 Paragraph 215 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.13 The site as existing is undeveloped land, and contributes to the character of the conservation area, forming a break from development between the dwellings to the south and the recent residential development to the north (which is located outside of the conservation area). The Council's conservation team has been consulted on the application, and they have raised concerns with the scheme, referring to the comments that were provided at pre-application stage. The pre-application comments are detailed below:

The site is located within Blidworth Conservation Area. The conservation area was originally designated in 1977 due to the medieval origins and is laid out in a relatively linear formation over the rising topography.

The buildings within the Conservation Area are a mixture of houses, cottages, public houses and agricultural buildings predominantly dating from the 18th and 19th century, constructed in red brick (some rendered and limewashed) with pantile roofs. Some of the buildings have possible earlier timber framed remains. The character and appearance is typified by the vernacular construction and traditional palette of materials. The greenery and mature trees interspersed within and surrounding the village enhances the rural appearance and makes a positive contribution to the overall character.

The field comprising the proposal site itself has no known intrinsic special interest, however, the openness of the site makes a positive contribution to the rural character of the conservation area. Although this part of Blidworth has some modern developments within the vicinity (in and outside the conservation area), the development of the site will inevitably erode this rural openness. However, sensitive development may be possible.

The layout shown within the pre-application submission shows a modern development of 9 detached dwellings set within a cul-de-sac. The proposed development pattern and house type do not reflect the historic and traditional and therefore is unlikely to preserve or enhance the character and appearance of the conservation area. Alternative house types and development form should be considered for the development of this site.

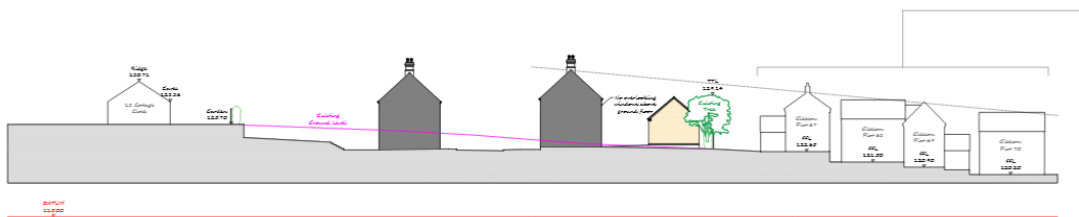
- 7.14 There are no significant changes from the pre-application enquiry proposal to what has been submitted for this full application in terms of the number of dwellings or the layout, therefore the above comments continue to be relevant. In addition, the comments on the current application raise concerns with the proposed new access onto Main Street (access was not proposed with the pre-application enquiry and therefore not raised as a concern specifically). The new access would require the partial removal of a stone wall which stretches along the frontage of Main Street and contributes positively to the character of the conservation area. The remainder of the wall to be retained would also need to be set back to allow adequate visibility splays. Mature trees would need to be removed to allow for the access and this greenery adds to the rural character of the area, which would subsequently be lost.
- 7.15 The scheme does include some traditional features, such as flush casement and sash windows, the use of stone cills and headers, dentel brickwork eaves detail, traditional chimney details and reduced gable sizes to reflect the gable sizes in the conservation area. These positive details could be conditioned if approved.
- 7.16 The dwellings would be constructed in 'tumbled red brick' (Plots 1,3,4,6,7,8), 'tumbled split faced stone' (Plots 2,5, and 9), all with slate grey roof tiles. The scale of the dwellings is large (three storey detached properties), each with a detached or attached garage, compared to dwellings immediately south (on Cottage Lane) which are red brick bungalows. It is noted that the existing bungalows sit on a higher ground level than the site and therefore the impact of the scale would be somewhat minimised. It is also acknowledged that the bungalows are of modern construction and have a neutral impact on the character of the conservation area as existing.
- 7.17 Plots 4, 5, and 6 would be positioned with the rear elevations and gardens backing onto Marriott Lane. The site plan indicates the existing hedgerow along this boundary would be retained, which is welcomed. Although it would be the rear elevations facing the lane, given the set back position (minimum 14m to rear elevation), it is not considered this would have a detrimental impact on the character of the lane, as the retained hedge would provide some screening and would retain the rural character of the area.
- 7.18 There is variety in terms of dwelling types within the locality, therefore although the designs of the dwellings do not necessarily reflect the historic character of the conservation area, it is not considered the designs are harmful. However, as existing the undeveloped site contributes positively to the character of the conservation area, and therefore developing the site for residential use would result in less than substantial harm to the character of the conservation area, as the built form would erode the openness of the site. In addition, the partial loss, and realignment of the stone boundary wall to Main Street, and the loss of the trees, would result in less than substantial harm. It should be noted that the level of harm is considered to be minor and therefore at the lower end of the scale.
- 7.19 In accordance with the NPPF, where development would result in less than substantial harm, this should be weighed against the public benefits of the proposal. This is considered in the planning balance and conclusion section of this report.

Impact on Residential Amenity

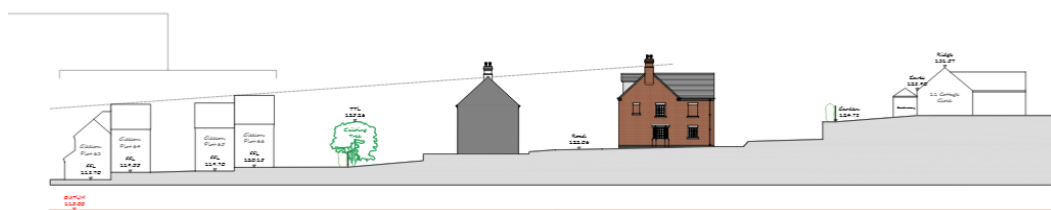
- 7.20 Policy DM5 and Part 12 of the NPPF seek to ensure that adequate levels of amenity are achieved for future occupiers of new development and that amenity for neighbouring occupiers is not adversely impacted in relation to overbearing impact, loss of light, loss of privacy and noise levels.
- 7.21 The following section drawings have been submitted to demonstrate the relationship between the proposed dwellings, the neighbouring bungalows to the north, and the new development to the south (approved under application 20/00475/FULM). The fuchsia line shows the existing ground levels and the section drawing shows that the site would be levelled, resulting in the ridge height of the closest dwelling being at a similar height to the bungalows to the south (due to the ground level differences).



Section A-A



Section B-B



Section C-C

- 7.22
- 7.23 The minimum back-to-back separation distances between the new development and surrounding properties is 14.9m, however this is measured from Plot 9 to what is likely to be an extension or a garage to 12 Cottage Close (as can be seen in the below plan). The rear elevation of no.12 is stepped and the distance from Plot 9 to the furthest point of the rear elevation is 22.14m (therefore over the accepted 21m rule of thumb). Plot 6 is a minimum of 7.2m from the neighbouring dwelling on Cottage Close, however it is the side elevation of Plot 6 which would face south, with no windows. The elevation would not extend across the entire boundary of the rear garden to 8 Cottage Close, but approximately a third. Given the difference in land levels (Cottage Close being on higher ground), plus the boundary

treatments, it is not considered that the relationship would result in unacceptable impacts on amenity for future occupants or neighbouring occupants.



7.24

7.25 The comments from neighbours regarding residential amenity have been considered and it is acknowledged that the immediate environment would be altered for existing occupiers. The outlook to the rear would change from an undeveloped field to dwellings, however views are not a material consideration. Overbearing impact, loss of light and privacy have all been assessed and it is not considered there would be any unacceptable impacts due to separation distances, positioning of the dwellings, and the lower ground level of the site. Overall, it is considered the layout and proposed amenity spaces for future occupants are acceptable and that on balance, there would be no unacceptable impacts on neighbouring amenity.

7.26 Noise has been raised as a concern, however it is not considered that an additional 9 dwellings would result in a significant increase in noise levels within the surrounding area. Although immediate neighbours may notice a difference, any typical domestic noise coming from the development would not be a reason to refuse the application (E.G cars coming and going, children playing in gardens etc). Noise, dust and any disturbance in relation to the construction phase would need to be managed through a construction management plan to ensure construction did not take place at unsociable times (evenings, weekends etc) and is carried out safely. This can be secured by condition.

Impact on Highways Safety

7.27 A new access is proposed for the development off Main Street to the south of the site. The ground levels are significantly different with Main Street situated on a lower level than the site. Objections have been received from local residents with concerns regarding the access.

7.28 NCC Highways have been consulted on the application and initially objected on the grounds that it had not been demonstrated that safe and suitable access could be achieved. This related to the gradient of the access and visibility splays. Further information and amended plans were submitted which have now satisfied the Highway Authority in relation to access and highway safety, subject to conditions.

- 7.29 Further comments raised a query in regard to driveway lengths and noted that a bin collection point would be required for the private drive section (plots 3, 4, 5, 6 and 7). A revised site layout plan has been submitted with the following changes:
- Moved position of garages to Plots 1 and 2 to provide minimum driveway length of 6.1m, without encroaching on the root protection area (RPA) of any trees to be retained.
 - A bin collection area to serve the properties accessed off the private driveway (Plots 3-7) has been included in front of plot 2.
- 7.30 The above changes have addressed the final concerns raised by NCC Highways. The comments received on 27th October 2025 confirm no objection subject to conditions. These conditions have been included at the end of this report, or incorporated into other conditions (E.G. the wheel washing condition is part of a construction management condition and it is not necessary to repeat this as a separate condition).
- 7.31 Given there is no objection from NCC Highways, and they are satisfied that safe and suitable access can be achieved, the proposal complies with Spatial Policy 7, DM5 and DM5(b) of the emerging plan, and Part 9 of the NPPF. The objections from local residents have been noted, however it is considered that the concerns have been addressed through the revised plans.

Impact on Trees

- 7.32 An Arboricultural report has been submitted as part of the application. In summary, the proposal would require the removal of a group of silver birch trees in the southeast corner of the site to accommodate the proposed access, as well as a small, young sycamore tree. The report includes a Tree Constraints Plan of the existing site layout, a Tree Constraints Plan of the proposed site layout and a tree protection plan. Aside from those mentioned, all other trees on site would be retained.
- 7.33 The group of birch trees are categorised as B2 – trees of a quality that are worth retaining. Although ideally the trees should be retained (in accordance with Policy DM7), the loss of this group of trees is not considered to be a reason to refuse the application, particularly given the loss would be accounted for in the biodiversity net gain calculations and therefore compensated for (albeit off-site). The proposed site plan does include new tree planting, which can also be secured by condition and would go some way to mitigating the loss.
- 7.34 Section 5 of the report sets out the Arboricultural Method Statement including tree protection measures – these can be secured by condition. It is noted that the tree protection plan in the report is based on an earlier version of the proposed layout, and therefore an updated tree protection plan can be secured by condition.

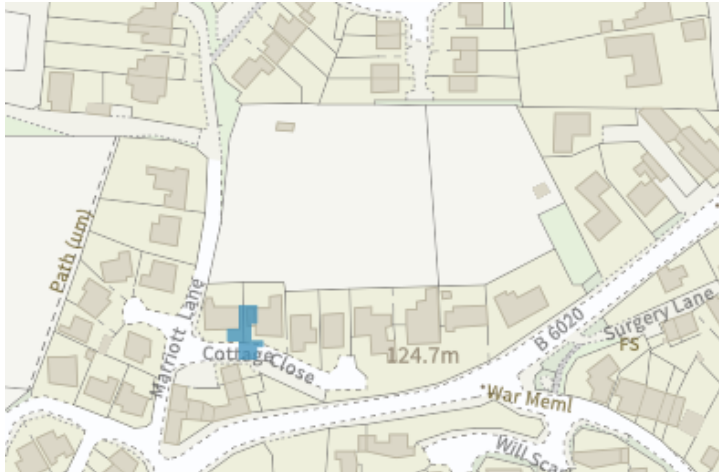
Impact on Ecology

- 7.35 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.

- 7.36 The site falls within the zone of influence of an area that may be classified as a Special Protection Area in the future, hereafter referred to as a possible potential Special Protection Area (ppSPA), due to its significance for breeding birds, specifically nightjar and woodlark. Since this is neither a formal designation or a potential SPA, it is often overlooked or missed during usual desk study procedures. Natural England have produced an Advice Note which details a risk-based approach for developments within and in close proximity to the ppSPA area to consider potential impacts on breeding nightjar and woodlark. However, in this instance the site is located approximately 500m away from the nearest area of the ppSPA and it is considered that the majority of the habitats within the site would be unsuitable to support these species. Therefore, the proposals would not have any impact on any site afforded either a statutory or non-statutory designation for its nature conservation interest, or any future designation of land within the Sherwood Forest area as an SPA.
- 7.37 Initially, the Ecology Officer reviewed the submitted application and advised that the following were required:
- PEA report
 - Statutory Biodiversity Metric
 - Updated Biodiversity Statement
 - PBRA (within the PEA report)
- 7.38 Additional information was subsequently submitted which has been reviewed and the following comments provided (summary):
- 7.39 *I can confirm that the proposal would not have any impacts on designated sites, priority habitats, protected or priority species. This, combined with delivery of a mandatory minimum 10% measurable biodiversity net gain and the provision of faunal enhancements would, in my opinion, represent compliance with relevant national and local planning policy concerning biodiversity. The most appropriate mechanism for the precautionary working methods would be via a Construction Environmental Management Plan: Biodiversity (CEMP(B)) secured by a planning condition. Details for the bat and bird boxes and hedgehog highway could be provided via a simple annotated Faunal Plan, showing the proposed location of the hedgehog highways and boxes and summary details regarding the box design and their installation.*
- 7.40 The requested conditions are included in the list at the end of this report. Subject to compliance with the conditions there are no concerns regarding protected species. BNG is discussed separately in a following section.
- 7.41 Flood Risk and Drainage
- 7.42 At Planning Committee (4.12.2025), concerns were raised by Members regarding surface water run off, noting that 7 Cottage Close, to the south west of the site, is at risk of surface water flooding and has flooded in the past. Members were concerned that developing the application site would worsen the flood risk for the neighbouring dwellings, and felt that further information was required before they could determine the application. Suitable drainage is required as part of Building Regulations (separate from the planning process), however it is a material consideration.

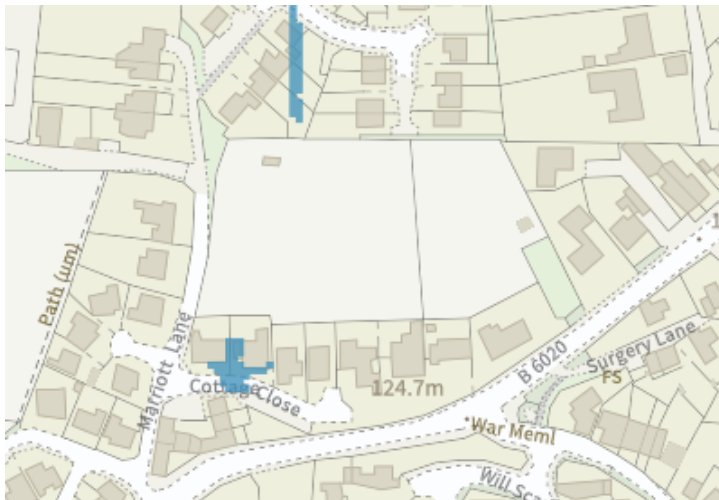
7.43 The following maps are taken from the Environment Agency website and demonstrate that a small section of the application site is at 'very low risk' of surface water flooding (1 in 1000 annual likelihood of flooding). No. 7 is at a higher risk of surface water flooding as shown on the '1 in 30' map, however it is noted that this is outside of the application site boundary.

7.44 1 in 30 (Annual likelihood of flooding)



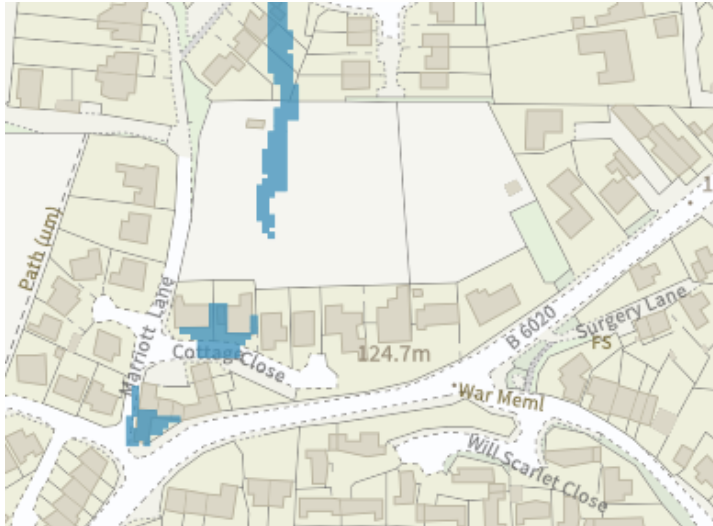
7.45

7.46 1 in 100 (Annual likelihood of flooding)



7.47

7.48 1 in 1000 (Annual likelihood of flooding)



7.49

7.50 Details of the drainage strategy have not been submitted as part of the application. Policy DM5 and Core Policies 9 and 10, direct that development proposals should include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

7.51 Paragraph 182 of the NPPF states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.

7.52 The PPG advises that the types of sustainable drainage system which may be appropriate will depend on the proposed development and its location, as well as any planning policies and guidance that apply locally. Where possible, preference should be given to multi-functional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

7.53 The LLFA has been consulted and confirmed they do not wish to provide any bespoke comments. The general advice has been provided (which reflects the above policies and guidance):

- 1. The development should not increase flood risk to existing properties or put the development at risk of flooding.*
- 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.*
- 3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.*

4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

- 7.54 The applicant has advised in an email dated 8.12.2025 that the intention is to follow the SUDS protocol, i.e. use soakaways where possible, and if this is not possible then any surface water would be attenuated and released in a controlled manner into the drainage network. The point of access to the drainage network would be on Main Street, not Marriott Lane.
- 7.55 The approach proposed by the applicant would accord with the above policies, and guidance. To secure further detail, the applicant has agreed to a pre-commencement condition. With a suitable surface water drainage system, any surface water within the site will be directed away from neighbouring properties and would therefore be acceptable.
- 7.56 In relation to the comments about the existing situation and flooding to no.7, it should be noted that the application site slopes downwards to the north (away from no. 7). Therefore, it is highly unlikely that the localised flooding experienced by no.7 is run off from the site (as any run off would fall northwards). In addition, it is not proposed that the land levels at the southern boundary would be lowered, therefore the land level relationship between number 7 and the site would remain the same. In any case, the surface water within the site would be managed as part of the development (as described above) via a drainage scheme, and therefore in the instance that any of the surface water is coming from the application site at present, this should be reduced with the installation of a drainage system.
- 7.57 In conclusion, the surface water flood risk within the surrounding area would not be made any worse as a result of the development (but potentially improved), and therefore subject to a condition, surface water flood risk should not be a reason to refuse the application. The proposal accords with DM5, Core Policies 9 and 10, and part 14 of the NPPF.
- 7.58 **Community Infrastructure Levy (CIL) –**
- 7.59 The site is located in the Housing Low Zone of the CIL charging schedule where CIL is zero rated, therefore the development would result in no CIL charge.

Biodiversity Net Gain

- 7.60 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.
- 7.61 The Ecology Officer disagrees with the submitted calculations and has requested amendments (specifically in relation the value assigned to the grass type on site). The agent has submitted a letter from their Ecologist (Armstrong Ecology) justifying their assessment and calculations. It is acknowledged on both sides that off-site BNG would be required to achieve the mandatory 10% net gain. On site net gain is also proposed as shown on the

proposed site plan, in the form of a SUDS pond (Bioswale), four urban trees, the grassland surrounding these, and the proposed two new hedgerows H3 and H4. The Council's Ecologist has confirmed the on-site BNG would qualify for Tier 1 relief in terms of the monitoring fee (therefore would be £1033). The monitoring fee would need to be secured by a legal agreement. It is not confirmed where the off-site net gain would be sourced, however this does not need to be finalised prior to determination.

- 7.62 Government guidance is clear regarding decisions and discharge of the deemed biodiversity gain condition "*...it would be generally inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met*". As such, the professional disagreement regarding the calculations, and the unknown factors in terms of where the net gain will be achieved are not reasons to refuse the application.

8.0 Implications

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

8.2 Legal Implications – LEG2526/1787

- 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 Planning Balance and Conclusion

- 9.1 The principle of residential development in this location is acceptable, in line with Spatial Policies 1 and 2 of the Development Plan, subject to site specific impacts. Concerns were initially raised in regard to highway safety, due to the location and gradient of the proposed access. Concerns were also raised regarding the impact on the conservation area. Revised plans and additional information have been submitted throughout the lifetime of the application that now satisfies the local Highway Authority. They have removed their objection subject to conditions.

- 9.2 With regard to the conservation area, it is acknowledged that the site in its present form contributes to the character of the conservation area and the proposal would result in less than substantial harm. In accordance with paragraph 215 of the NPPF, this harm should be weighed against the public benefits of the proposal. In this instance the proposal would contribute 9 dwellings to the Council's housing targets. Targets have recently increased significantly, and the Council cannot currently demonstrate a 5 year housing land supply. As such, small scale residential developments that have a likelihood of a quick build out rate should be approved in line with Paragraph 11 of the NPPF, unless one of the following applies:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ 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 combination⁹.

9.3 Protected areas listed in footnote 7 include designated heritage assets, therefore applies to conservation areas. Nonetheless, there must be a strong reason for refusal to be refused when the Council does not have an up-to-date housing land supply. Given that the level of harm caused to the character and appearance of the conservation area as result of the proposal would be at the lower end of the scale, it is considered that the contribution that it would make towards the housing supply would be a public benefit that would outweigh the harm identified, and therefore would be acceptable in accordance with the NPPF, Core Policy 14, DM9 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed materials and design details are of a high quality, and existing hedgerow and trees would be retained. This would aid in preserving the character of the area.

9.4 Some of the issues raised by the Ecology Team have been addressed, however there is still disagreement in relation to the baseline calculations. Nonetheless, given that the net gain is proposed to be sourced off site as well as some on site net gain, there is no reason why a 10% net gain cannot be achieved, therefore this is not a reason to refuse the application.

9.5 Matters regarding surface water flood risk and drainage were raised as a concern in December's committee and the application was deferred for this reason, to allow further information to be presented to the committee. Following discussions with the applicant and consultation with the LLFA, subject to details of a drainage strategy, it is considered that the development would not increase surface water run off for neighbouring dwellings. Details of a drainage strategy can be secured by condition and a condition to this effect has been included at the end of this report.

9.6 Further to the above assessment, the provision of 9 additional dwellings would carry significant weight in the planning balance, and there has been no harm identified that would significantly and demonstrably outweigh the benefits. The less than substantial harm to the conservation area is outweighed by the public benefit of the contribution to the housing targets. The proposal is, on balance, considered to accord with the Development Plan and the NPPF and therefore it is recommended that planning permission is granted subject to conditions.

10.0 Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans/submitted documents:

- Location Plan received 12th May 2025
- 056 - 201 REV F SITE LAYOUT PLAN received 8th OCTOBER 2025
- 056 101 REV A PLOT 1 PLANS AND ELEVATIONS received 12th May 2025
- 056 102 REV A PLOT 2 PLANS AND ELEVATIONS received 12th May 2025
- 056 103 REV A PLOT 3 PLANS AND ELEVATIONS received 12th May 2025
- 056 104 REV A PLOT 4 PLANS AND ELEVATIONS received 12th May 2025
- 056 105 REV A PLOT 5 PLANS AND ELEVATIONS received 12th May 2025
- 056 106 REV A PLOT 6 PLANS AND ELEVATIONS received 12th May 2025
- 056 107 REV A PLOT 7 PLANS AND ELEVATIONS received 12th May 2025
- 056 108 REV A PLOT 8 PLANS AND ELEVATIONS received 12th May 2025
- 056 109 REV A PLOT 9 PLANS AND ELEVATIONS received 12th May
- 2025056 - 110 REV B PLOTS 1 5 AND 7 GARAGE PLANS AND ELEVATIONS received 25th July 2025
- 056 - 112 REV B PLOTS 3 8 AND 9 GARAGE PLANS AND ELEVATIONS received 25th July 2025
- 056 - 204 REV B SITE SECTIONS D-D E-E received 25th July 2025
- 0001 REV P SITE ACCESS LAYOUT received 25th July 2025
- 0002 REV P02 SITE ACCESS LONGITUDINAL SECTIONS received 25th July 2025
- 056 - 207 VEHICLE TRACKING received 25th July 2025
- Speed Survey Summary received 4th July 2025
- Visibility Calculations received 4th July 2025

Reason: So as to define this permission.

3. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum:

- a) Measures to prevent to the egress of mud and other detritus to the public highway;
- b) A layout of the site, including materials storage and internal routes for construction traffic;
- c) Parking for site operatives;
- d) Details of the proposed build program.

Once approved, the Construction Management Plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of Highway safety.

4. 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.

5. 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.

6. No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Reason: In order to preserve or enhance the character and appearance of the conservation area.

7. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include
 - a. A plan showing details and positions of the root protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).

e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

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

8. 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 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)
- existing trees and hedgerows which are to be retained
- proposed finished ground levels or contours
- means of enclosure
- car parking layouts and materials
- other vehicle and pedestrian access and circulation areas hard surfacing materials

Reason: In the interests of visual amenity and biodiversity.

9. The approved soft landscaping shall be completed during the first planting season following the first occupation of the development. 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. 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.

10. Prior to first occupation of any of the dwellings hereby approved, the visibility splays detailed on plan reference 49769 XX XX DR C 0001 Rev P01 shall be provided from the junction with the B6020 Main Street hereby approved. Nothing shall be planted, erected, or be allowed to grow on the areas of land so formed that would obstruct visibility from a height 0.6m above carriageway level, and the visibility splays shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Reason: In the interest of highway safety.

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

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

12. Prior to first occupation of any of the dwellings hereby approved, the streets and footways affording access to that dwelling shall be completed up to binder course level and shall be street lit.

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

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

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

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:-

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The CEMP (Biodiversity) should incorporate in full the Precautionary Methods of Working detailed across paragraphs 5.14 to 5.29 within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment Report, 11/11/2025 produced by Armstrong Ecology Ltd. The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

15. A. The approved development shall not commence until a faunal enhancement plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type, location of, and details for fixing into place of:
 - (i) Six integrated swift boxes in groups of three on two dwellings and
 - (ii) Two integrated bat boxes on two dwellings (one box on each dwelling), and details of gaps in fences or walls to create a hedgehog highway.

B. The approved boxes and hedgehog highway shall be installed prior to first use of the approved development and photographic evidence of the installed boxes and hedgehog holes shall be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. Thereafter, the installed boxes and hedgehog highway shall be retained for compliance.

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.

16. A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out within amended versions of the 'Preliminary Ecological Appraisal and Biodiversity Impact Assessment Report' dated 11 November 2025 and Small Sites Metric (Statutory Biodiversity Metric) Revision No. 1 dated 11 November 2025, both prepared by Armstrong Ecology Ltd., which shall be submitted to, and which have then been approved in writing by the local planning authority.

B. 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 and including:

- a) The roles and responsibilities of the people or organisation(s) delivering the HMMP; b) The planned habitat creation and enhancement works to create or

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

C. Notice in writing shall be given to the local planning authority when the first dwelling has been occupied.

D. A completion report, evidencing the completed habitat enhancements, shall be submitted to, and be approved in writing by the Local Planning Authority within 12 months of the first dwelling being occupied.

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

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

Notes to Applicant:

1. 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).
2. 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. Contact details are available on their website www.eastmidlandsbc.com.

3. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority regarding compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. Please email hdc.north@nottsc.gov.uk to discuss the necessary highways legal agreements. It is an offence under S148 and S151 of the Highways Act 1980 to transfer or deposit mud and debris on the public highway.

The applicant must make every effort to prevent this occurring.

4. 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

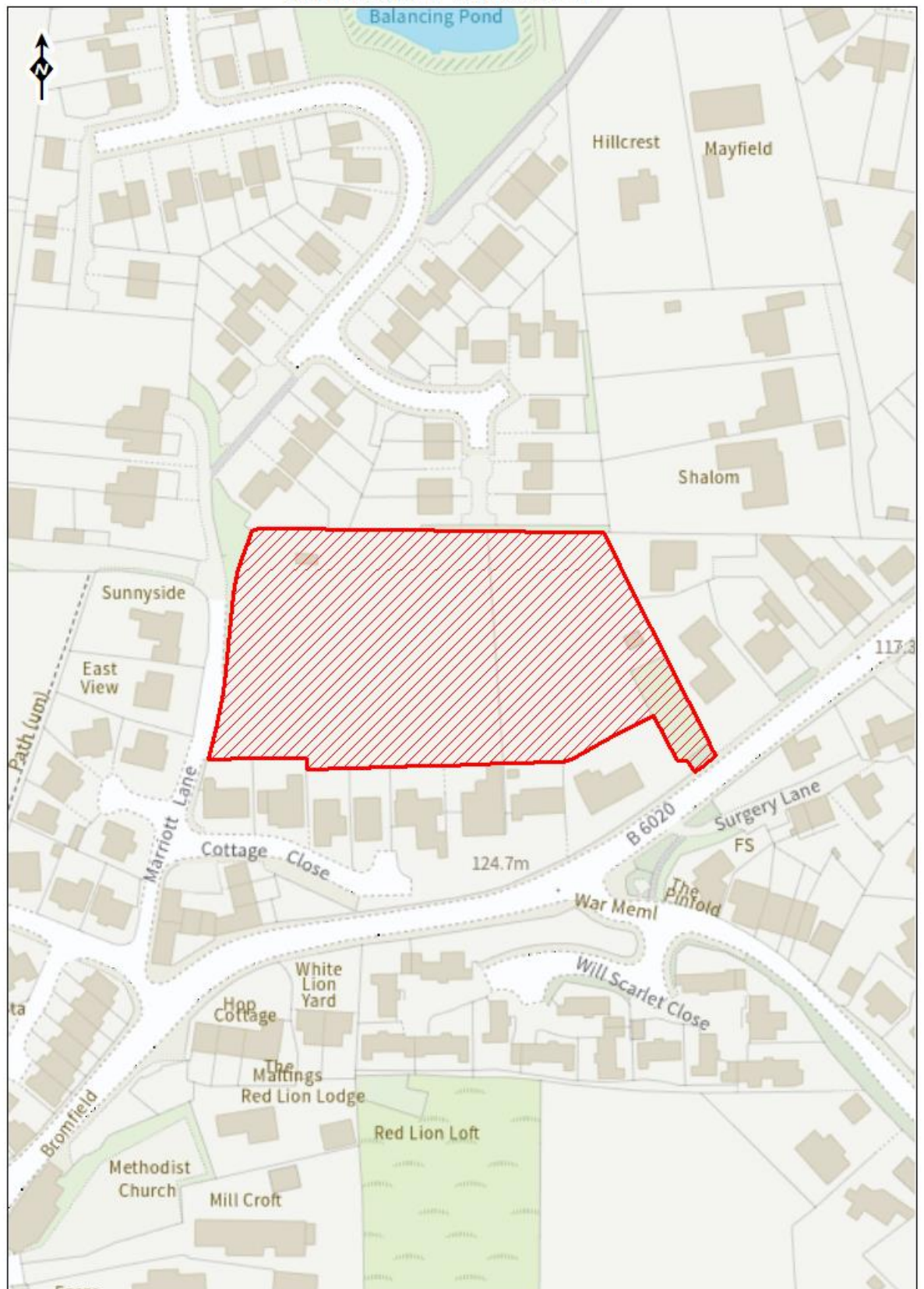
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

5. For the purposes of Part B c) of Condition **16** completion of the development, and therefore the start of the 30-year period is considered to be when the first dwelling has been occupied.

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 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Simon Betts, Planner (Major Projects)

Report Summary			
Application Number	23/02274/OUTM		
Proposal	Outline Planning Application for up to 184 Dwellings (All Matters Reserved apart from Access)		
Location	Land On West Side of Newark Road Ollerton		
Applicant	Telereal (Caledonian) Ltd	Agent	Harris Lamb - Mr John Pearce
Weblink	23/02274/OUTM Outline Planning Application for up to 184 Dwellings (All Matters Reserved apart from Access) Land On West Side Of Newark Road Ollerton		
Registered	4th January 2024	Target Date	4th April 2024 EOT agreed.
Recommendation	Approve subject to conditions and completion of Section 106 Agreement.		

This application is being presented to Planning Committee due to referral by the local ward members, Councillor Brazier and Councillor Pringle. Both Members have raised concerns alongside the Town Council in relation to highways and impact on local character and appearance due to the scale of the development.

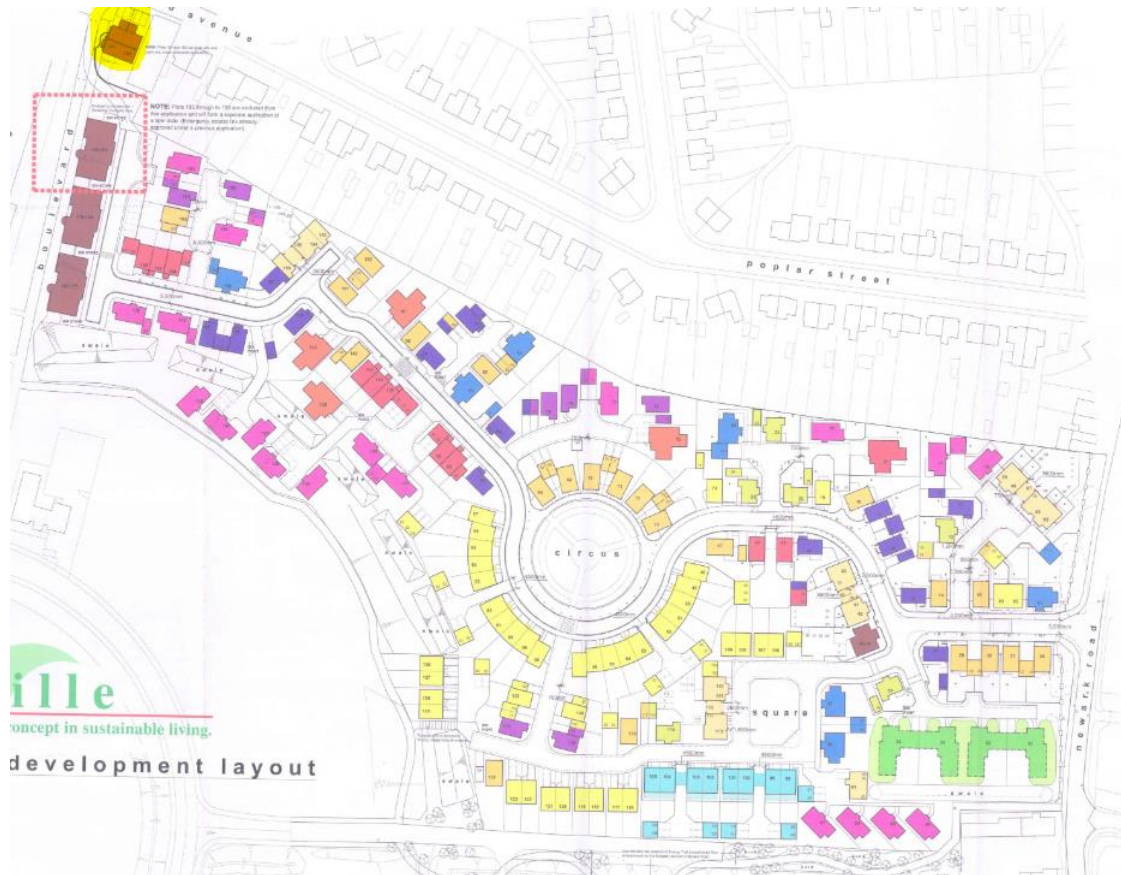
1.0 The Site

- 1.1 The site comprises 5.64 Ha (approx.) of undulating semi natural grass land located to the west of Newark Road and containing a number of trees and vegetation. The site is currently vacant and has no active authorised use. The site is bounded by residential properties fronting Poplar Street to the north and a small pocket of 14 new residential properties to the north-eastern corner, centered around Lavender Close served by an access from Newark Road along Culpepper Avenue. To the south and south-west is the remainder of the Sherwood Energy Village with a mix of commercial buildings, offices and care home uses centered around Darwin Drive. The site is crossed by a number of footpaths, mostly informal though there is a tarmacked path (partly lit with lighting columns) that follows the curved line of the south-western boundary of the site and one that leads from this to the east. There is also a line of swales that follow the curved line of the south-western boundary.

- 1.2 The northern boundary of the site is defined by houses fronting Poplar Street, the eastern boundary is defined by Newark Road, the southern boundary is largely defined by a private road that leads from Darwin Drive and relatively new commercial development within an estate known as Sherwood Network Centre. The curved south-western common boundary is shared with a large care home complex and two storey office building. The western boundary of the site is defined by a public footpath, beyond which is the large white box building which forms the rear of Tesco supermarket.
- 1.3 The site is located within the defined urban boundary for Ollerton and Boughton and is identified on the proposals map within the Newark and Sherwood Allocations and Development Management DPD as being a 'Housing site with planning permission.' The site is situated within Flood Zone 1.
- 1.4 The site has limited policy and/or other environmental designations. As noted above, it is in Flood Zone 1 and there are no other specific environmental designations, although the site forms part of the historic Ollerton Colliery Site and therefore, contaminated land is a consideration, as referred to later in this report. Other than that, the site supports various trees and vegetation as already noted above.

2.0 Relevant Planning History

- 2.1 The site benefits from a historical planning permission (05/02273/FULM) for the erection of 134 houses, 23 bungalows and 27 apartments (184 units). This was previously part implemented through the construction of the houses on Culpepper Avenue and Lavender Close, as is referred to in more detail below. An extract of the original layout from this permission (03/1297/2.01 Rev H) is provided below.



- 2.2 This original planning permission included an unusual planning condition (7) which sought to remove permission for 8 of the units stating as follows.

'Notwithstanding the details shown on the submitted plans, Plots 185-193 (8 no. units) are hereby not approved and shall be the subject to a separate planning application. The Emergency Access Link/ Pedestrian Footpath shown on the amended Site Plan - overall layout drawing number 03/1297/2.01 Rev H received 28 June 2006 is approved and forms part of the application.'

- 2.3 As such, it is understood (as mentioned above) that 14 of the approved dwellings have been built out and occupied to the northeastern corner of the site (Culpepper Avenue and Lavender Close). Two houses that were originally included in this consent in the north-west corner of the site have been built out under a separate permission (highlighted yellow in the above plan extract). There is therefore currently an extant permission for a total of 170 units on the remainder of the site (Plots 185-193 were additional to the 184 dwellings approved in total).

- 2.4 It is further understood that the extant scheme did not require the provision of any affordable housing contribution. It appears that this was based on two factors at that time; firstly that the development would be an exemplar in sustainable design, built to high standards of environmental design (through the then BREEAM "Ecohomes" rating system) to seek to ensure reduced running costs for owners/occupants and these design benefits were proposed in lieu of affordable housing provision; and secondly the fact that the former

colliery site required significant remediation works to remove contamination on the ground and enable safe residential occupation.

2.5 It also appears that all other on-site and off-site open space requirements were provided as part of the scheme at the time consent was granted. Condition 21 of this planning permission states that no more than 50 houses shall be occupied until the children's play area, public open space and sports pitches have been provided on the overall Sherwood Energy Village and landscaped in accordance with Policies R4 and R5 of the Newark and Sherwood Local Plan 1999, unless otherwise agreed in writing by the Council. However, it would appear that the Unilateral Undertaking dated 7 November 2011 then sought to supersede part of this condition by confirming agreement for a financial contribution in lieu of on-site (sport pitches) open space provision to the sum of £220,000 which has previously been received by the Council.

2.6 The site was also subject to an EIA Screening Opinion as per (24/SCR/00002) which confirmed a negative Screening Opinion i.e. that the proposals did not trigger EIA Development.

3.0 The Proposal

3.1 This application seeks outline planning permission for the construction of up to 184 dwellings, with all matters other than access reserved for future consideration. As such the submitted Framework Plan (Ref: SK01 Rev F) is for illustrative purposes only and those matters reserved for subsequent approval include appearance, layout, landscaping and scale.

3.2 Documents assessed in this appraisal include the following.

- Planning Statement.
- Design and Access Statement.
- Viability Assessment.
- Site location plan and associated Topographical Survey Plans.
- Framework Plan.
- Flood Risk Assessment and Drainage Strategy.
- Transport Assessment and Travel Plan.
- Arboricultural Assessment.
- Ecology Impact Assessment Report (Including various species-specific surveys).
- Landscape Strategy Report.
- Contaminated Land Assessment.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 86 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 26.4.24.

5.0 Policy Planning Framework

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

Spatial Policy 1 - Settlement Hierarchy;
Spatial Policy 2 - Spatial Distribution of Growth;
Spatial Policy 5 – Delivering the Strategy;
Spatial Policy 6 – Infrastructure for Growth;
Spatial Policy 7 - Sustainable Transport;
Core Policy 1 – Affordable Housing Provision;
Core Policy 3 – Housing Mix, Type and Density;
Core Policy 9 -Sustainable Design;
Core Policy 10 – Climate Change;
Core Policy 12 – Biodiversity and Green Infrastructure;
Core Policy 13 – Landscape Character;
Core Policy 14 – Historic Environment;
ShAP2 – Role of Ollerton & Boughton.

5.2 Allocations and Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy;
DM3 – Developer Contributions and Planning Obligations;
DM5 – Design;
DM7 – Biodiversity and Green Infrastructure;
DM9 – Protecting and Enhancing the Historic Environment;
DM10 – Pollution and Hazardous Substances;

DM12 – Presumption in Favour of Sustainable Development.

5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation and the plan is subject to Main Modifications consultation. Policies DM3, DM5(b), DM10 are not subject to Main modifications and therefore, these policies can be afforded substantial weight, albeit they typically carry forward the thrust of the equivalent policies within the current ADMDPD.

5.4 There are unresolved objections to amended versions of policies DM7, DM9 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.5 Other Material Planning Considerations

National Planning Policy Framework 2023;
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

- 6.1. Nottinghamshire County Council (Highways) – Original comments dated 30.1.24 objecting to the proposed development on the basis of insufficient information being made available. Following the provision of a Technical Note (March 2024) additional comments provided on 19.12.24 confirming no objections to the proposed development, recommending planning conditions in the event that planning permission is granted. The first of these conditions states that the residential development shall be limited to provide 184 dwellings, but this is considered superfluous, as permission is sought for up to 184 dwellings in any event and additional units beyond this would generate the need for a separate planning permission. In addition, NCC transport and Travel Services provided comments dated 18.12.24 providing a response to the Applicant's Technical Note and seeking to justify the position for bus stop provision/infrastructure (see the discussion of this below in the appraisal).
- 6.2. Nottinghamshire Lead Local Flood Authority – Original comments dated 13.2.24 objected on the grounds that the FRA was insufficient. Updated comments provided 27.2.24, confirming no objection to the proposed development, subject to a single condition requiring the provision of a detailed surface water drainage strategy.
- 6.3. Environment Agency – Original comments dated 12.2.24 objecting to the proposed development on the basis of insufficient information on impact of potential pollution on controlled waters. Comments made on 14.2.24 offering no new observations based on re-consultations undertaken. Comments on 6.3. 24 maintaining an objection to the proposed development, similar to previous concerns, despite the provision of further information. Following the provision of additional information, comments dated 27.3.24 confirming no objection to the proposed development, subject to conditions related to contaminated land.
- 6.4. Natural England – Comments dated 9.2.24, offering no objections to the proposed development, but making recommendations on the Landscape Strategy Plan and Soft Landscaping (see appraisal below in relation to these comments).
- 6.5. Active England – Comments dated 19.1.24, offering no objections to the proposed development and referring to the Standing Advice.
- 6.6. Ollerton Town Council – Object to the proposed development on the 6.2.24 on Highways Grounds, in line with (at that time) NCC Highways Objection.
- 6.7. NCC Rights Of Way – Comments made on the 18.1.25 offering no objection to the proposed development.
- 6.8. Coal Authority – Comments dated 11.1.24 offering no objection to the proposed development and confirming the proposed development lies outside of the high risk area.
- 6.9. NHS (Nottingham and Nottinghamshire) – Comments dated 10.1.24 offering no objections to the proposed development but seeking financial contributions via a Section 106 Agreement (see the below).
- 6.10. EHO (Contaminated Land and Noise) – Comments dated 11.1.24, offering no objection to the proposed development, but recommend full contaminated land planning condition, given historical use of the site. Similarly, no objection on noise grounds, but standard conditions relating to noise in respect of a CEMP and a 'suitable' noise condition relating to

existing business premises near to the site.

Representations/Non-Statutory Consultation

- 6.11. NSDC Tree and Landscape Officer – Comments dated 24.1.25 offering no objections to the proposed development but seeking further information. See response below on this topic area in the appraisal.
- 6.12. NCC Strategic Planning – Comments dated 31.1.24, summarising and/or referring to technical responses (e.g. LLFA) but seeking financial contributions in relation to both highways and education, so as to mitigate the impacts of the proposed development.
- 6.13. NSDC Ecology Team – Original comments dated 8.11.24 – No objections but commenting that the provision of OMH Habitat of Principal Importance in an offsite location would unlikely be achievable but note the ‘fallback’ position of the extant permission. Updated comments provided 1.7.25, following the updating of the BNG Metric, presents a more accurate account of the baseline. Advice provided is that in the absence of off-site provision, proposals are considered non-compliant with NPPF and local planning policy considerations. In the event that planning is granted (taking account of the planning balance) planning conditions are recommended in relation to potential impacts on protected and priority species. Final comments dated 14.10.25 with recommended planning conditions.
- 6.14. NSDC Sports, Community Facilities and Events – Comments dated 18.3.24 - request off site community/sports provision contribution (see appraisal below).
- 6.15. Comments have been received from 14 third parties/local residents that can be summarised as follows:
 - Lack of infrastructure/facilities locally to support new housing.
 - Development on a former colliery site.
 - Impacts of traffic/highways and access considerations.
 - Housing mix.
 - Impact on wildlife
 - Impact on neighbour amenity.

7.0 Comments of the Business Manager – Planning Development

- 7.1 The key issues are:
 - Principle of development;
 - Development Viability and Planning Obligations;
 - Impact on Biodiversity (Including BNG);
 - Impact on Neighbour Amenity;
 - Impact on the Character and Appearance of the Area;
 - Impact on Highway Safety;

- Housing Mix;
- Ground conditions;
- Flood Risk and Drainage.

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

7.3 Principle of Development

7.4 Spatial Policy 1 sets out the Settlement Hierarchy for the District, identifying Ollerton as a Service Centre. Whilst it lies below the Newark Urban Area as the main focus of housing and employment growth in the District over the Development Plan period, service centres play a supporting in allowing development in the main built-up area as defined by the Urban Boundary.

7.5 Whilst not being an allocated site, the land is located within the defined settlement of Ollerton and is identified as a 'HoPP' on the proposals map for the ADMDPD i.e.. as an 'existing site with planning permission.'

7.6 Spatial Policy 2 notes that service centres will provide for 30% of the overall housing growth within the district and of this proportion, 30% will be provided within Ollerton and Boughton. Further aligned to this approach, is Policy DM1 of the ADMDPD, which notes that within the urban boundaries of service centres, proposals for new housing will be supported, appropriate to the size and location of the settlement and its status within the settlement hierarchy.

7.7 In respect of national planning policy Para.11a of the NPPF is also engaged in that the presumption in favour of sustainable development is engaged in that the application site constitutes vacant land in an existing urban area, with access to services and infrastructure that can best serve the proposed development.

7.8 It is also material to the consideration of the proposed development, that the site has an extant planning permission, for a similar number of units, which is capable of being implemented, (in the event that planning permission was not forthcoming). Albeit this 'fallback' position as described by the Applicant is discussed in more detail below, in the context of the viability position presented.

7.9 As such, the location of the proposed development is considered to be a suitable and sustainable location to support new housing, aligned to and consistent with the principal aims of the NPPF on delivering new housing and the strategic policies of the Amended CS

and ADMDPD as summarised above and weight is also afforded to the fact that the site benefits from an extant planning permission, that is capable of being implemented.

Development Viability and Planning Obligations

- 7.10 Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth. This sits alongside the Community Infrastructure Levy, albeit this area is zero rated for CIL so is not relevant. More specifically, Spatial Policy 6 sets out that this includes strategic infrastructure (which in this case covers secondary education provision via CIL) and the mitigation of local infrastructure impacts. Policy DM3 notes that required infrastructure to support new development shall include a combination of CIL, planning obligations/developer contributions. Policy DM3 refers to the Developer Contributions SPD that provides the methodology for calculating the delivery of appropriate infrastructure.
- 7.11 The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). Part One of the SPD sets out the context for seeking planning obligations, which includes at paragraph 6.16 that *'The Council recognises that the application of planning policy targets should not introduce such a significant burden that development becomes economically unviable for appropriate development.'* Part two of the SPD sets out the contribution types that will typically be sought.
- 7.12 In respect of affordable housing provision, Core Policy 1 sets out that the council will require the provision of affordable housing as defined in national policy, seeking 30% provision on qualifying sites, although the policy also goes on to state that *'In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate, to the satisfaction of the District Council, that this is the case. Viability will be assessed in accordance with Policy DM3 – Developer Contributions and Planning Obligations.'*
- 7.13 The Applicant set out at the point of submitting the application concerns around development viability, with particular regard to the delivery of affordable housing. Following the normal process and the guidance as set out in Core Policy 1, Policy DM3 and the Planning Obligations SPD, the applicant has prepared a viability submission, setting out the basis for their position. This submission has been subject to independent review and advice to NSDC from a specialist consultant. The independent advice received has confirmed that should the development be asked to deliver affordable housing in accordance with Core Policy 1 (in addition to the other planning obligations sought) the development would be in a financial deficit and therefore would be unviable.
- 7.14 The independent advice provided by AMK Planning confirmed in their updated report in November 2024 as follows:

'In conclusion it is considered the scheme is not capable of providing any Affordable Housing provision, primarily due to the abnormal costs associated with the development of £3Million but can make a S106 contribution of £1,000,000 towards infrastructure against the policy target of £1,961,592.'

- 7.15 Following the provision of this report and sharing its contents with the Applicant, extensive discussions have taken place. This resulted in a proposed without prejudice 'offer' by the Applicant in August 2025 which presented the following.
- A financial contribution of £800,000 to cover the S106 financial contributions, with delegated approval within the next 2 months.
 - Any S106 financial contributions to be payable no sooner than 50% of the way through occupation.
 - A 5-year permission, rather than 3.
- 7.16 This was considered too insufficient as a financial offer, based upon the independent viability advice provided. Moreover, a 5 year, rather than a 3 year implementation was not considered justifiable for a moderate scale development such as the one proposed and that combined with the suggestion to include a trigger point 50% of the way through completion, raised questions about the deliverability of the proposed development. Finally, it was also considered non-compliant with the preferred policy position, as guided by the Planning Obligations SPD and as referred to in the financial sums summarised in Table 2 below.
- 7.17 The approach that was sought was aligned with Part Two of the SPD which sets out the types of planning obligations that the council will seek and the policy basis for this. Part two sets out the following usual obligation requirements that will be sought:
- Affordable Housing
 - Community Facilities
 - Education Provision
 - Health
 - Libraries
 - Open Space
 - Transport (Excluding projects on the CIL list).
- 7.18 Accordingly, other than the provision of affordable housing, which as already confirmed would make the scheme unviable (and development viability is noted as a potential concern in Part One of the SPD, as already summarised above) contributions were sought in relation to all of the remaining topic areas as highlighted above, informed where necessary (e.g. Health, Transport) by consultation responses as summarised in Section 6 above.
- 7.19 Aligned to the Developer Contributions SPD, the Council have an Infrastructure Delivery Plan (IDP) that was last updated in September 2023. Part 5 of the IDP covers the Sherwood area and sets out an overall ambition to strengthen the role of Ollerton as a sustainable settlement for its residents, including through new and improved community infrastructure (education and healthcare) and securing the resolution of traffic and transport issues in and around the town.
- 7.20 In the case of the proposed development, it contributes positively to the aims of the IDP, in that it will provide contributions to a bus service/infrastructure, and a contribution towards local GP surgeries, which are currently operating at capacity. Furthermore, whilst there is no requirement for a contribution towards local primary schools (as they have a surplus of

spaces) and secondary school provision is funded via the central collection of CIL, a contribution will also be provided towards SEND.

- 7.21 Accordingly, this offer (as summarised in paragraph 7.13 above) was declined and a counter offer was proposed to ensure a position that was aligned more closely to a policy compliant position as discussed in more detail below. The original financial contribution request to the Applicant as presented in Table 1 below and noted in the Independent viability report, was based upon the policy requirements of NSDC and that as advised by NCC and the NHS and amounted to circa £1.9m.

Contribution Type	Requirement based on maximum quantum of 184 dwellings
Affordable Housing	30% on site equating to 55 Dwellings. (Not being provided, based on viability).
Community Facilities	£227,000
Education- Secondary and SEND	£972,880
Health	£180,688
Libraries	£6,480
Open Space (children's play amenity and sports)	£306,544
Transport	£268,000
Total	£1,961,592.00

Table 1 – Original Financial Planning Obligations Sought

- 7.22 Following further discussions with NCC, it was agreed that the more substantial secondary education contributions could not be reasonably be sought, based upon the fact that the site is located in a Zero CIL Charging area. In further advice provided NCC stated that:

'Following our further discussions, I am emailing to confirm that the County Council is not seeking a secondary education contribution through the Section 106 Agreement for this proposal. Whilst this site is not eligible for the CIL, we recognise that CIL is collected and utilised on a district wide basis and will be available to support expansion of school places within Ollerton as necessary, as set out within the NSDC Infrastructure Funding Statement and therefore a planning obligation from this development is not required to make the proposal acceptable in planning terms. The County Council does however seek a contribution towards special education which is not covered under the CIL. Please refer to our letter dated 31st January 2024 for further details.'

- 7.23 In addition, it was agreed that given (as noted at paragraph 2.5 of this report) that a previous sum of **£220,000** was paid to NSDC in November 2011 for the extant permission (that only delivered a fraction of the original housing numbers) which was based on the maximum number of dwellings permitted, a further contribution for offsite sports pitch provision could not be reasonably requested as part of the overall financial planning obligations package.

This has the effect of reducing the combined open space offsite provision sum by **£116,104.00** and this is reflected in the figures presented below within Table 2.

Contribution Type	Requirement based on maximum quantum of 184 dwellings
Affordable Housing	30% on site equating to 55 Dwellings. (Not being provided, based on viability).
Community Facilities	£254,668.88* (original sum was incorrect as shown in Table 1).
Education- (SEND only)	£95,050
Health	£180,688
Libraries	£6,480
Open Space (children's play, amenity, with sports removed)	£222,676.80
Transport	£268,000
Total	£1,028,163.68

Table 2 – Revised Financial Planning Obligations Agreed

- 7.24 As such, the Applicant has agreed in writing, on a without prejudice basis to the total financial contribution figure presented above in Table 2. Other than affordable housing (which is considered further below) the scheme is considered to be policy compliant, providing the necessary planning contributions that are reasonably necessary to mitigate the impacts of the proposed development, taking account of the other explanations provided above.
- 7.25 Turning to affordable housing, there is some direct conflict with the CS and Core Policy 1, with regard to the provision of affordable housing, the proposed development would ordinarily necessitate the provision of 30% affordable housing. However, Core Policy 1 also states that in considering 30% provision *'the cost of developing the site; and the impact of this on the viability of any proposed scheme. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate, to the satisfaction of the District Council, that this is the case.'* The policy also goes on to state that *'Viability will be assessed in accordance with Policy DM3 – Developer Contributions and Planning Obligations.'*
- 7.26 In that regard, the justification text associated with policy DM3 states at paragraph 7.6 that *'In facilitating the delivery of new development it will be necessary to ensure that new development is not made unviable because of infrastructure and planning obligation requirements. Central to this approach will be the Council, Developers and Infrastructure Providers working together to support the delivery of new development.'* A three-stage approach is recommended which includes establishing detailed infrastructure needs, viability issues and a negotiated solution.
- 7.27 Given the viability position presented by the Applicant an approach has been followed of securing independent advice on the Applicant's viability case and the results of this provides

very clear advice that securing affordable housing provision at any level would render the scheme unviable, but that if affordable housing was removed from the scheme, the scheme could deliver up to £1m pounds of financial contributions for other necessary obligations.

- 7.28 Overall, it is considered that the scheme is unable to afford all of the required infrastructure or commuted sums required to mitigate the schemes impacts, this has been demonstrated through a Viability Appraisal which has been independently appraised and found to be sound.

The Fallback Position

- 7.29 The Applicant has maintained throughout that a legitimate fallback position exists with the extant planning permission. This is judged to be a relevant material consideration in coming to a conclusion on development viability. Whilst it is difficult to conclude with certainty whether the extant permission would be built out if the current application was refused, on the basis of the lack of affordable housing, it is a risk to be considered.
- 7.30 It is considered that there are some doubts about whether this would occur on the basis that:
- Preparing a further outline planning application is a time and cost investment, which whilst providing an alternate option and flexibility, would only come forward if there was a level of doubt with the extant permission.
 - The Applicant has sought more favourable/flexible terms such as increasing the length of time by which implementation would occur/reserved matters would be submitted.
 - The whole purpose of the application is to provide for a different mix of housing that is seen as more commercially attractive in the current market.
- 7.31 Notwithstanding the above, even with some doubts about the likelihood of the fallback position being implemented, it remains a legitimate planning consideration, and it could nonetheless occur, particularly if a specialist housebuilder was to come forward that develops schemes that other developers may consider unviable or unattractive.
- 7.32 In addition, whilst there are some doubts about implementation as highlighted above, it is otherwise considered that the fallback position in this case represents a 'real prospect' as established by most recent case law¹ in that it is capable of occurring as a matter of fact.
- 7.33 The main betterment that will result between the extant permission (fallback position) and the current application relation is the planning obligations that can be secured as part of the overall financial sum as set out in Table 2 above. There are related benefits to biodiversity that will help to mitigate impacts during the construction and operational phases, though the imposition of planning conditions, as recommended by the Council's biodiversity officer and as referred to below.
- 7.34 Taking things into the overall planning balance, a new outline planning permission brings with it significant planning gain (in comparison to the fallback position), by virtue of the

¹ [ac0155825cacivdiv5107.pdf](#)

agreed financial planning obligations of **£1,028,163.68** which is considered should be afforded substantial weight, particularly as the agreed sum is circa £28,000.00 more than the £1m figure that the Independent Viability advice suggests the scheme can sustain and covering off all remaining planning obligation requirements.

Impact on Biodiversity (including BNG)

- 7.35 The issue of BNG has also been considered within the context of the fallback position, as has been described above. The NSDC ecology team originally expressed concern regard the accuracy of the BNG metric, in how it recorded baseline habitat value, with particular regard to Open Mosaic Habitat (OMH), a habitat of Principal Importance. The update of the ecological assessment work is now considered to provide an accurate reflection of the impact of the proposed development. Notwithstanding this, concerns remain with the NSDC ecology team that without the provision of offsite replacement habitat (comprising 46.02 habitat units) to ensure a 'no net loss' scenario, conflict exists with both the NPPF and local plan policy, although it is acknowledged that this must be 'weighed in the balance' with other matters.
- 7.36 The starting point for the consideration of this issue is that the proposed development is not one (based on the timing of when the application was submitted) which triggers the need for mandatory BNG 10% provision. As such, this consideration does not form part of the onward decision-making process (the BNG Condition) and could not reasonably be requested in relation to the proposed development.
- 7.37 It is then relevant to consider the policy context for the impacts that would result on biodiversity, as a result of the proposed development. The NPPF provides strategic guidance on the achievement of BNG, with Paragraph 187 d) stating that decisions should contribute to and enhance the natural environment by '*minimising impacts on and providing net gains for biodiversity.*'
- 7.38 Whilst noting the strategic aspirations of the NPPF in seeking to deliver biodiversity net gains, this does not provide a basis for a 'pass/fail' scenario in that it does not advocate that permission should be refused on each and every project on this basis but rather suggests a strategic objective to seek out opportunities to deliver net gains in decision making. There is a 'tension' with the NPPF in this regard, but it is not considered that this is sufficient to withhold permission, based on the wording of the NPPF alone.
- 7.39 Turning to local planning policy considerations, Core Policy 12 of the Amended CS sets out various actions to conserve and enhance biodiversity including amongst other things to '*Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.*' Policy 12, does not, however set a specific requirement that each development should secure a net gain in biodiversity.
- 7.40 In respect of the ADMDPD policy DM7 relates to Biodiversity and Green Infrastructure and states that '*significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided.*' Furthermore, DM7 also states that:

“On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site”.

- 7.41 In this case, the most important impacted biodiversity is the OMH, which the NSDC ecology team have identified to be at the least of regional importance. Accordingly, given it is not considered that there is an explicit requirement to deliver a net gain in biodiversity on this site, careful consideration needs to be given to whether the need for the development outweighs the need to safeguard the nature conservation value of the site. In this respect, consideration also has to be given to the fallback position and in this regard, the NSDC ecology team note that there is limited provision within the extant permission (by way of planning conditions) to secure the protection and enhancement of the existing habitat value. As noted above, while there is some doubt about whether the extant permission would be fully implemented, this remains a possibility and if it did occur there would be no further controls over the mitigation of impacts on biodiversity.
- 7.42 Whilst the impacts of the development on OMH are unfortunate, the current application provides a further opportunity to exercise control through the imposition of planning conditions including a CEMP, LEMP and lighting strategy. The Council’s Biodiversity Officer also considers that the wider potential impacts on protected species can be suitably controlled through the proposed planning conditions. Moreover, the proposed development is not a mandatory BNG scheme, and the proposals provides for significant financial planning obligations to mitigate the impacts of the proposed development, which is considered to carry significant weight. The proposed development would also deliver new housing in an otherwise appropriate and sustainable location for residential development. Taking these points in the round, it is considered that the presence of a fallback position also tips the balance in favour of the proposed development.
- 7.43 In the absence of the implementation of the proposed development as presented within the current application, should the extant permission be implemented, the impacts upon biodiversity would be worse and the wider mitigation by way of financial planning obligations would also fall away, increasing pressure on the local community by way of increased demands on infrastructure, that would not be properly mitigated for. As such and after careful consideration, (with the documented development scenario as discussed above) it is considered that the need for this development, within the framework of the current application outweighs the need to safeguard the nature conservation value of the site.
- 7.44 This conclusion has also been reached on the basis that there is no realistic prospect of securing either an ‘onsite’ or ‘offsite’ net gain in biodiversity based on the viability case presented by the Applicant. Following independent advice received on viability, the circa £1m figure to be provided in financial planning obligations is the maximum the scheme can afford. As such, the proposed development would be unable to sustain a further financial planning obligation on top of the agreed sum, which would likely run into several hundred thousand pounds for implementation and long-term monitoring. The only other alternative would be for some of the other planning contributions to be removed from the overall sum

and by comparison these other planning obligations are considered to more directly meet the 3 tests for planning obligations under Regulation 122 of the CIL Regulations². Accordingly, in this case it is not considered that a further planning contribution can be reasonably sought in respect of offsite biodiversity and as also noted later in this report, the more paramount point for consideration from the perspective of the local community is whether local infrastructure and amenities can account for the impacts of the proposed development.

- 7.45 In respect of the advice provided by Natural England, they have no objection to the proposed development, subject to suitable planning conditions to cover recreational disturbance mitigation and surface water drainage mitigation. These form part of the recommended planning conditions.

Impact on Neighbour Amenity

- 7.46 As part of the consultation process for the application, some neighbouring properties (mainly on Poplar Street) have raised issues of neighbouring amenity impacts. At this stage, layout is not a formal part of the consideration and is a matter reserved for subsequent consideration. Notwithstanding this, the relationship of the site, with the nearest residential properties on Poplar Street is not considered to be particularly sensitive.
- 7.47 In this regard, the rear garden areas of properties along Poplar Street are typically between 20-25m in depth, which should allow for adequate 'back-to-back' distances between these existing dwellings and the proposed dwellings. Some neighbouring properties have raised comments in respect of maintenance and responsibility of the shared northern boundary of the site, but this is a matter of detailed design that can be clarified at the reserved matters stage.
- 7.48 The properties currently served by Lavender Close (the properties initially built as part of the extant permission) are orientated in a different way and the layout at reserved matters stage will have to give more careful consideration to the relationship between these existing and any new dwellings. Whilst this relationship will require more careful consideration, there are considered no insurmountable constraints in this regard and no special restrictions are considered necessary to impose at the outline stage. Accordingly, the proposals are considered to comply with policy DM5 of the ADMDPD and any reserved matters layout should be considered within the context of the Residential and Parking Standards Design Guide SPD.

Impact on Character and Appearance of the area

- 7.49 Policy DM5 under the heading of 'Local Distinctiveness and character' states that '*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.*' Whilst the application is made in outline form and design, appearance and landscaping are a reserved matter, the following overall points are made at this stage.

² [The Community Infrastructure Levy Regulations 2010](#)

- 7.50 The application site lies within the main built-up area of Ollerton and within a mixed-use area, where the predominant land use is both residential and commercial. The site does not fall within a conservation area and is not subject to any other local landscape or other designation, that means it is particularly sensitive. Nonetheless, consideration will need to be given to the design and scale of development at the reserved matters stage. The character of the surrounding area consists of (typically) simple red brick two storey dwellings with either slate or interlocking concrete tiled roofs, with this being the predominant built form in the immediate surroundings on Newark Road and Poplar Street. Further afield, St Peters Close, supports a number of existing red brick bungalows. There are also a small number of examples of more modern dwellings in the area, with the main example of this being on Culpepper Avenue, and Lavender Close which consists of a mix of 2 and 3 storey dwellings of varying styles and with a mix of materials and finishes. Whilst the 'indicative' Framework Plan accompanying the application contains limited information on scale and design, it does provide an indication of 'development' areas, potential public open space and landscaping and the 'nodal' and 'focal' points. It is considered that the redevelopment of the site can be satisfactorily integrated within its surroundings, albeit with these details to be interrogated at reserved matters stage.
- 7.51 Whilst there is some visual appeal in the condition of the site, that supports a mix of planting and grassland, with informal access (with no specific PROW, other than F24 which runs adjacent to the site's western boundary) much of the tree coverage is of younger to medium maturity specimens and the majority is self-seeded. The Arboricultural Impact Assessment (AIA) submitted with the application notes that much of the trees are assessed as Category C, based upon a significant number of them being 'young' species. There are some Category B trees, but these tend to be located towards the exterior boundaries of the site and therefore with a greater potential (subject to the imposition of a suitable planning condition) to retain such trees for their screening potential and amenity value. Whilst it is noted that Natural England make initial comments on the landscape strategy plan, landscaping remains a reserved matter and therefore, this detail will be considered at the next stage, once further information is available.
- 7.52 In their original comments, the NSDC Tree Officer questioned whether the AIA had been produced in accordance with the appropriate British Standard. Whilst this issue has not been directly addressed by the Application, removal of Trees from Group G1 (as identified in the AIA) which are of moderate (Category B) quality and some trees from Group G34 which are of poor (Category C) is considered to be acceptable, in order to facilitate a safe means of vehicular and pedestrian access into and out of the site. Additional replacement tree planting can form part of the proposed landscaping scheme for this part of the site.
- 7.53 Taking account of the site area of 5.69ha, the density of development is around 32dph, comprising the (up to) 184 dwellings that permission is sought for. Whilst this is, perhaps, at the lower end of density of development for a more urban site, it is not to the extent that it is considered to be an underdevelopment of the site. Equally, if the development was laid out in a similar way to that as envisaged in the framework plan, that would provide a softer transition between the existing business park/commercial area to the south, linking the more built-up part of the site with the existing housing on Poplar Street.

- 7.54 Ultimately, the redevelopment of the site for residential development is considered to be an appropriate reuse of under-utilised land within an urban environment and the standard conditions requiring details of layout, design and landscaping at reserved matters stage, will enable specific consideration of the integration of the proposed development into the surrounding environment.

Impact on Highway Safety

- 7.55 Spatial Policy 7 sets out that the council will encourage and support 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.
- 7.56 Policy DM5 sets out the criteria by which new development will be assessed and in relation to access states that *‘Provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible.’*
- 7.57 Access forms part of the proposed development and the single point of access into the site (connecting with the public highway) would be via Culpepper Close. Culpepper Close forms the original access for the extant planning permission and serves the properties that were built out from that original planning permission.
- 7.58 As part of the proposals, Culpepper Avenue would be widened and off-street parking bays would be added at either side of the widened road, whilst providing a standard 5.5m width carriageway with a new footway that will extend to the southern side of Culpepper Avenue (currently there is only one footway to the northern side).
- 7.59 Whilst noting some of the local community objections expressed regarding traffic impacts associated with the proposed development, the modified means of access into the site via Culpepper Avenue, makes provision for some existing on street parking (for the dwellings served by Culpepper Avenue) through the provision of parking bays, designed to keep access unimpeded into and out of the site, with a footway that will also be provided to the southern side of the road, ensuring safe pedestrian access into and out of the site also.
- 7.60 The original comments of NCC as highway authority raised objections, not in relation to the means of access into the site, but in relation to traffic movements on the network as presented in the Transport Assessment. In response, the Applicant prepared a Technical Note (dated March 2024) in response. As a result of this, NCC as highway authority removed their objection to the proposed development, subject to the imposition of planning conditions. As such, NCC are therefore satisfied that the proposed traffic movements associated with the proposed development can be reasonably accommodated onto the highway network, whilst maintaining highway safety. In respect of the suggested condition 1, this is not considered to be necessary, as the development seeks permission for 184 dwellings as an upper limit and any increase in that number, would be subject to a separate planning application in any event.
- 7.61 There were some discussions about the need for bus stop infrastructure improvements during the determination period, but the provision remains accounted in the planning obligations financial sum as referred to earlier in this report.

Housing Mix

- 7.62 In accordance with Core Policy 3 of the Amended CS, new housing should accommodate an appropriate mix of housing to account for family housing of 3 bedrooms or less, smaller housing of 2 bedrooms and less and housing for the elderly and disabled population.
- 7.63 As the application is made in outline form, layout is a reserved matter and therefore housing mix has not been determined at this stage. In order to ensure the proposed development reflects local housing needs, it is considered necessary that an appropriate condition is set at outline stage, requiring this detail to be provided at reserved matters stage.
- 7.64 As per the explanatory text associated with Core Policy 3 the starting point for consideration of housing mix will be as per the below:

'In general terms, the indicated split in the study is that 50% of all new dwellings should be 1 or 2 bedroom dwellings and 50% should be of 3 bedrooms and above. An appropriate mix will depend on the local circumstances and information on local need in the particular part of the district where development is proposed,'

Ground conditions

- 7.65 Policy DM10 relates to Pollution and Hazardous Materials and requires that development involving the potential for pollution should take account of and address impacts on health, the natural environment and general amenity also stating that *'Where a site is known, or 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.'*
- 7.66 The application site has historic use as part of the colliery site and therefore there is potential for impacts from both ground conditions (although the response from the Coal Authority confirms the site is not in an area of high risk). The EHO has reviewed both the Phase 1 and Phase 2 investigative reports prepared in support of the application.
- 7.67 Whilst investigative work has been carried out, the EHO comments as follows:

'I have now had the opportunity to review the Phase I Geoenvironmental Site Assessment completed by Ramboll dated Sep 21 and the Phase II Geo-Environmental Site Assessment completed by Omnia submitted on behalf of the developer. These documents describe the site history and consider previous historic investigations carried out. Sampling has identified exceedances of multiple determinants, and the report recommends further investigation of these. I note however that the sample holding time for all samples has been exceeded and the data can therefore not to be relied upon. Whilst I welcome the additional sampling that has been recommend, I would expect that the sampling work that has been carried out in this investigation to be repeated due to these errors. Due to the above I would recommend continued use of the full phased contamination condition.'

- 7.68 As such, there appears to be some discrepancy based upon the advice of the EHO on the reliability of the samples for the previous Phase 2 investigative work carried out. As such, following a precautionary approach and given the vulnerability of the proposed end use to contamination, the standard contaminated land condition is considered a reasonable

approach in the circumstances, particularly given this approach is also recommended by the Environment Agency.

Flood Risk and Drainage

- 7.69 Policy DM5 relates to design and amongst various other criteria sets out that the council will seek to steer new development away from areas at higher risk of flooding and that development proposals should wherever possible include measures to proactively manage surface water.
- 7.70 In respect of flood risk and drainage, NCC as LLFA have provided advice, as the risks around flooding and drainage relate to surface water rather than fluvial flooding. Originally, the LLFA objected on the basis that the FRA was insufficient. Following an update (which also provided more information on the outline drainage proposals) the LLFA removed their objection.
- 7.71 As such, the LLFA recommend the imposition of the standard condition relating to provision of a detailed surface water drainage scheme and this approach is considered reasonable and aligned to the further information that will be made available at the reserved matters stage.

8.0 Legal Implications - LEG2526/7693

- 8.1 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 have been instructed in respect of the drafting and negotiation of the Section 106 Agreement.

9.0 Planning Balance and Conclusion

- 9.1 Further to the assessment above, the proposals will deliver a new residential development within the built-up area of Ollerton and as such represents an appropriate and sustainable location to support new housing growth.
- 9.2 The application seeks to bring forward an alternate mix and form of development (differing to the extant 'full' planning permission) hence a new standalone outline application is sought, to link to a new RM application where the original mix can be varied, to make it more commercially attractive (as explained by the Applicant).
- 9.3 As part of the new outline application, a viability case has been presented and independent advice received by NSDC has confirmed that the scheme cannot sustain the provision of affordable housing. Whilst this is unfortunate, various discussion have resulted in the provision of a significant financial sum, to be provided through planning obligations of over £1m pounds.
- 9.4 These contributions will secure financial provision towards community, education, health, transport open space and library provision. When compared to the 'fallback provision' they represent a significant gain to be secured to mitigate the impacts of the proposed development. Whilst the scheme will result in the loss of important OMH habitat, this

represents a habitat type that is challenging to provide on an offsite basis. Whilst the proposed development does not provide for a 'no net loss' scenario, such provision cannot be realistically delivered in the context of the viability position associated with the development and the final offer made by the Applicant, which will provide various other contributions as highlighted above. On balance and taking account of the 'fallback' provision which could result in a scenario of very limited controls over biodiversity impacts and no other financial contributions that would be provided (beyond what has been provided historically) the scheme offers the opportunity to secure a 'planning gain' in respect of the risk of the implementation of the fall back position, which whilst far from being certain, is an eventuality that cannot be dismissed. Taking all matters into account and noting the areas of conflict, on balance, it is considered that that the proposals accords with the Development Plan and the NPPF as a whole. The recommendation is to approve the application subject to conditions and the completion of a Section 106 Agreement, so as to secure the financial contributions. There are no material considerations to indicate otherwise.

10.0 Conditions

Application permitted subject to the following Section 106 financial provisions and the following planning conditions.

01

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

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

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

02

Details of the appearance landscaping layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The layout shall include (amongst other information on the layout of dwellings) details of parking and turning facilities, gradients, surfacing, street lighting, structures, visibility splays and drainage and shall comply with the County Council's current Highway Design and Parking Guides.

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

03

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting, and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

04

Prior to the commencement of development, details of the proposed housing mix, shall be submitted to and approved in writing by the local planning authority

Reason: To ensure an appropriate mix of housing across the site in accordance with housing need and Core Policy 3 of the Amended Core Strategy.

05

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design, and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained thereafter.

Reason: In the interests of residential and visual amenity.

06

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

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

- f. Details of any scaffolding erection and associated ground protection within the root protection areas

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

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

07

The development hereby approved shall not be occupied until the site access road as shown on Drawing Number 107771-PEL-HGN-XX-DR-D-0001 P05 has been completed.

Reason: In the interests of highway safety.

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Hexa Consulting Flood Risk Assessment (FRA) and Drainage Strategy ref 600570 dated 13 December 2023., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

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

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

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.

- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity, and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

09

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).

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 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.

10

No development shall be commenced, on any phase of the development, 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 covering that phase of work/development. 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:

- days and hours of working (excluding Sundays and Bank Holidays)
- the parking of vehicles of site operatives, existing residents and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- measures to minimize the transfer of mud and detritus to the public highway including wheel washing facilities for construction traffic and arrangements for road sweeping.
- a layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
- details regarding parking provision for construction workers and plant on the site.
- the development build route. Once approved, the Construction Management Plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, sustainability and highway safety.

11

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be informed by the recommendations within the Ecological Impact Assessment Report (FE273/EcIA01) dated October 2023, and produced by Futures Ecology, and shall include the following:-

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

Reason: To minimise impacts on biodiversity, particularly protected and priority species in accordance with the NPPF and Policy DM5 of the Allocations and Development Management Plan Document. And to protect the District's ecological and biological assets in accordance with Amended Core Strategy Core Policy 12.

12

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority. The BMP should be prepared in accordance with the mitigation measures summarised in Table 5 and Section 10 of the Ecological Impact Assessment Report (FE273/EcIA01) dated October 2023, and the onsite habitat provisions within the Biodiversity Impact Assessment (FE273/BIA01_RevB) dated 19 November 2024, both produced by Futures Ecology. The content of the BMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. If appropriate, an annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years) for at least 30 years following completion of the development;
- e. Identification of who will be responsible for implementing the BMP; and
- f. A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

g. An annotated plan providing a summary of the elements covered by items a), b) and c),
The approved BMP shall then be implemented in accordance with the approved details therein.

Reason: To mitigate harmful ecological impacts on protected species as required by Policy DM5 and to conserve biodiversity in accordance with Core Policy 12.

13

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 mitigate harmful ecological impacts on protected species as required by Policy DM5 and to conserve biodiversity in accordance with Core Policy 12.

14

Prior to the commencement of development, a noise impact assessment shall be submitted to and approved in writing by the local planning authority, to include for:

1. An assessment of noise levels from existing commercial / industrial premises in the vicinity of the proposed development and the likely impact on future occupiers of the proposed dwellings.
2. Details of any noise mitigation measures determined as being necessary at the proposed, to safeguard the residential amenity of future occupiers to include the level of noise reduction to be achieved by those noise mitigation measures.

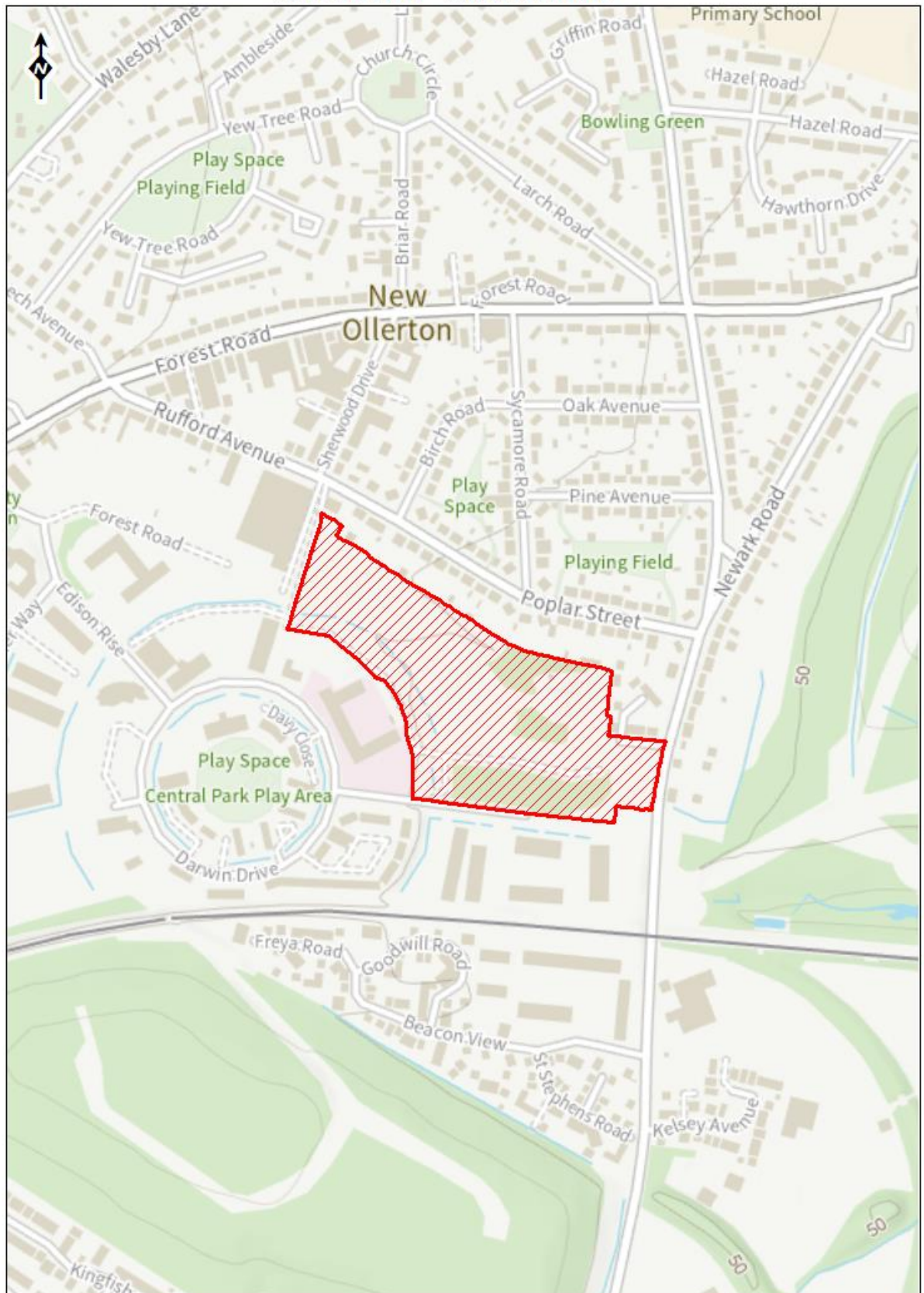
Once approved in writing by the local planning authority, any mitigation measures deemed as being necessary by the noise impact assessment, shall be implemented in full and retained in perpetuity thereafter.

Reason: To protect the residential amenity of the future occupiers of the proposed dwellings and in accordance with Policy DM5 of the ADMDPD.

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 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/01445/FULM		
Proposal	Erection of an animal therapy provision including associated animal shelter and livestock fencing to grazing paddocks.		
Location	Wings East School Main Street Kirklington NG22 8NB		
Applicant	Kedleston Group Limited	Agent	Cynergi Ltd - Mr David Limb
Registered	30.09.2025	Target Date / Extension of Time	30.12.2025 30.01.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0. <i>Should Members resolve to agree to the recommendation then due to the statutory objection from Sport England, the application will need to be referred to the Secretary of State to determine if they wish to call in the application, in accordance with the Town and Country Planning (Consultation)(England) Direction 2024.</i>		

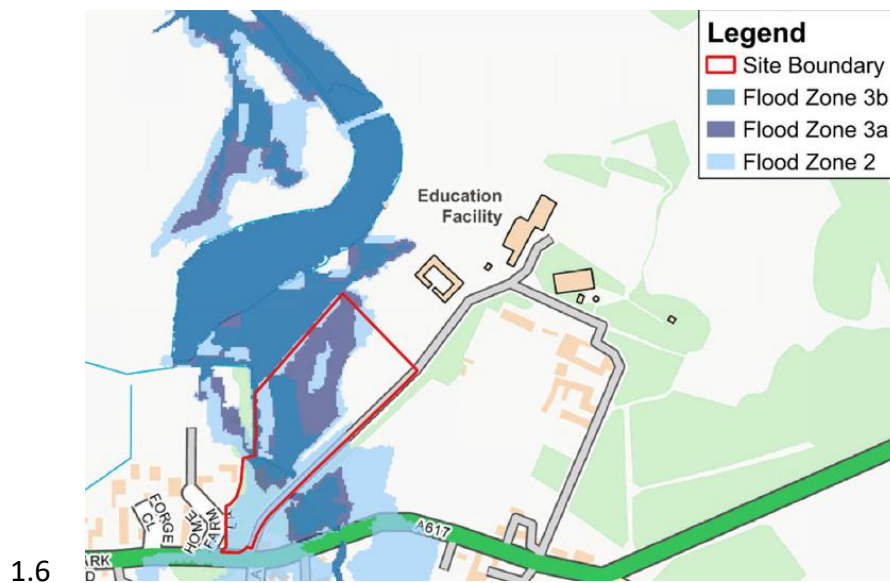
This application is being referred to the Planning Committee for determination, in accordance with the Council's Scheme of Delegation, as there is an objection from a Statutory Consultee (Sports England)

The Site

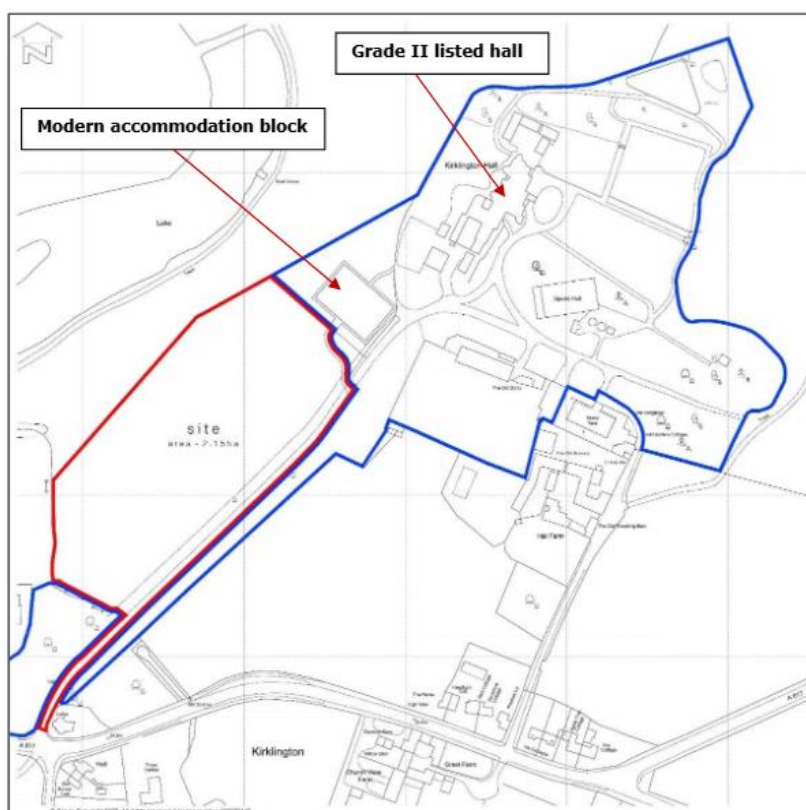
- 1.1 The site comprises of land at 2.06ha which is located within the existing school grounds to the south west of the main school building, and to the north of Main Street (A617) and north-east of the village of Kirklington. Wings School is a private school for children with challenging educational needs aged 9-16 years.
- 1.2 The existing school building is Grade II listed and located within the defined Conservation Area (CA), however the location of the buildings and paddocks are located outside of the CA, but the access (within the red line) is within the CA. Other listed buildings are located to the south and comprise of the Grade II listed School Lodge,

Grade II listed The Old School and Grade II* listed Church of St Swithins.

- 1.3 The land is reasonably flat and laid to grass and was formerly used as play fields for the school (football pitch).
- 1.4 Land to the south-west of the site (outside of the red line) contains a group of trees which are protected by a group Tree Preservation Order (N10 – Kirklington Hall).
- 1.5 The site is located within land which is defined by the Environment Agency flood maps as being located within Flood Zone 1, 2, 3a and 3b and therefore at highest risk from flooding. It is also at very low risk from surface water flooding.



1.7



1.8 The site has the following constraints:

- Flood risk – Zone 2 and 3a
- Listed buildings Grade II and II*
- Tree Preservation Order
- Conservation Area

2.0 Relevant Planning History

- 2.1. 18/00447/FUL - New all weather multi use games area (M.U.G.A.) and additional car parking. Approved 30.04.201824/00167/DISCON - Request for confirmation of discharge of condition 04 (Foul Water) attached to planning permission 23/01604/FUL; Glass Recycling Compound Conditions discharged 09.02.2024
- 2.2. 17/02124/FUL - Provision of internal and external door and window protection, introduction of anti-climb wire to eaves above external fire escape stair and new building mounted external lighting. Approved 17.02.2021 (S106 legal agreement secured for the measures)
- 2.3. 17/02125/LBC Provision of internal and external door and window protection, introduction of anti-climb wire to eaves above external fire escape stair and new building mounted external lighting. Approved 17.02.2021
- 2.4. 12/00395/FUL Construction of all weather multi use games area (M.U.G.A.) and

additional car parking Approved 21.05.2012

- 2.5. 09/00422/LBC Erection of satellite dishes to existing hall and existing old bothy (2 No) Approved 29.05.2009
- 2.6. 09/00421/FUL Erection of electricity sub-station (revised design) Approved 27.05.2009
- 2.7. 08/02271/FUL Formation of extension to existing hall building to provide single storey room and kitchen staff changing rooms, provision of new inlet and extract louvres within the pitched roof over the new single storey kitchen area, provision of underground fuel storage tanks, provision of over spill parking bays, internal alterations and single storey bathroom extension to old bothy, provision of new gates and fence to main entrance drive and new electricity sub-station Approved 10.02.2009
- 2.8. 08/02272/LBC Formation of extension to existing hall building to provide single storey room and kitchen staff changing rooms, provision of new internal partitions within existing hall building, provision of new inlet and extract louvres within the pitched roof over the new single storey kitchen area, internal alterations and single storey bathroom extension to old bothy Approved 10.02.2009
- 2.9. 08/00667/FULM Construction of new accommodation building. Approved 06.08.2008
- 2.10. 08/00666/CAC Removal of 6 No. temporary mobile classrooms, existing timber framed chemistry classroom and adjacent chemical store, 2 No. open fronted timber framed stores and single storey changing rooms to sports hall Approved 06.08.2008
- 2.11. 08/00669/FULM Demolition of single storey changing rooms and construction of new single storey equipment store and 2 storey changing facilities to sports hall and construction of 2 storey accommodation building adjacent to the walled garden and the Old Bothy. Approved 06.08.2008
- 2.12. 08/00668/LBC Alterations and extensions to main hall and demolition of 3 no. curtilage listed structures. Approved 06.08.2008
- 2.13. *Other applications on the site exist but these are the most recent and relevant.*

3.0 The Proposal

- 3.1 This application seeks full planning permission for the use of land to accommodate livestock, namely alpacas, and the erection of a timber framed animal shelter on a concrete base. The land would be separated into two paddocks (85mx71m) with an animal shelter located to the west of the site. Land outside of the paddocks would be used as space to walk the alpacas.
- 3.2 The shelter would measure approximately 7.4m length, 3.6m width, 2.9m height.

3.3



3.4



3.5 The alpacas have been introduced to the site as animal therapy for the pupils at the school, to create a therapeutic learning experience for the students through animal care that is structured, creates discipline, supports emotional development through caring for another creature.

3.6 The work was carried out in June/July 2025 and four alpacas are now onsite.

3.7 The application has been assessed based on the following plans and documents:

- Application form
- Design and Access Statement August 2025
- Heritage Statement August 2025
- Flood Risk Assessment September 2025 (25-0128 Rev P01)
- DRWG no. 483-10 Rev A Animal Shelter and Fence Details;
- DRWG no. 483-80 Part Site Plan as Existing;
- DRWG no. 483-81 Rev B Part Site Plan as Proposed;
- DRWG no. 483-01 Block Plan;
- DRWG no. 483-01 Location Plan;

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 33 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 10.10.2025.

5.0 Planning Policy Framework

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment

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.

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

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

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance (online resource)

S.66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990

Newark and Sherwood Playing Pitch Strategy 2023

Landscape Character Assessment SPD

6.0 **Consultations and Representations**

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

Statutory Consultations For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#)

Environment Agency – We have no objection to the proposal in principle. However, this proposed development is planned to site the animal shelter within flood zone 3a. Our interpretation of the NPPF vulnerability classifications would put this proposed development within the Less Vulnerable category as:

- Land and buildings used for agriculture and forestry.

Therefore, it is allowed in flood zone 3a however for we would request that the development is altered to move the animal shelter out of flood zone 3 this is to ensure the safety of animals and handlers in the event of a flood. Furthermore, as the plan is to have it sited on the concrete under its own weight. If the shelter remains in flood zone 3 we request that it is fixed in place to prevent its movement should the area be flooded.

The wire fencing is requested to have an aperture no less than 100mm x 100mm to allow free flow of any flood waters experienced.

NCC Lead Local Flood Authority –Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy dated September 2025 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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

o No surcharge shown in a 1 in 1 year.

o No flooding shown in a 1 in 30 year.

o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

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

Informative

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

Following the clarification with the LLFA, they agree that the condition is not required.

Historic England - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

Sport England – Objection – The proposal would lead to the loss of a playing field which would not be replaced. Therefore, the proposal would be contrary to exception 4 of the Sport England’s Playing Fields Policy and with paragraph 104(b) of the NPPF.

The proposal would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields.

Should the LPA be minded to grant planning permission for the proposal, contrary to Sport England’s objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit.

Town/Parish Council

- 6.1. Kirklington Parish Council – No objection

Representations/Non-Statutory Consultation

- 6.2. NSDC Conservation – The development is considered to result in less than substantial harm to the setting of Kirklington Hall, principally to the landscaped park which is a non-designated heritage asset. It is appreciated that the use of the school and its curtilage for use as part of an educational use provides public benefits. The benefits of the scheme, though hard to quantify may be considered to outweigh the less than substantial and reversible harm to the setting of the listed building and landscaped park.

- 6.3. NSDC Environmental Health - No animal activities license is needed at this time if the animals are to be kept on site.

I would recommend a wash hand basin is installed in close proximity to the animal handling area where the washing of hands with hot and cold water, soap and means of drying hands is available, this is to prevent any spread of infectious diseases which animals can carry.

Trent Valley Internal Drainage Board - The site is within the Trent Valley Internal Drainage Board district. The Board maintained Northern Drain, an open watercourse, exists within the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. It is noted that development is shown to be outside of this distance. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

- 6.4. No comments have been received from any third party/local resident

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The key issues are:

1. Principle of development/loss of playing fields
2. Impact on the Heritage Impact and the Visual Amenities of the Area
3. Impact on Residential Amenity
4. Highway Safety
5. Flood Risk
6. Ecology and BNG

Principle of Development and loss of playing fields

- 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. Spatial Policy 1 'Settlement Hierarchy' sets out the settlement hierarchy for the district. It also states that outside of settlements designated as Service Centres and Principal Villages, development will be considered against the sustainability criteria set out in Spatial Policy 3. Spatial Policy 3 'Rural Areas' states that The District Council will support and promote local services and facilities in the rural communities of Newark & Sherwood. The rural economy will be supported by encouraging tourism, rural diversification, and by supporting appropriate agricultural and forestry development.
- 7.4. Given The development does not fit neatly into the above criteria, however given the proposal would support an existing educational facility, which is in private ownership, it would seek to support a local service and facility in a rural community, thus in principle it is acceptable. However, SP3 states that the proposal should be considered against the five criteria of Location, Scale, Need, Impact and Character. These are explored in more detail below.

Location

- 7.5. The location of the site is such that it is considered to be within the village settlement and has sustainable connections to the larger settlement of Southwell which is identified within the settlement hierarchy as a Service Centre.

Scale

- 7.6. The development is low scale and ancillary to the main use of the educational facility.

Need

- 7.7. The proposal is a new facility to support the community facility of the school. The animals and the shelter are there to provide therapy for the pupils at the school to aid with behaviour.

Impact

- 7.8. The use is ancillary to the main building use and would be maintained and managed as part of the maintenance of the school. It is not sought as an attraction for members of the public. Matters of drainage etc are considered in a subsequent section in this report, however the built form is minor within Flood Zone 2 and 3a, approx. 30m² in footprint, and therefore the impact is not considered detrimental.

Character

- 7.9. This is explored in the heritage and visual amenity section below.
- 7.10. The proposal has been subject to a Statutory Objection by Sport England. Sport England are currently a statutory consultee, however government has confirmed its intention to remove Sport England from the list of statutory consultees required to provide advice on planning applications. This change is part of the broader reforms aimed at streamlining the planning system to facilitate growth and development. Government has launched a consultation process regarding reforms, which will run until 13th January 2026. This consultation seeks feedback on the proposed changes and aims to ensure that any removal of statutory consultees is balanced with appropriate safeguards for high-impact cases. However, at present their status as a statutory consultee remains and must be taken into consideration.
- 7.11. The proposal is sited on existing land used in the summer of 2014 (according to the school), as a football pitch for the existing school. The school state that it was never fit for use due to the uneven playing surface and general topography of the land and the field has been unused for sport for the last 11 years. The use of the 'football pitch' was relocated in 2014 to another area of the grounds which is better and safer for the children to play on. The school is a private school for children with additional needs and whom have been taken out of 'mainstream' schools. However, Kirklington is identified within the Southwell Area on the Council's Playing Pitch and Outdoor Sport Strategy and Action Plan (December 2023), which has a shortfall of 0.5 Adult 11v11 and 1 youth 11v11 pitches. The existing pitch has the potential to provide 11v11 and U17 & U18's 11v11.
- 7.12. The pitch is and has not been used by any club and was solely used by the existing school. Due to the nature of the school and the secure nature of it to protect the welfare of the pupils, opening up the 'freedom' for external clubs to use the site would not be appropriate. Also in order for the site to be used for competitive sports, would require additional facilities nearby such as changing rooms and toilets. None of which are provided, and the nearest facilities would be within the school which is highly secure.
- 7.13. The NPPF states that *'Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:*
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'(para 104)
- 7.14. The site has provided alternative sports provision for football within the site, however due to the nature of the development, it is reversible, and the fencing and buildings can be removed, when it is considered that the paddocks and use of the site for alpacas is not required. The applicant has stated that since the football pitch was relocated, the school do play matches with other schools in the SEN league, however, the residential

use of the site, nature of the children, safeguarding and protection issues prohibit external use of the site by the wider public. However, given that the site is not suitable for public use, the loss of the pitch is not considered harmful to the healthy and well-being of the community. As such whilst the objection by Sport England is acknowledged, a refusal on those grounds as suggested, is not considered appropriate. Whilst Para 104 of the NPPF is acknowledged, the reprovision, coupled with the inappropriate use of the site for a sports pitch (outside of the use of the school), are considered to result in a proposal which accords with para.104, but also taking in to account the very specific circumstances for the development, which in any case would override the loss of the sports pitches, in this case.

- 7.15. Other material considerations also must be taken into account, and these are explored below.

Impact on the Heritage Impact and the Visual Amenities of the Area

- 7.16. Core Policy 9 (Sustainable Design) states that new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments. DM5 requires development to respect the existing local vernacular in terms of scale, layout, design, materials and detailing.
- 7.17. 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.
- 7.18. The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. 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.
- 7.19. The relevant Landscape Policy Zone for the site is Kirklington Village Farmlands (MN PZ 27) within the Mid Nottinghamshire Farmlands Character area. Landscape condition is defined as very poor and landscape sensitivity is defined as moderate giving a policy action embedded within CP13 as 'create'. Landscape actions for built form include create new areas of planting in order to minimise impact. In terms of landscape features, the creation of new hedgerows and restore existing, seek opportunities to recreate historic field pattern and contain new development within historic boundaries.
- 7.20. The proposal is for the extension of the existing facility with an additional unit which mirrors that of the existing in terms of scale, design and materials. Due to the siting of buildings in the area specifically to the south of the site, the buildings would not result in harm to the character of the area.

- 7.21. The scale of the development is such that it would not result in an intrusive or incoherent built form to the surrounding landscape setting. The site is located within the grounds of the Grade II Listed Building (Grade II* Listed Church is located outside of the immediate setting) and would be located just outside of the CA. S.66 of the LB Act 1990 states the LPA should 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. S.72 of the same Act, which relates to the CA, states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This is also reflected in the NPPF (2024) and the policies contained within the LPA's Development Plan.
- 7.22. The siting of the development is such that it is located away from the main hall building, however the proposal is considered to result in a less than substantial harm to the setting of Kirklington Hall, principally to the landscaped park (which is a non-designated heritage asset in its own right). In accordance with para 215 of the NPPF (2024), less than substantial harm to the significance should be weighed against the public benefits. The proposal would aid the behaviour of the children who suffer with conditions such as ADHD and the therapy of working with the animals is sought to aid with the behaviour of those children. In this case it is considered that the public benefits of the scheme and the fact the harm to the setting of the listed building would be reversible, are considered to outweigh the harm caused.
- 7.23. The lack of visual prominence of the buildings and the set back siting from the boundary of the CA is considered to preserve the character of the CA.
- 7.24. As such it is considered that the scheme is acceptable and in accordance with the policy context set out.

Impact upon Residential Amenity

- 7.25. The Policy DM5 advises development proposals should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.26. No concerns have been raised from local residents. The nearest dwelling is located approximately 130m south of the site with a tree belt located in between. The siting of the buildings and the use of the land for animals, therefore, is considered to not result in harm to the amenity of local residents.
- 7.27. No conflict is identified in terms of amenity (loss of privacy, light or overbearing) therefore in respect of DM5 and the proposal is a compatible use for its context as required by CP9.

Impact upon Highway Safety

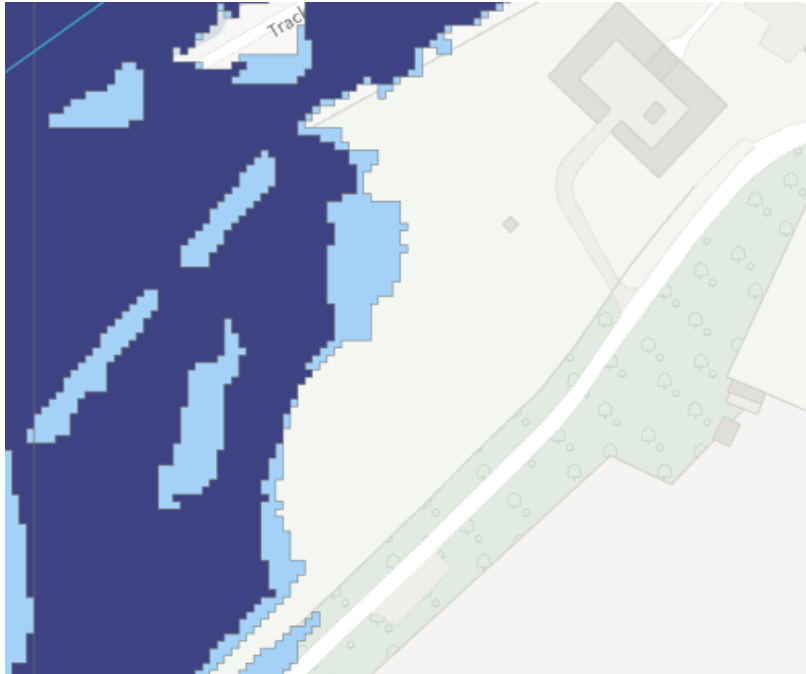
- 7.28. SP7 and DM5 set out policy in respect of highway safety, transport and parking. All the animals would be cared for by existing staff and pupils and any increase in vehicle

movements would only be as a result of occasional vet visits as and when required or any additional bedding etc associated with the animals.

- 7.29. Although the proposal may increase the number of occasional movements to the site, due to the scale of the proposal, this is not considered to result in any increased demand for parking or vehicle movements, and thus. I find no conflict with the requirements of DM5 and SP7 or the NPPF.

Flood Risk Impacts and surface water drainage

- 7.30. Part of the site falls within Flood Zone 2 and 3a where there is a medium to high probability of flooding as shown on the Environment Agency's Flood Map for Planning.
- 7.31. 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.



- 7.32.
- 7.33. The building used for the 'stables' is located within the land at highest risk from flooding within the site, however although there is alternative land within the site which is at lowest risk of flooding, it could be considered that the application of the sequential test has not been passed. The PPG states that 'The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of

flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.’ (Paragraph: 027 Reference ID: 7-027-20220825)

- 7.34. Para 176 of the NPPF states that applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments. Footnote 62 of the NPPF defines that minor development is that with a footprint of less than 250m².
- 7.35. In accordance with Annex 3:Flood risk vulnerability classification of the PPG, the use of the land is classified as ‘less vulnerable’ and in accordance with Table 2: Flood risk vulnerability and flood zone ‘incompatibility’, the use of the land is compatible in flood zone 2 and 3a and the application of the exceptions test is not necessary.
- 7.36. Comments have been received from the Environment Agency stating they have no objections but request that the shelter is fixed in place to the concrete base to prevent movement should it be flooded and the wire fencing should have an aperture no less than 100mm x 100mm to allow free flow of any flood waters. The agent has submitted information in response to this stating (despite information in the design and access statement) that the shelter will be securely fixed and anchored to the concrete slab and the livestock fencing installed around the paddocks has apertures exceeding the stated limitations. NCC as the Lead Local Flood Authority, have also commented on the application, stating no objection and recommend the imposition of a condition relating to the submission of a detailed surface water drainage scheme to be submitted based on the principles set forward by the submitted FRA. However, the proposal is retrospective and the FRA does not recommend any additional measures with regards to drainage or surface water, and concludes that the development is considered to be safe for its lifetime without increasing flood risk elsewhere. The site is shown at an increased risk of surface water but when the existing drainage is taken into account, it is unlikely that the site will experience increased surface water flooding. The agent states there is a residual risk that the site could experience surface water flooding should the existing drainage infrastructure at the site become overwhelmed, blocked or the outfalls to the River Greet become surcharged. However, any resultant surface water flooding would likely be shallow; and the EA model confirms depths of below 20cm.
- 7.37. Therefore, having clarified the condition with the LLFA, stating that the application is retrospective they confirm that the imposition of the condition is not required. However, it is noted and accepted that the proposal has been completed without any formal consultation with the LLFA and as such the impacts on/of surface water flooding to the development and surrounding area are unknown. The applicant has therefore submitted further information on their approach to surface water, and have stated:

- 7.38. "The proposed animal shelter has a pitched roof, with a total plan area of approximately 34m², with each roof pitch (c.17m²) draining to a gutter and two separate downpipes which discharge onto the adjacent grassed field. This mirrors the pre-development drainage arrangement, where rainfall infiltrated directly into the surrounding permeable ground. As such, the development does not introduce any new impermeable surfacing or concentration of flows that would increase runoff beyond the existing situation.
- 7.39. This approach aligns with the principles set out in the CIRIA SuDS Manual (C753), which identifies infiltration to ground as the preferred method in the drainage hierarchy.
- 7.40. Given the small roof area, the direct discharge to permeable grassed ground, and the fact that this replicates the pre-development drainage regime, the proposals will not result in any increased flood risk on or off site."
- 7.41. It is considered that flood impacts are acceptable and would not place third parties at risk.

Impact upon Ecology (including BNG)

- 7.42. The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5. Core Policy 12 and Policy DM7 seek to conserve and enhance the biodiversity of the district whilst DM5 seeks to retain features of importance through integration and connectivity of green infrastructure.
- 7.43. This scheme doesn't amount to any tree or hedgerow removal and the proposal is not considered to result in any harm to local ecology.

BNG

- 7.44. Due to the retrospective nature of the proposal, mandatory Biodiversity Net Gain would not be applied in this case. That said, the proposal would anyway be exempt from mandatory Bio-diversity net gain as the biodiversity gain planning condition does not apply in relation to planning permission which is for retrospective developments.
- 7.45. No conflict has been identified in respect of CP12, DM7 and DM5.

Other matters

- 7.46. NSDC Environmental Health have commented on the application stating that no animal licence is required at this time if the animals are to be kept on site. They do however recommend a wash hand basin is installed in close proximity to the animal handling areas to prevent any spread of infectious diseases. From visiting the site, it is clear that this already exists on the side of the building. Therefore, no further action is required.



7.47.

7.48. With regards to the disposal of any waste, the agent confirms that this is removed from the site on a trailer which is used by a local farm.

7.49. **Community Infrastructure Levy (CIL)** – The proposed development would be exempt from CIL due to them being buildings less than 100m² in floor area.

7.50. **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. However, there are some developments that are exempt from the BNG. The proposal is retrospective, BNG is therefore not applicable in this case.

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 - LEG2526/7207**

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 application is for the retention of a building used to house four alpacas on the site and the associated land to be used as paddocks. Although the land is located within an area at highest risk from flooding, it is not considered to result in harm to the area through increased risk and the use is compatible with the area. The building is located within the grounds of the Grade II listed building and although it has been concluded

that the harm is less than substantial, this is weighed against the public benefit of providing therapy to the local children who suffer from behavioural issues and the fact that it is reversible. The proposal would not result in any harm to local ecology, highway or neighbour amenity.

- 9.2. The proposal has garnered an objection from the statutory consultee, Sport England, due to the loss of the football pitch. Whilst this has been considered, the applicant has stated that the football pitch was not used since summer 2014 and due to the condition of the ground, was actually re-provided elsewhere in the site and is now used more. Therefore, it is considered that the use of the site would not result in an unacceptable loss of playing fields. The applicant has also stated that the site is not suitable for external clubs to use the football pitches due to the sensitive nature of the school and matters of safeguarding.
- 9.3. The proposal is supported by the Development Plan and the NPPF and PPG which are material planning considerations. Although some very minor harm has been found to impact on the setting of the listed building, this has been found to have a clear and convincing justification. In reaching this view, the report has considered carefully the special duties under S.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4. Should Members resolve to approve the application in accordance with Officer recommendation, due to the statutory objection from Sport England, then in accordance with the Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit to ascertain if they wish to call the application in. Therefore a decision cannot be issued until a decision is received from the SoS.

9.5. 10.0 Conditions

01

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- DRWG no. 483-10 Rev A Animal Shelter and Fence Details;
- DRWG no. 483-81 Rev B Part Site Plan as Proposed;
- DRWG no. 483-01 Block Plan;
- DRWG no. 483-01 Location Plan;

Reason: So as to define this permission.

02

There shall be no burning of used straw or manure from the stable block on any part of the site.

Reason: In the interests of residential amenity.

Informatives

01

The animal shelter shall be anchored securely fixed to the concrete base and remain as such for the lifetime of the development.

02

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

03

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.

04

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).

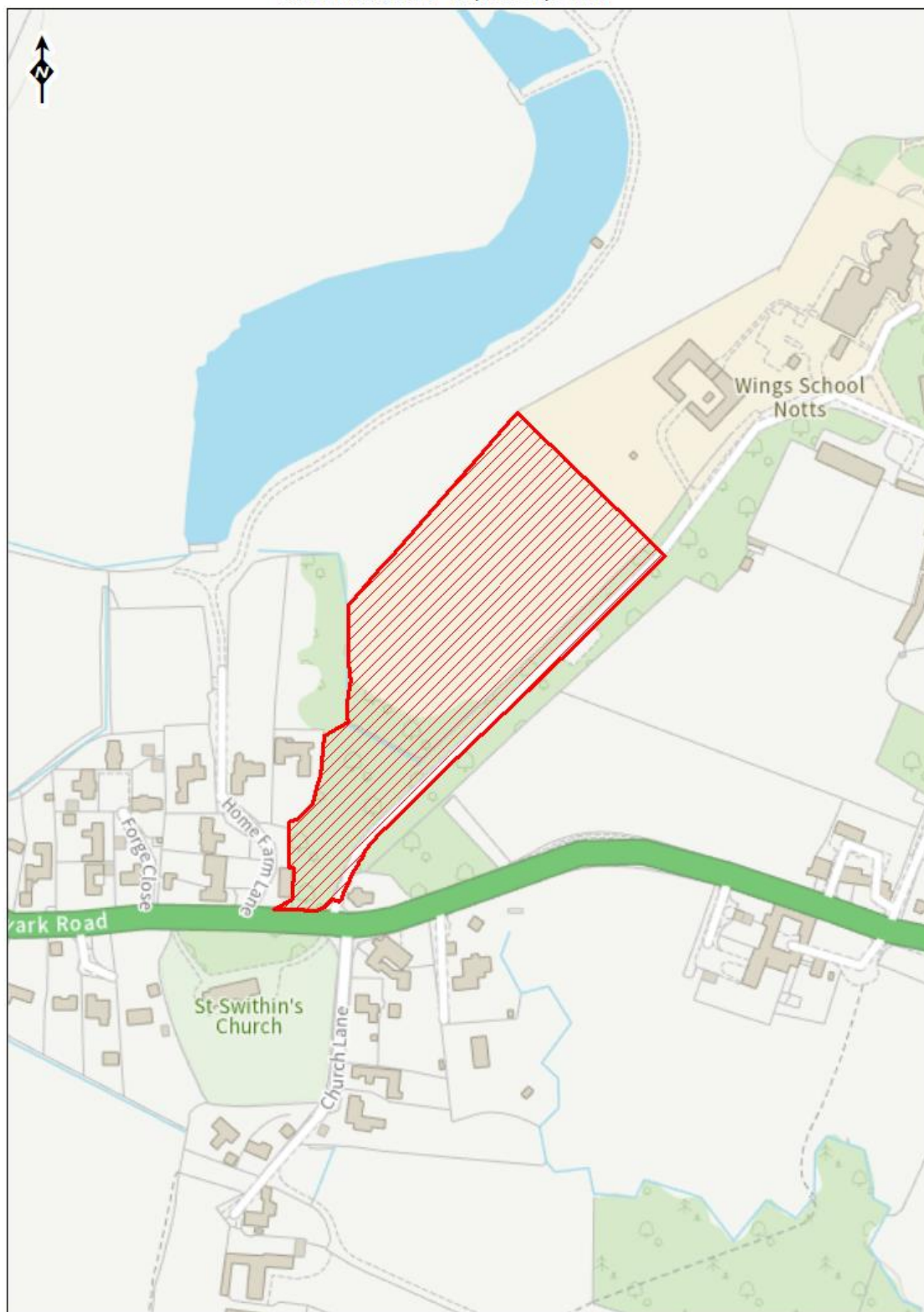
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

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 to development which would fall under the exemption of being retrospective.

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 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Officer: Harry White - Planner/Conservation Planner

Report Summary			
Application Number	25/01862/PIP		
Proposal	Application for permission in principle for construction of a minimum of 2 dwellings and a maximum of 9 dwellings		
Location	Land At Newark Road Wellow		
Web Link	25/01862/PIP Application for permission in principle for construction of a minimum of 2 dwellings and a maximum of 9 dwellings Land At Newark Road Wellow		
Applicant	Arwin Developments (Wellow) Ltd	Agent	IBA Planning Ltd - Mr Nick Baseley
Registered	25.10.2025	Target Date	29.11.2025
		Extension of Time:	16.01.2026
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 relates to an agricultural field, used for grazing, to the east of the village of Wellow. The field sits to the south of the A616 (Newark Road) and is bound to the east and west by woodland, and to the east by agricultural land and a bungalow. The field boundaries are post-1845 mixed hedgerows and wire fencing. Opposite the site entrance, to the north of the A616, are a number of bungalows forming ribbon development along the Newark Road. The woodland to the south of the site became established at the end of the 20th century.
- 1.2 The site is not within a Conservation Area and there are no listed buildings nearby, however, the site is roughly 100-130m to the east of the Wellow Conservation Area

Boundary, which is constrained by the Gorge Dyke in this direction. There are no known heritage constraints to the site.

- 1.3 The site is within Flood Zone 1 and at low risk of surface water flooding except from the field dyke which separates the application site from The Bungalow to the west of the site, which is at 1 in 30 year surface water risk.

- 1.4 The site has also been put forward through the SHELAA 2025.

2.0 Relevant Planning History

None relevant.

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 2 to 9 dwellings. No specific details are required at this stage, though a feasibility layout has been provided, and shown below:



- 3.2
- 3.3 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If the proposal is for residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.4 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 approval.

- 3.5 It is understood that the proposed dwellings would use the existing access off Newark Road, the main road through the village. As the proposal is for permission in principle, no definitive 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.

- 3.6 Documents assessed in this appraisal:

- Application Form
- Covering
- Site Location Plan
- Feasibility Layout Plan
 - All received 30th October
- Visibility Splays
 - Received 4th December

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 6 neighbouring properties have been notified by letter.
- 4.2 A site notice was displayed near to the site on 7th November 2025.
- 4.3 Site visit undertaken 7th November 2025.

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2. Allocations & Development Management DPD (2013)

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

- DM12 – Presumption in Favour of Sustainable Development

- 5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th of 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.

Policy DM5a – The Design Process

Policy DM5b – Design

Policy DM5d – Water Efficiency Measures in New Dwellings

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

5.5. **Other Material Planning Considerations**

- National Planning Policy Framework 2024
- Planning (Listed Buildings & Conservation Areas) Act 1990
- Planning Practice Guidance (online resource)
- NSDC Landscape Character Assessment SPD 2013
- NSDC Residential Cycle and Car Parking Standards 2021
- NCC Highways Design Guide
- Wellow Conservation Area Appraisal

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.2. **NCC Highways** – Comments have been provided referencing the 85th percentile speed at this location at 40.7 mph which is in excess of the 30mph speed limit based on 2024 surveys, and three recorded personal injury collisions (PICs) on the A616 Newark Road in the vicinity of the site have been recorded. They identify that residents would need to cross the A616 to walk into the village and consider it likely that future residents would be reliant on car travel. They request that, regardless of whether the site serves two or five dwellings, a shared private driveway of appropriate dimensions is provided to allow simultaneous entry and egress, with an adequate turning head to accommodate the majority of expected deliveries, in accordance with the requirements set out in the Nottinghamshire Highway Design Guide (NHDG). For developments above five dwellings, an access road designed to adoptable standards will be required.

Town/Parish Council

- 6.3. **Wellow Parish Council** – Are opposed to the development on the following key reasons, road safety, increased risk of flooding elsewhere, loss of wildlife, isolated site, out of character with Wellow.

Representations/Non-Statutory Consultation

- 6.4. 18 representations have been received, consisting of 17 objections and one in support. The concerns raised include the following:
- a. Access.
 - b. Character of the area
 - c. Countryside an inappropriate location
 - d. Highway safety
 - e. No need for new housing, sufficient market provision exists
 - f. Maintenance of the dyke
 - g. Flooding and drainage
 - h. Increase of fossil fuels usage
 - i. Strain on services, and limited amenities in Wellow
 - j. Increased noise and disturbance
 - k. Impact on Wellow Conservation area
 - l. Accuracy of the plans

One comment in support references the need for housing in the area, making use of underutilised land, contributing to the vitality of the local area, and supporting local services.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of Development
- Location
- Land Use
- Amount of Development

- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD). 26317098

Principle of Development

- 7.4. This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

Location

- 7.5. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the district. Applications for new development beyond Principal Villages, as specified within Spatial Policy 1, will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas). 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. The village of Wellow itself is classified as an 'other village' as defined by the Settlement Hierarchy, therefore would need to be assessed against Spatial Policy 3. The locational criteria outlined in Spatial Policy 3 supports the development of sites within sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farmyards and community facilities. It would not

normally include undeveloped land, fields, paddocks or open spaces which form the edge of built form.

- 7.7. Wellow, along with many other villages in the district, does not have an established village envelope. The site is located within the open countryside outside of the main built-up settlement, yet is adjacent to residential development within the village. The site is an agricultural field and backs onto woodland and agricultural land to the south, east and west. Whilst the site does sit within the settlement if this were to be defined by the 30mph sign and village entrance sign. It is the absence of built development and connection to the wider agricultural landscape which ties this site as an open countryside location.
- 7.8. As such, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).
- 7.9. Policy DM8 provides for a number of developments that may be acceptable subject to meeting defined criteria and states permission for new houses will only be granted 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. Paragraph 84 of the NPPF states homes in the open countryside should be avoided unless there is an essential need for a rural worker dwelling or 'it is of exceptional quality and truly outstanding, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas and significantly enhance its immediate setting'.
- 7.11. Whilst Wellow is an 'other village' it does have certain local amenities such as a church, pubs, and a school, all of which are less than half a mile from the application site. With the site itself being closer to the village green, and core, than other outlying residential areas of Wellow. Furthermore, the site is roughly 1.5 miles from the amenities of Ollerton & Boughton, which is a Service Centre in the Sherwood Area under the Settlement Hierarchy of Spatial Policy 1 of the Core Strategy (2019), which is well served in terms of services and facilities, the facilities of which are to be boosted by the Ollerton Town Centre Regeneration, bringing additional and enhanced facilities. Access into Ollerton can be achieved using pavements along Wellow Road and Newark Road. The historic core of Ollerton is also roughly 1.5 miles away, itself with certain local amenities.
- 7.12. 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.
- 7.13. 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.

- 7.14. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes’

- 7.15. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. Whilst the site is within the setting of the Wellow Conservation Area this alone would not provide a strong reason for refusing development on this site, only once the details are proposed would the impact upon the setting of the Wellow Conservation Area be fully appreciated.

- 7.16. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and Spatial Policy 3, the tilted balance is engaged, and the provision of housing (between 2 to 9 units) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a key role in helping the district meet its housing targets and identified housing needs.

- 7.17. The site will provide between 2 and 9 units on the edge of the village but into land considered open countryside, at this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that 2 bungalows are likely to be most appropriate, as a continuation of the 20th century ribbon development, however this will be dealt with at the technical details stage.

Land use

- 7.18. Residential land use can be a suitable use of the site owing to the proximity to the village. The site is adjacent the village therefore would be seen as an organic expansion of the village, rather than fragmented development. It is appreciated that the highway entrance would require upgrades, these upgrades would be dependent on the number of dwellings proposed.

Loss of Agricultural Land

- 7.19. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss'.
- 7.20. Agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.21. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.22. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 2 land (Very Good). Therefore, the site includes best and most versatile land. Policy DM8 is permissive of proposals where, sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or the benefits of the development justify the loss of high-quality agricultural land. The Natural England agricultural land classification data (LCD) indicates that there are no areas of lesser quality land surrounding Wellow that would not be included as best and most versatile land. Regardless, the Council can only demonstrate a 3.43 year housing land supply, which is a significant shortfall. As such, the provision of 2-9 dwellings to the areas housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.
- 7.23. The loss of this 'Very good' agricultural land measuring a up to 1.31 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance

Amount of Development

- 7.24. The application proposes between 2 and 9 dwellings. The site covers approximately 1.35 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 9, which equates to an approximate density of 7 dwellings per hectare. Given the edge of settlement location where the grain of development is typically looser. The ribbon development on the edge of Wellow makes for a particularly low density of development. The maximum is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic

generation, drainage, sewerage or local infrastructure, in accordance with Spatial Policy 3.

- 7.25. Between 2 to 9 additional dwellings is considered a suitable scale of built form when considering the context and the scale of Wellow as a village. It is unlikely that the introduction of up to 9 dwellings would detrimentally affect local infrastructure.
- 7.26. The maximum number of dwellings proposed here would be 9 units which is not considered to overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages there would be sufficient services to serve the additional dwelling at an appropriate distance. Furthermore, it is considered that 9 dwellings would not overwhelm services and facilities within the village such as the church and public houses.

Planning Balance

- 7.27. In this instance, the location is considered to be within the open countryside adjacent the built village of Wellow. 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 strong reasons for refusing the development proposed. Whilst Wellow is an 'other village', with limited amenities, Wellow has transport connections to nearby service centres. Considering the lack of a five-year housing land supply, the provision of housing is given additional positive 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

- 7.28. 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

- 7.29. As the application may affect the setting of the Wellow Conservation Area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1). This requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.30. The duty in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the

character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.31. The importance of considering the impact of new development on the significance of designated heritage assets, is expressed in Section 16 of the National Planning Policy Framework (NPPF) (2024). Paragraph 8 of the NPPF (2024) states that protecting and enhancing the historic environment is part of achieving sustainable development.
- 7.32. Furthermore, regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019). These policies amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best retains their significance.
- 7.33. 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.
- 7.34. 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.
- 7.35. 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.
- 7.36. The site is within the MN PZ 22 landscape policy zone as identified by the adopted Landscape character Assessment SPD. The policy is to conserve and reinforce the landscape the Wellow Village Farmlands with Ancient Woodlands. This landscape area is gently undulating composed of arable farmland with strong visual unity and few detracting features. The site is bound by scrub/woodland to the south and east, which reduces the wider impact of the development upon this landscape area.
- 7.37. Given that the site is located within the setting of Wellow Conservation Area regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance in accordance with S.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).
- 7.38. The site is immediately adjacent to a modern dwelling to the west and north across the A616. Therefore, an additional 2-9 dwellings on the site would have a degree of

impact on the character however it is difficult to quantify this at this stage without technical details. It is considered that a scheme could be achieved which, would have an impact on the character, its benefits could outweigh the harm. The site would not be isolated or disconnected from the village, as it sits directly adjacent to the edge of the village within an area of bungalows. Careful consideration should be given to an appropriate design, height, scale, and massing as well as palette of materials at the technical details stage to ensure that the new dwellings would harmonise with the established character of the area.

- 7.39. An indicative site layout plan has been submitted showing how nine dwellings could be accommodated within the site. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 2-9 new dwellings would be more prominent than the existing site, the construction of up to 9 dwellings would have a greater impact upon the rural setting of Wellow Conservation Area, which has the potential to be harmful, whereas the addition of two bungalows along the A616 would have a neutral impact upon the setting of the CA. The design should aim to minimise the visual impact due to the edge of village/open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

Impact on Residential Amenity

- 7.40. 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.
- 7.41. 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 The Bungalow immediately west of the proposed site. The access to the site would be at the dropped kerb, roughly 20m from the boundary to The Bungalow. Given the size of the plot for the proposal it is considered that acceptable spacing and amenity can be achieved at technical detail stage therefore a scheme where there wouldn't be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy is achievable in principle. This would be subject to technical details and further assessment.

Impact on Highways

- 7.42. 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.

- 7.43. 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.
- 7.44. It is understood that an existing agricultural access would be utilised. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 15 dwellings this would require a width of 5.0m width or 5.5m if accessed off a main street or higher category road, plus 0.5m clearance on both sides, additional width for bin storage. The highways authority has raised concerns in their comments for this application, the main concern raised is the need for junction improvements if the scheme was to result in more than 5 dwellings. The access geometry would be required at technical details stage and would be assessed to ensure that the access is acceptable for the number of dwellings proposed which is currently unknown the upgrades required will depend on the number of dwellings proposed. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.
- 7.45. Although there is no scheduled bus service in the village, an on-demand bus service operates within the South Ollerton Zone, which connects Wellow to Ollerton, Tuxford, Southwell, Newark, and all villages in between.
- 7.46. The greater the number of dwellings proposed at technical detail stage the more significant the upgrades required will be this is set out within the Nottinghamshire County Council's Highway Design Guide.
- 7.47. Overall, it is considered that the scheme would be capable of being in accordance with policy however this would be subject to a separate assessment of technical details.

Trees, Landscaping and Ecology

- 7.48. 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
- 7.49. The site is grazing land, and devoid of any trees or important landscape features, with exception of the hedgerows forming the site boundaries. In order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and would be required to support the technical details consent application.

- 7.50. If development is proposed close to established trees/hedgerows or would result in the removal of such features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. 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.
- 7.51. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. Mandatory BNG providing an ecological uplift of at least 10% is required at the technical details stage.

Contamination Risk

- 7.52. 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.
- 7.53. 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
- 7.54. 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)

- 7.55. The site is located within the Housing High Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £0m2 for CIL purposes. Therefore, no charge would be required regarding CIL.

Biodiversity Net Gain (BNG)

- 7.56. 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 - LEG2526/1633

- 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 must be assessed at technical details stage. Further to the above assessment, it is considered that the location and land use is suitable for 2-9 dwellings, and it is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the technical details consent. The Permission in Principle and the technical details consent together form the full permission. No development can commence until both have been approved.
- 9.4 Technical Consent Submission Requirements:
- Completed Technical Details Consent Application Form
 - Site Location Plan
 - Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
 - Existing and Proposed Plans and Elevations
 - Preliminary Ecology Assessment (and any follow-up surveys as recommended)
 - Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
 - Contaminated Land Desktop Study/Preliminary Risk Assessment

- Details of Biodiversity Net Gain

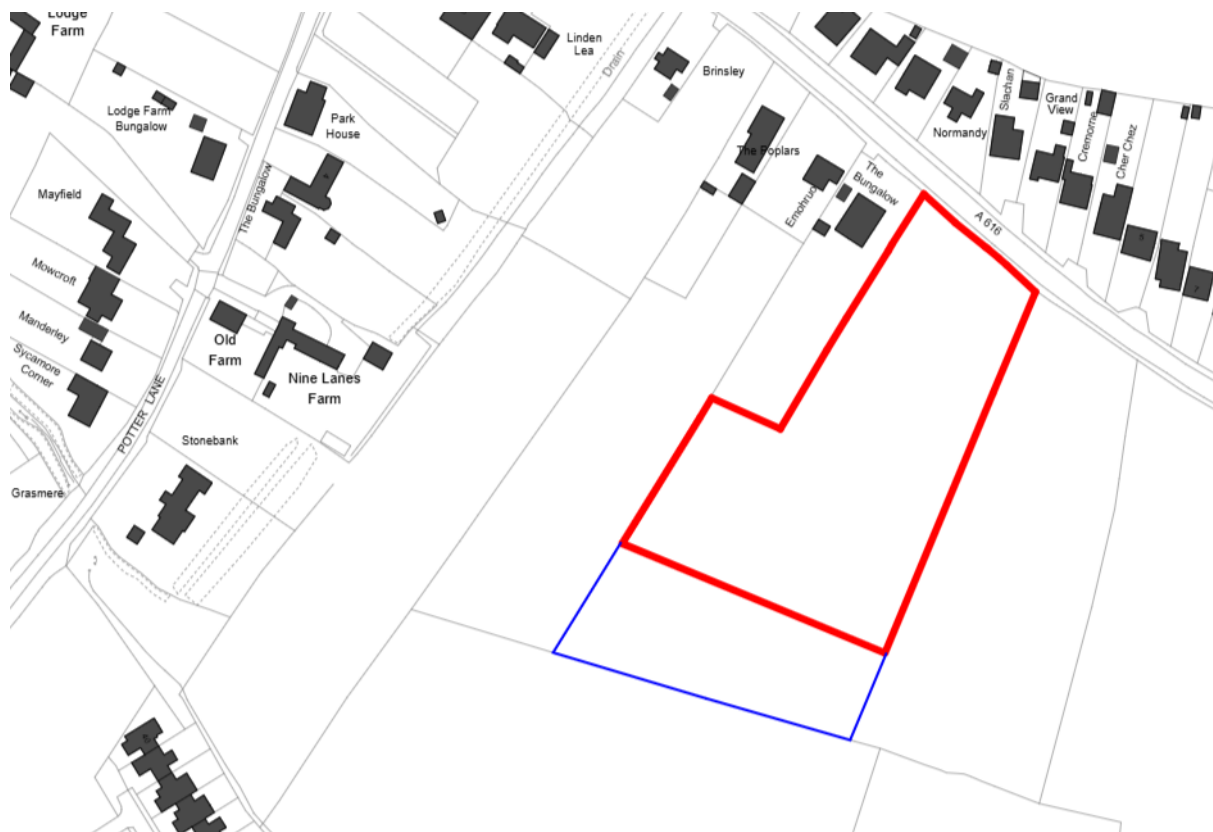
10.0 Informative Notes to the Applicant

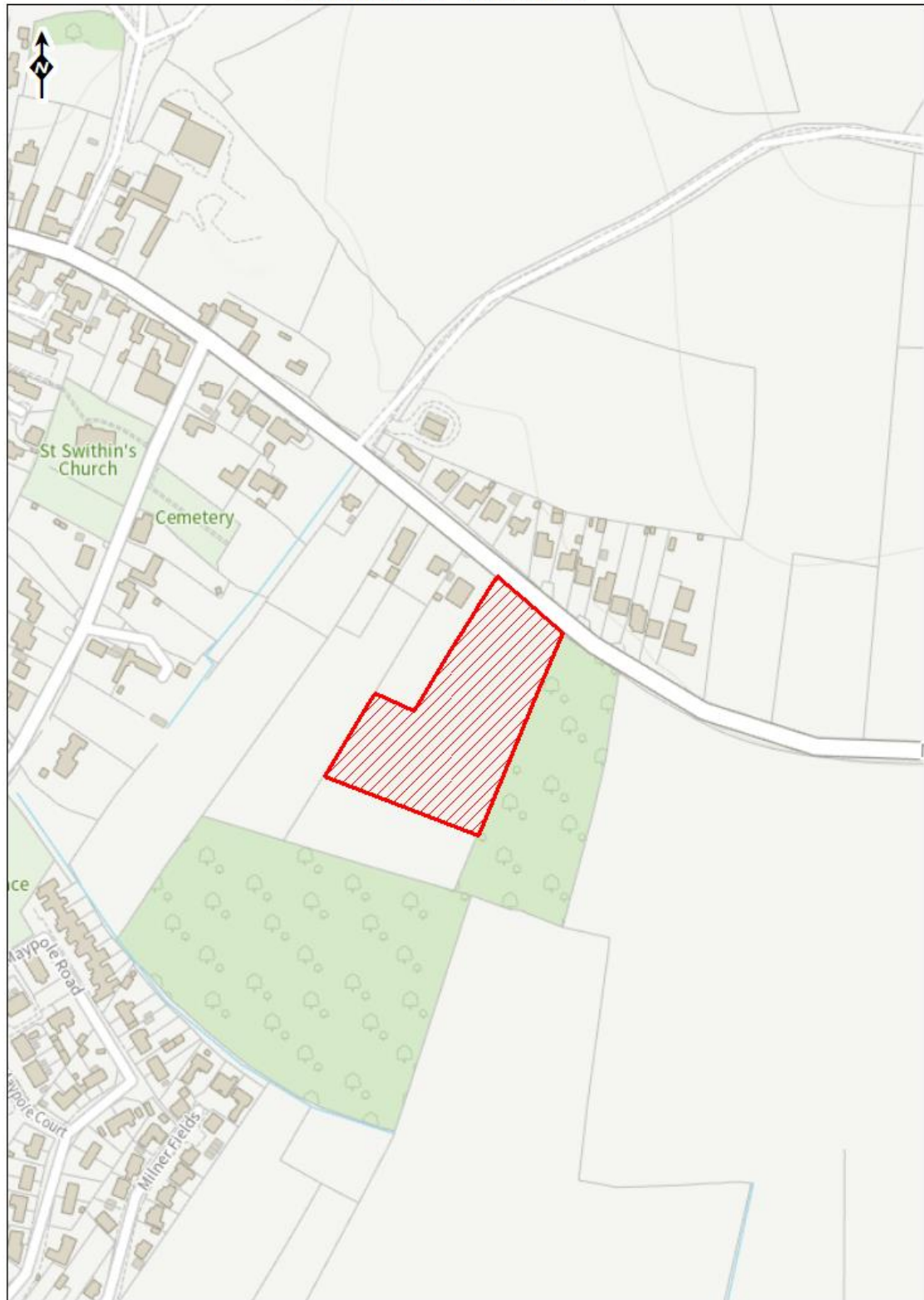
- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
- 02 The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
- 03 You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
- 04 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).

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 – 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary			
Application No.	25/01827/PIP		
Proposal	Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings		
Location	Land At Corkhill Lane, Normanton		
Applicant	Henry Leivers	Agent	IBA Planning Ltd - Nick Baseley
Web Link	25/01827/PIP Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings Land At Corkhill Lane Normanton		
Registered	22.10.2025	Target Date	26.11.2025
		Extension of Time	26.01.2026
Recommendation	That Permission in Principle is Approved.		

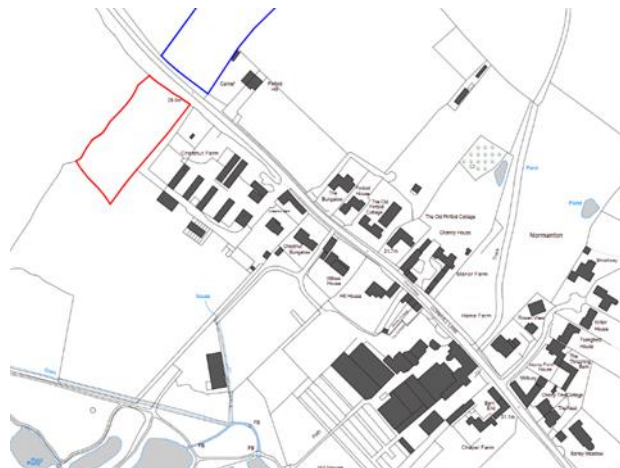
This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.

The Site

- 1.1 The application site comprises of rectangular parcel of agricultural land measuring 0.45 hectares in area, located to the south of Corkhill Lane and to the immediate northwest of the village of Normanton. At the time of the officers site visit the land was being used for the growing of vegetables. The site is bounded by tall mature hedgerows.

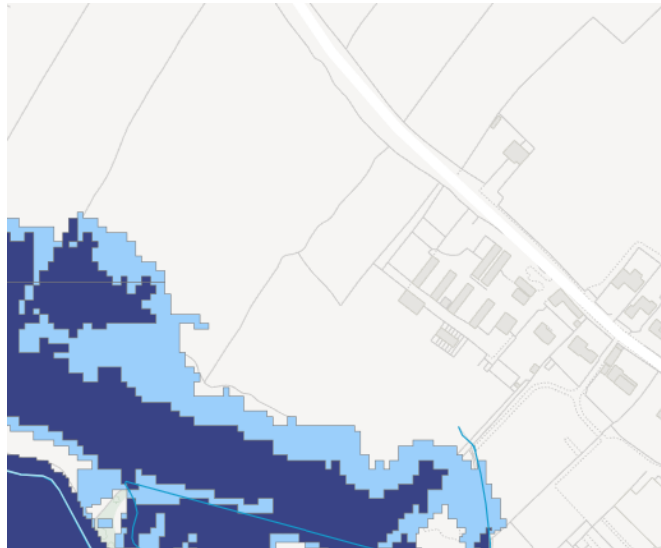


- 1.2 To the southeast of the site is Chestnut Farm, beyond which are a row of detached dwellings within spacious garden plots, and beyond those is Reg Taylors Garden Centre and Tea Rooms. To the north of the site, on the opposite site of Corkhill Lane is intermittent residential ribbon development. To the south and west is open agricultural land.



Application site shown edged in red

- 1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The nearest Listed buildings are located approx. 230m to the southeast of the site at Manor Farm. However, it does lie within a protected view cone for Southwell as defined in the Newark and Sherwood District Council Protected Views policy (SoPV). The site is located within Flood Zone 1 and is therefore at a low risk of flooding from rivers and seas. The site is also in an area at a low risk of surface water flooding. However, it is acknowledged that land to the southwest of the site, along the River Greet, is located within Flood Zones 2 and 3 as shown on the map below:-



- 1.4 The site is considered to be outside the village of Normanton and within the open countryside. A Public Right of Way, known as Southwell FP65 is located to the east of the site and runs in a southerly direction towards Greet Lily Mill on the edge of Southwell.

2.0 Relevant Planning History

- 2.1 The application site has no relevant planning history.
- 2.2 **25/01832/PIP** - Land to the northeast of the application site, on the opposite side of Corkhill Lane, is currently subject to an application for 'Permission in Principle' for residential development of up to 2 dwellings. The application is currently under consideration and will also be presented to Planning Committee on 15th January 2026.

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of a minimum of 2 dwellings and a maximum of 5 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development is proposed (as is the case here), 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 In terms of accessing the site, the proposed dwellings could utilise the existing access off Corkhill Lane. As the proposal is for permission in principle, no site plan or elevational details are required to be submitted at this stage. Such details would be considered at the Technical Details Consent stage, if permission in principle is approved. The agent has provided an indicative site plan to illustrate how the site could be laid out with the maximum 5 dwellings:-



3.5 Documents assessed in this appraisal:

- Application Form
- Site Location Plan 2553-S02-OA-001 P01
- Feasibility Layout Plan 2553-S02-OA-060 P01
- Letter dated 21st October 2025
- Planning Inspectorate Appeal Decision Letter APP/H1840/W/23/3315676 relating to a PIP application for 2 self-building dwellings in Fladbury, Worstershire.
Received by the Local Planning Authority on 23rd October 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 10 properties have been individually notified by letter, a site notice has also been displayed near to the site, and a press notice has been published.
- 4.2 Site visits undertaken on 06.11.2025 and 17.11.2025.

5.0 Planning Policy Framework

5.1. **Southwell Neighbourhood Plan (Made 11th October 2016)**

Policy SD1 – Delivering Sustainable Development
 Policy E1 – Flood Risk Assessment and Mitigation
 Policy E2 – Flood Resilient Design
 Policy E4 – Public Rights of Way and Wildlife Corridors
 Policy DH1 – Sense of Place
 Appendix 1 – Southwell Design Guide

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 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

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development
Policy So/PV – Southwell Protected Views

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 took place between Tuesday 16 September and Tuesday 28 October 2025. The Inspector will now 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
Planning Practice Guidance (online resource)
NSDC Landscape Character Assessment SPD 2013
NSDC Residential Cycle and Car Parking Standards 2021
NCC Highways Design Guide

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. None.

Town/Parish Council

- 6.2. Southwell Town Council – Object. *‘Concerns over shared septic tank, agents missed 5 year supply, benefits of housing supply, outside urban boundary, missing aspiration’.*

Representations/Non-Statutory Consultation

- 6.3. Trent Valley Internal Drainage Board (TVIDB) – The site is within the TVIDB district. The Board maintained River Greet, an open water course, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.
- 6.4. Southwell Civic Society – Object. The proposal would extend the settlement beyond the village boundary. The development is in the open countryside contrary to Policy DM8, and the harm is not outweighed by a lack of housing supply. An increase in population would not benefit the community, but add greater strain to services. Housing needs in Southwell are for affordable 2/3 bedroom houses. The appeal submitted by the agent is not relevant to this site. The Inspectorate have rejected other applications for PIP’s. The harm to the open countryside would not be outweighed. The site is not in a sustainable location. The site does not make effective use of land. There is no indication that the development is for affordable homes. Recent developments have not employed local tradesman.
- 6.5. One representation has been received from two local resident, commenting as follows:-
- Increase in surface water run-off
 - Absence of mains drainage

7.0 Appraisal

- 7.1. The key issues are:
- Principle of Development
 - 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management (DPD).

- 7.4. On 16th December 2025 the Government Published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government Policy or Guidance. However, they are capable of being material considerations in the assessment of this application. As the policy document is in the early stages of consultation it has been afforded limited weight.

Principle of Development

- 7.5. 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

- 7.6. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy are 'other villages'. Normanton doesn't feature within the hierarchy so therefore falls within the latter 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.
- 7.7. Due to the location of the site outside the main built-up area of the settlement, and before the 30mph street sign when entering Normanton from the west, it is considered to be located within the open countryside.



- 7.8. However, it is acknowledged that the site is adjacent to existing development within the village, which comprises of a mix of farm buildings and houses. 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.
- 7.9. Whilst Normanton is an ‘other village’, it has some local services of its own, including a garden centre and café which are located within 0.2 miles of the site. Furthermore, the site is within a 1 mile walk from the centre of Southwell, which is identified as a ‘Service Centre’ under the Settlement Hierarchy of Spatial Policy 1, and is well served in terms of services and facilities. Pedestrian access into Southwell could be gained along Corkhill Lane and Normanton Road, via a footpath which starts diagonally opposite the site.



- 7.10. Alternatively, there is a Public Right of Way from Corkhill Lane, located immediately to the east of the site, and extends to Greet Lily Mill at the entrance to Southwell.



- 7.11. Whilst the site is located within the open countryside, given its proximity to Normanton it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.
- 7.12. Following the publication of the NPPF on 12th December 2024, the Local Planning Authority 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.
- 7.13. 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 3.84 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.
- 7.14. 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.

- 7.15. 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.'
- 7.16. 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.
- 7.17. The site will provide between 3 and 5 additional housing units 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 dwellings would be bungalows or houses, nor the final design, but such details would come at the technical detail stage. The agent has indicated that a scheme could be designed to reflect a converted farmstead with a farmhouse and barn fronting the road, with a traditional range of 'out buildings' to the rear. Officers are of the view that such an approach would, in principle, be acceptable on this site, due to its transitional nature, located between a small rural settlement and open countryside.

Land Use

- 7.18. Residential use of the land is considered acceptable, given its proximity to the village of Normanton and the Service Centre of Southwell, and its position adjacent to existing built-up development located within the village. The development of this site would also reflect the existing pattern of development found along this section of Corkhill Lane.

Loss of Agricultural Land

- 7.19. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'
- 7.20. Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.21. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited

amounts of Grade 2 (very good) and 4 (poor) land.

- 7.22. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Unfortunately, there is no database, nor has any soil testing been carried out, to distinguish whether the site is formed by Grades 3a or 3b land, and therefore it is not known whether the site comprises of 'the best and most versatile agricultural land'.
- 7.23. The loss of this 'good to moderate' agricultural land measuring a modest 0.45 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

- 7.24. The application proposes between 2 and 5 dwellings. The site covers approximately 0.45 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 5, which equates to an approximate density of 11 dwellings per hectare. Given the existing pattern of development along this section of Corkhill Lane, and its rural 'edge of settlement location', this maximum is considered acceptable in principle and would not appear out of character within the existing density of development in the area. Any higher density could result in unacceptable harm to the character and visual amenities of the area. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage.
- 7.25. The maximum number of dwellings proposed here would be 5 units which, given the size of Normanton, would not overwhelm the existing village. Given the proximity of the site to the service centre of Southwell, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed. With regards to the provision of affordable housing, there is no policy requirement to provide affordable housing provision on developments of less than 11 dwellings or where the combines gross floorspace is less than 1,000 square metres (gross internal area).

Planning Balance

- 7.26. In this instance, the site is considered to be within the open countryside adjacent to the built-up village of Normanton. Officers are of the view that 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 sustainable development unless there are convincing issues which would warrant refusal. Whilst Normanton is an 'other village', with some but not all the essential amenities, the site is located within 1 mile of the Service Centre of Southwell, accessible via existing footpath connections, which has a wide range of services and amenities. The removal of 0.45 hectares of good to moderate agricultural land would not be a significant loss. 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

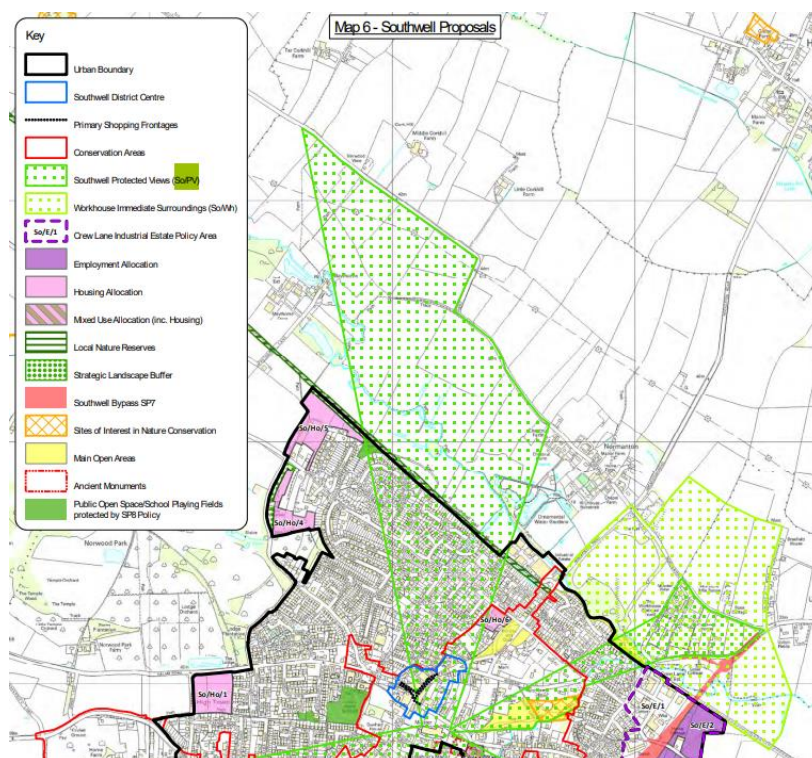
NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

Matters for Technical Details Consent Stage

- 7.27. 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, and emerging Policy DM5b, set 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

- 7.28. 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.
- 7.29. 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.
- 7.30. 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.
- 7.31. 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 the Mid Nottinghamshire Farmlands Policy Zone MN PZ 35: Maythorne Meadowlands, which is described as rolling and undulating topography with wooded skylines, interrupted intermittently by pylons and power lines, with the River Greet running through. Both the landscape sensitivity and condition is defined as 'moderate', and the proposed action for the area is to 'conserve and create' including conserving the rural character of the landscape by limiting any new development to around the settlements of Normanton and Maythorne.
- 7.32. The site lies just within an area identified under Policy So/PV of the Allocations & Development Management DPD, as a Southwell Protected View.



- 7.33. Any future development of the site would have to demonstrate that it would not negatively impact on the views of principal heritage assets within Southwell, namely the Minster, Holy Trinity church, Archbishop's Palace and Thurgarton Workhouse.
- 7.34. 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 Consent stage. The construction of up to 5 new dwellings would be more visually prominent than the existing site, which is currently in agricultural use. The design of any scheme should aim to minimise visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Any scheme should be designed to have regard to the guidance contained within the Southwell Design Guide, as contained within Appendix 1 of the Southwell Neighbourhood Plan. Soft landscaping should also be utilised to help assimilate any development within the surrounding landscape.

Impact on Residential Amenity

- 7.35. 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.
- 7.36. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are those to the northeast on the opposite side of Corkhill Lane, which are set well back from the highway in an elevated position. Given the size of the site, it is considered that acceptable spacing and amenity could be achieved at technical detail stage, thereby

achieving a scheme which would not result in unacceptable impacts upon the amenities of neighbouring occupiers, in relation to overbearing impacts, overshadowing, loss of light or loss of privacy. This would be subject to technical details and further assessment.

Impact on Highways

- 7.37. 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.
- 7.38. 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.
- 7.39. The existing access off Corkhill Lane benefits from good visibility in both directions and could be utilised to provide a shared driveway for the development of between 2 and 5 dwellings. The design of any junction would be required at Technical Details Consent stage, and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed, having regard to the NCC Highways Design Guide. Parking provision would need to adhere to the recommendations set out in Table 2 of the NSDC SPD on car and cycle parking. For dwellings with 3 or more bedrooms 3 car parking spaces would be required
- 7.40. Overall, it is considered that the scheme could provide a safe access to the site, however this would be subject to detailed assessment at the technical stage.

Trees, Landscaping and Ecology

- 7.41. 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
- 7.42. It is unlikely that the proposal would require the removal of any trees or hedgerow bounding the site. In the event this was 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 by the PEA, would be required to support the Technical Details Consent stage.
- 7.43. 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 or hedgerows, or would result in the removal of such

features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. 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.

- 7.44. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7 and the Landscape Character Assessment SPD. 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

- 7.45. 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. Core Policy 9 requires new development proposals to pro-actively manage surface water.
- 7.46. The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. It is therefore sequentially preferable in terms of flood risk.
- 7.47. With regards to surface water run-off, it is noted that land to the southwest of the site, along the River Greet, is located within Flood Zones 2 and 3.
- 7.48. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. Following consultation with the TVIDB who are responsible for the River Greet, they would not permit any increase in surface water run-off into this receiving watercourse. Details of how surface water run-off would be suitably disposed of would be considered at the Technical Details Consent stage, however Officers are satisfied that there would be a technical solution to ensure that surface water run-off from the site would not increase. For example, if soakaways are not suitable, the site is large enough to accommodate on-site surface water attenuation measures. Therefore, it is considered that surface water could be filtered elsewhere and away from the Greet and this should be considered at design stage.

Contamination Risk

- 7.49. 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.
- 7.50. 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.

- 7.51. Due to the previous agricultural use of the site there is potential for contamination to be present. 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)

- 7.52. 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)

- 7.53. 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 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- LEG2526/8844

- 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 between 2 and 5 dwellings and is an acceptable amount of development for the site.

The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

- 9.2. It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3. It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.
- 9.4. Technical Consent Submission Requirements:
 - Completed Technical Details Consent Application Form
 - Site Location Plan
 - Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
 - Existing and Proposed Plans and Elevations
 - Preliminary Ecology Assessment (and any follow-up surveys as recommended)
 - Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
 - Contaminated Land Desktop Study/Preliminary Risk Assessment
 - Details of BNG

10.0 Informative Notes to the Applicant

01. The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The Technical Details Consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
02. The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
03. You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
04. 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).

05. The site is within the Trent Valley Internal Drainage Board district. The Board maintained River Greet, an open watercourse, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. Trent Valley Internal Drainage Board Water Management Consortium Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. If you require any further information please do not hesitate to contact the Board's Planning and Development Control Officer, Darren Cowling on 01636 551076.

BACKGROUND PAPERS

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

Application case file.





Report to Planning Committee – 15 January 2026

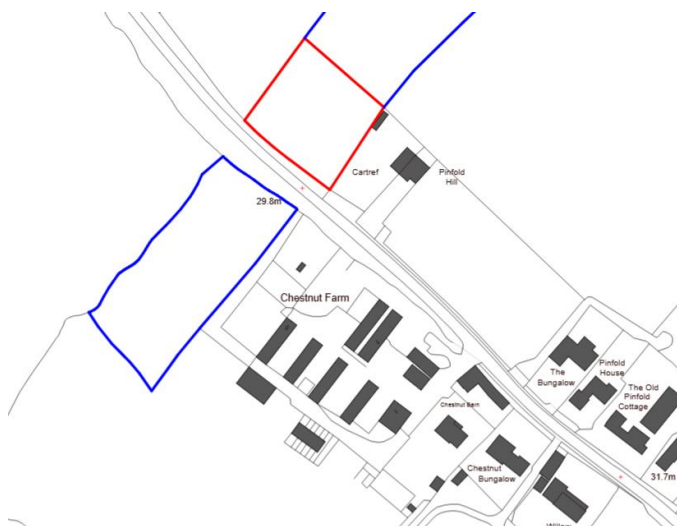
Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jared Pailing – Planning Development Officer

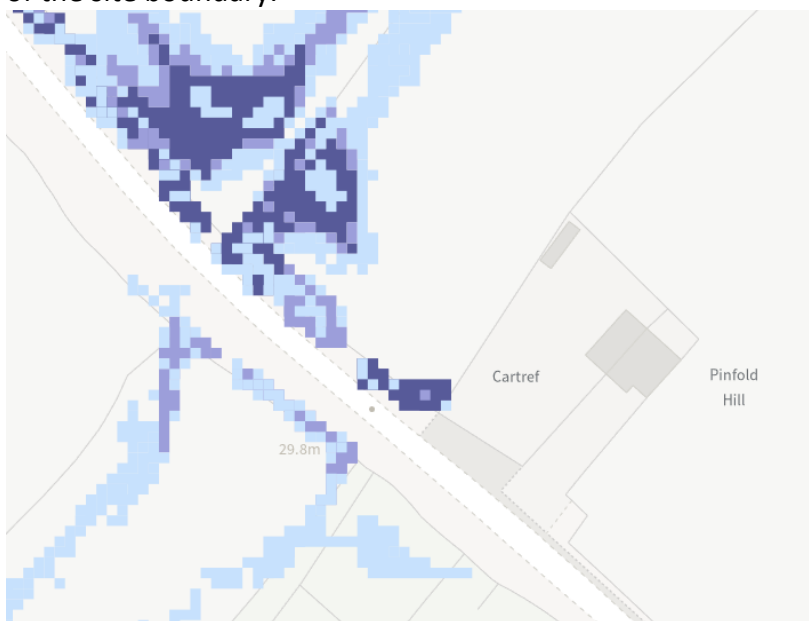
Report Summary			
Application Number	25/01832/PIP		
Proposal	Application for permission in principle for proposed residential development of 2 dwellings		
Location	Land Adjacent Cartref Corkhill Lane Normanton		
Applicant	Henry Leivers	Agent	IBA Planning Ltd - Nick Baseley
Registered	22.10.2025	Target Date	26.11.2025 EOT – 23.01.26
Recommendation	That Permission in Principle is Approved		

1.0 The Site

- 1.1 The site (outlined in red) comprises of a square parcel of undeveloped agricultural land measuring 0.24 hectares in area, fronting onto Corkhill Lane to the immediate northwest of the village of Normanton. The surrounding area otherwise is predominantly fields. The site is bounded by hedgerows.



- 1.2 There is a limited number of residential properties in the area with the closest, forming an intermittent residential ribbon development, immediately next door to the application site.
- 1.3 The site is not within a conservation area and there are no listed buildings nearby. The site has the following constraints:
 - The entrance to the site and parts of the site are at risk of surface water flooding at varying levels ranging from low to medium risk with predominantly low/medium risk at the site entrance and high risk to the northwestern portion of the site boundary.



- Public Right of Way – located on the plot of land on the adjacent side of the road leading to Southwell

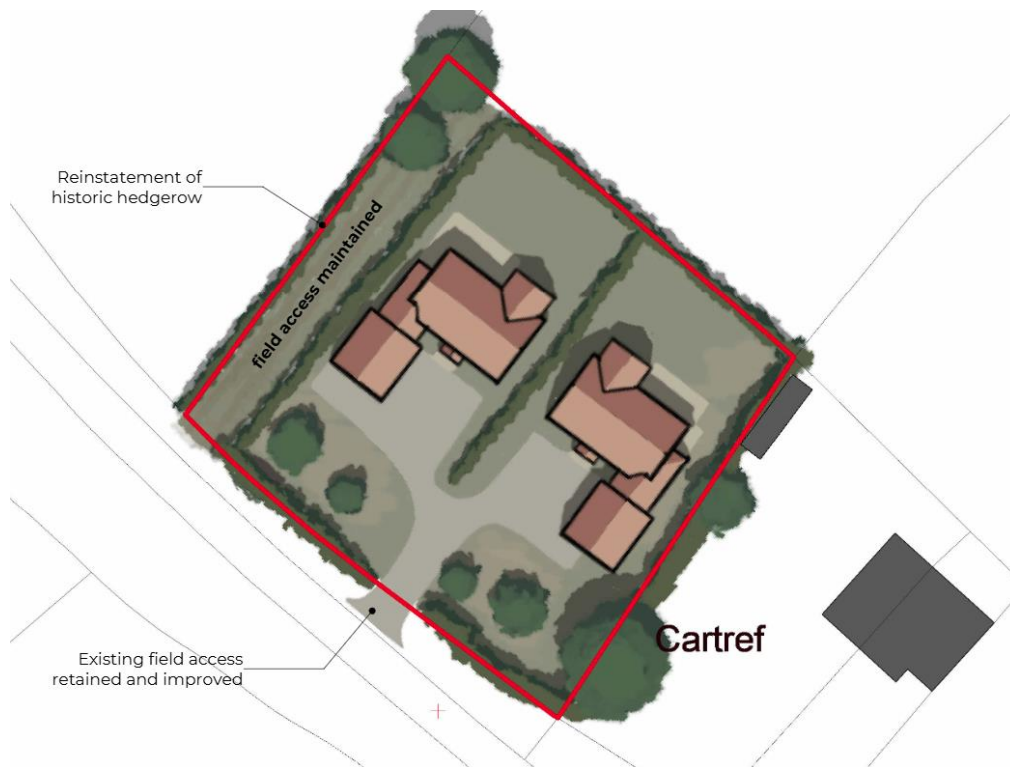


2.0 Relevant Planning History

- 2.1 25/01827/PIP - Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings is currently subject to an application for 'Permission in Principle'. The application is currently under consideration and will also be presented to Planning Committee on 15th January 2026.

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 2 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 In terms of accessing the site, the proposed dwellings could utilise the existing access off Corkhill Lane. As the proposal is for permission in principle, no site plan or elevational details are required to be submitted at this stage. Such details would be considered at the Technical Details Consent stage, if permission in principle is approved.
- 3.5 The indicative plans show the entrance is to be retained and seemingly improved to create a new shared driveway. It also illustrates how the site could be laid out with 2 dwellings:-



3.6 Documents assessed in this appraisal:

- Application form – Submitted 23rd October 2025;
- Feasibility Layout Plan (2553 S02 MF 060 REV P01) – Submitted 23rd October 2025;
- Site Location Plan (2553 S02 MF 001 REV) – Submitted 23rd October 2025;
- LTR from Agent – 23rd October 2025.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 10 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 26.11.2025.

4.2 Site visit undertaken 17th October 2025.

5.0 Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design

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

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

- So/PV – Southwell Protected Views
- 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. **Southwell Neighbourhood Plan (Made 11th October 2016)**

- Policy SD1: Delivering Sustainable Development
- Policy E1 – Flood Risk Assessment and Mitigation
- Policy E2 – Flood Resilient Design
- Policy E4 – Public Rights of Way and Wildlife Corridors
- Policy DH1: Sense of Place
- Southwell Design Guide

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. 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 took place between Tuesday 16 September and Tuesday 28 October 2025. The Inspector will now consider the representations and finalise his examination report and the final schedule of recommended main modifications.

- 5.7. 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.

a. DM5b – Design

5.8. **Other Material Planning Considerations**

National Planning Policy Framework 2024
Planning Practice Guidance (online resource)
NSDC Landscape Character Assessment SPD 2013
NSDC Residential Cycle and Car Parking Standards 2021
NCC Highways Design Guide

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.2. **NCC Highways** – Standing advice

Town/Parish Council

- 6.3. **Southwell Parish Council** – Object to the proposal on grounds of concerns over shared septic tank, missed 5 year supply, benefits of the housing supply, outside of the urban boundary.
- 6.4. **Southwell Civic Society** – Dispute the relevance of the submitted appeal statement and consider the site unsuitable for development due to lack of services, utilities and lack of affordable housing within the proposal.

Representations/Non-Statutory Consultation

- 6.5. 10 Resident/Neighbours have had individual letters posted. – Two Neighbours have commented to object to the proposal. One objection relates to the lack of amenity resources as their property is immediately next to the site and have highlighted the lack of mains drains, mains supply of water, gas supply and streetlights. A second comment has been received again raising the issue of facilities such as streetlights, footpaths and gas.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of Development
- 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).

- 7.4. On 16th December 2025 the Government Published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government Policy or Guidance. However, they are capable of being material considerations in the assessment of this application. As the policy document is in the early stages of consultation it has been afforded limited weight.

Principle of Development

- 7.5. 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

- 7.6. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. In accordance with Spatial Policy 3 (Rural Areas), proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.7. Normanton is not defined within the settlement hierarchy and is therefore an 'other village'. Proposed Developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. The locational criteria outlined in Spatial Policy 3 supports the development of sites within sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farmyards and community facilities. It would not normally include undeveloped land, fields, paddocks or open spaces which form the edge of built form.
- 7.8. Normanton, along with many other villages in the district, does not have an established village envelope and is described within the Adopted Southwell Neighbourhood Plan as a "hinterland" that relies on Southwell as its service centre. However, the site is located outside of the main built-up area of the settlement, and before the 30mph street sign when entering Normanton from the west. For these reasons it is considered the site falls outside of the village and is within the open countryside. However, it is acknowledged that there is a pair of residential dwellings adjoining the site's eastern boundary.
- 7.9. As such, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).
- 7.10. Policy DM8 provides for a number of developments that may be acceptable subject to meeting defined criteria and states permission for new houses will only be granted 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.'
- 7.11. Paragraph 84 of the NPPF states homes in the open countryside should be avoided unless there is an essential need for a rural worker dwelling or 'it is of exceptional quality and truly outstanding, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas and significantly enhance its immediate setting'. Further to this, although not part of the urban built

up area of Southwell, the Southwell Neighbourhood Plan still applies. It states new developments will only be supported if compliant with National and Local Policies putting the proposal at odds with policy due to its open countryside location.

- 7.12. Whilst Normanton is an 'other village', it has some local services of its own, including a garden centre and café which are located within 0.2 miles of the site. Furthermore, the site is within a 1 mile walk from the centre of Southwell, which is identified as a 'Service Centre' under the Settlement Hierarchy of Spatial Policy 1, and is well served in terms of services and facilities. Pedestrian access into Southwell could be gained along Corkhill Lane and Normanton Road, via a footpath which starts adjacent to the south east corner of the site.



- 7.13. Alternatively, there is a Public Right of Way from Corkhill Lane, located opposite the site, and extends to Greet Lily Mill at the entrance to Southwell.
- 7.14. 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 3.84 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.
- 7.15. 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.
- 7.16. 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.'
- 7.17. 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.
- 7.18. The site will provide 2 additional housing units on the edge of the village but on land considered open countryside. At this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that 2 houses or bungalows are likely to be most appropriate however this will be dealt with at the technical details stage. The indicative layout demonstrates that a scheme could be designed to reflect the layout of the adjacent dwellings which are well set back from the street and screened by substantial planting including along the site's north west boundary which would provide a welcome buffer between the proposed built form and the open countryside.

Land Use

- 7.19. Residential is a suitable use of the land considering the proximity to the village of Normanton and the Service Centre of Southwell, and its position adjacent to a small number of other dwellings. The development of this site would also broadly reflect the existing pattern of development found along this section of Corkhill Lane.

Loss of Agricultural Land

- 7.20. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'
- 7.21. Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land

into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

- 7.22. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.23. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Unfortunately, there is no database, nor has any soil testing been carried out, to distinguish whether the site is formed by Grades 3a or 3b land, and therefore it is not known whether the site comprises of 'the best and most versatile agricultural land'.
- 7.24. The loss of this 'good to moderate' agricultural land measuring a modest 0.24 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

- 7.25. The application proposes 2 dwellings. The site covers approximately 0.24 hectares. The generally accepted density for new residential development within the district is 30 dwellings per hectare. The number of dwellings on site would be 2, which equates to an approximate density of 8.3 dwellings per hectare. Given the existing pattern of development along this section of Corkhill Lane, and its rural 'edge of settlement' location, this ratio is considered acceptable in principle and would appear in keeping with the existing density of development in the area. Any higher density would likely result in an unacceptable visual impact. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage. Overall, the maximum is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with Spatial Policy 3.
- 7.26. The maximum number of dwellings proposed here would be 2 units which, given the size of Normanton, is considered proportionate to the existing village. Given the proximity of the site to the service centre of Southwell, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed.

Planning Balance

- 7.27. In this instance, the site is considered to be located within the open countryside adjacent the built form of Normanton village. 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 sustainable development unless there are convincing issues which would warrant refusal. Whilst

Normanton is an 'other village', with little in terms of the essential amenities, the site is located within 1 mile of the Service Centre of Southwell accessible via existing footpath connections, which has a wide range of services and 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

- 7.28. 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. These policies are now reflected in the emerging plan policy DM5b.
- 7.29. The technical details consent application would need to carefully consider these criteria. Residential is a suitable use of the land considering the proximity to the village.

Impact on Visual Amenity and the Character of the Area

- 7.30. 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.
- 7.31. 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.
- 7.32. 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.
- 7.33. 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 the Mid Nottinghamshire Farmlands Policy Zone MN PZ 35: Maythorne Meadowlands, which is described as rolling and undulating topography with wooded skylines, interrupted intermittently by pylons and power lines, with the River Greet running through. Both the landscape sensitivity and condition is defined as 'moderate', and the proposed action for the area is to 'conserve and create' including conserving the rural character of the landscape by limiting any new development to around the settlements of Normanton and Maythorne.

- 7.34. The topography of the site, which slopes up from the adjacent highway means any dwellings would be located within an elevation position within the street. Therefore, regarding impact on the landscape, two dwellings of either bungalow proportions or a maximum of 1.5/2 stories considered not to cause substantial concern.
- 7.35. The historic settlement of Southwell is located close by to the south, however, due to the presence of foliage and treelines, views of the minster and historic core are limited. The site is not within one of the defined protected view cones for Southwell, although it is acknowledged that the view cones cease to the south of Corkhill Lane.
- 7.36. In terms of design, these details are to be considered at the technical stage and at this stage of the application hold little weight, however, any design put forward should be sympathetic to the historic nature of the area and nearby village and close proximity neighbours, that is to say for example a clear new build design as often seen in more urban areas would be unlikely to be supported. The design should aim to minimise the visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

Impact on Residential Amenity

- 7.37. 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.
- 7.38. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are Cartref & Pinfold Hill immediately east of the proposed site with Cartref sharing a boundary. Cartref features an outbuilding close the boundary, but the house itself is located c24m away from the boundary. No other dwellings are located close to the site and are instead further into the village. The submission indicates the access to the site would be the existing access currently serving the field. 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).
- 7.39. The comments objecting to the proposal are noted. Although, the presence of two new dwellings would undoubtedly have an impact in terms of views from Cartref due to an open field being replaced with dwellings, the loss of pleasant views is not a material planning consideration in terms of residential impact. 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

- 7.40. 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.

- 7.41. 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.
- 7.42. From the submitted plans it appears the existing rural access to the site would be finished in a hard bound surface and turned into a shared drive for the two dwellings but not details are submitted at this stage.
- 7.43. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to a maximum of 5 dwellings this would require a 4.8m width within 8.0m of the highway plus 0.5m clearance on both sides, additional width for bin storage.
- 7.44. 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. Highways have commented at this stage to advise standing advice is sufficient but subject to further details they may be consulted at a later stage.
- 7.45. Attention should also be drawn to the way the site will interact with the public highway. Currently there is no pedestrian footpath, and the site is accessed directly via the highway which would be a danger to residents and pedestrians if houses were to be built on the site. As such, highways may require consideration be given to the potential of a pedestrian footpath link as part of any technical details. Consideration should also be given as to how the development may impact the nearby public rights of way in line with Policy E4 of the adopted neighbourhood plan which seeks to enhance and conserve public rights of way.

Trees, Landscaping and Ecology

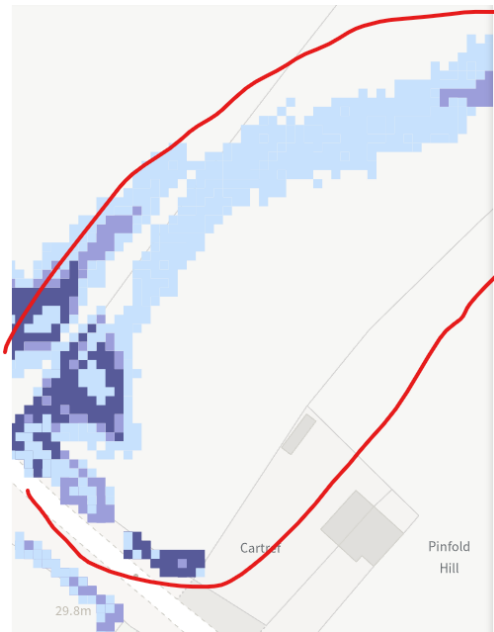
- 7.46. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged
- 7.47. It is unlikely that the proposal would require the removal of any trees or hedgerow bounding the site. In the event this was 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 by the PEA, would be required to support the

Technical Details Consent stage.

- 7.48. 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, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. 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.
- 7.49. 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

- 7.50. 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. Core Policy 9 requires new development proposals to pro-actively manage surface water.
- 7.51. The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. It is therefore sequentially preferable in terms of flood risk.
- 7.52. However, the site has been identified as at risk of surface water flooding ranging from low-high at varying locations of the site. The entrance to the south to the site ranges from low risk (lightest hue of blue) to medium (darker hue) and high (darkest blue) with the southeastern most area being at high risk of flooding. To the western part of the site there is a high density of high risk flooding with medium and low interspersed. Running along the majority of the boundary and to the north is low risk.



7.53. Para 172 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of the development taking into account all sources of flood risk and the current and future impacts of climate change. Considering the on site risks of surface water flooding, it will need to be demonstrated during the technical stage that the area is appropriate for development in terms of flood risk and that any development would not result in an increased flood risk off site. The indicative plan provided shows the area along the site's northwestern boundary, which is at highest risk of flooding, would be retained as a field access and so remaining in agricultural use.

7.54. Policies E1&E2 of the adopted neighbourhood plan also reinforces the need for site specific flood risk assessments as well as the need to demonstrate flood resilience. These policies are reflected in Core Policy 10 of the Amended Core Strategy and DM5 of the Adopted Allocations SPD. A site-specific flood risk assessment is required to demonstrate how the proposal would be acceptable in terms of flooding and how the proposal would comply with the sequential test requirements set out in national policy.

7.55. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. Details of how surface water run-off would be suitably disposed of would be considered at the Technical Details Consent stage, however Officers are satisfied that there would be a technical solution to ensure that surface water run-off from the site would not increase. For example, if soakaways are not suitable, the site is large enough to accommodate on-site surface water attenuation measures.

Contamination Risk

7.56. 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.

7.57. 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

7.58. 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)

7.59. 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)

7.60. 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.

8.2. Legal Implications - LEG2526/949

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 2 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.
- 9.4 Technical Consent Submission Requirements:
- Completed Technical Details Consent Application Form
 - Site Location Plan
 - Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
 - Existing and Proposed Plans and Elevations
 - Preliminary Ecology Assessment (and any follow-up surveys as recommended)
 - Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
 - Contaminated Land Desktop Study/Preliminary Risk Assessment
 - Details of BNG

10.0 Informative Notes to the Applicant

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

consent (as a grant of planning permission) could be subject to the biodiversity gain condition.

- 03 You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
- 04 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).

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 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Howard Cheng – Planner

Report Summary			
Application No.	25/01823/PIP		
Proposal	Application for Permission in Principle for Residential Development of One Dwelling Following Demolition of Existing Open-Fronted Car Port.		
Location	Land To The North Of Hawthorn Cottage Main Street Kirklington Newark On Trent NG22 8NL		
Applicant	Dr Victoria Howe	Agent	Mr Anthony Northcote
Web Link	25/01823/PIP Application for Permission in Principle for Residential Development of One Dwelling Following Demolition of Existing Open-Fronted Car Port. Land To The North Of Hawthorn Cottage Main Street Kirklington Newark On Trent NG22 8NL		
Registered	22.10.2025	Target Date	26.11.2025 (EOT agreed until 19.01.2026)
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 near Kirklington on the southern side of A617 behind two pairs of semi-detached two storey houses and a detached two storey house.
- 1.2 The application site comprises a detached car port, an LPG tank and a storage container. It is connected to A617 via a private access road located in between the two pairs of semi-detached two storey houses.
- 1.3 The application site is also located within Kirklington Conservation Area and there is a

Grade II listed building (Greet Farmhouse) located on the other side of A617 opposite the access point of the application site. The application site is located within the Grounds at Hall Farm, Kirklington, a non-designated heritage asset (ref: MNT26698). Land to the north, east and west is all covered by different Historic Environment Record entries.

- 1.4 Immediately to the north and west of the application site are open fields. To the east of the application site is a private access road and a woodland. To the southeast of the application site beyond the aforementioned access road, as well as to the south of the application site, are some residential properties that face onto A617. On the other side of A617 are also some residential properties, which include the Grade II listed building.
- 1.5 The application site is located within Flood Zone 1.
- 1.6 Site photos are as follows:



Photo 1 – The application site from A617



Photo 2 – The application site from the southeast



Photo 3 – The rear of the existing detached car port



Photo 3 – Views to the west of the application site

2.0 Relevant Planning History

Reference number	Proposal	Decision	Date of decision
25/01683/TWCA	T1 - Apple Tree - Fell	No Objection	01.10.2025
22/00442/LDC	Application for a Lawful Development Certificate relating to use of land and buildings for residential purposes without complying with Condition No.1 of Planning Permission 46/-/81/691 Hawthorn Cottage, Pine Tree Cottage, Mint Cottage And Sycamore Cottage	Certificate Issued	29.04.2022
16/01880/TWCA	Fell 3 Leylandii trees, 1 Apple tree and 1 Willow	Application Permitted	14.11.2016

	treeCrown clean and remove deadwood to 2 Apple trees.		
4681691LB	Demolish outbuildings	Application Permitted	20.04.1982
4681691	Erect dwellings and refurbish cottages.	Application Permitted	20.04.1982

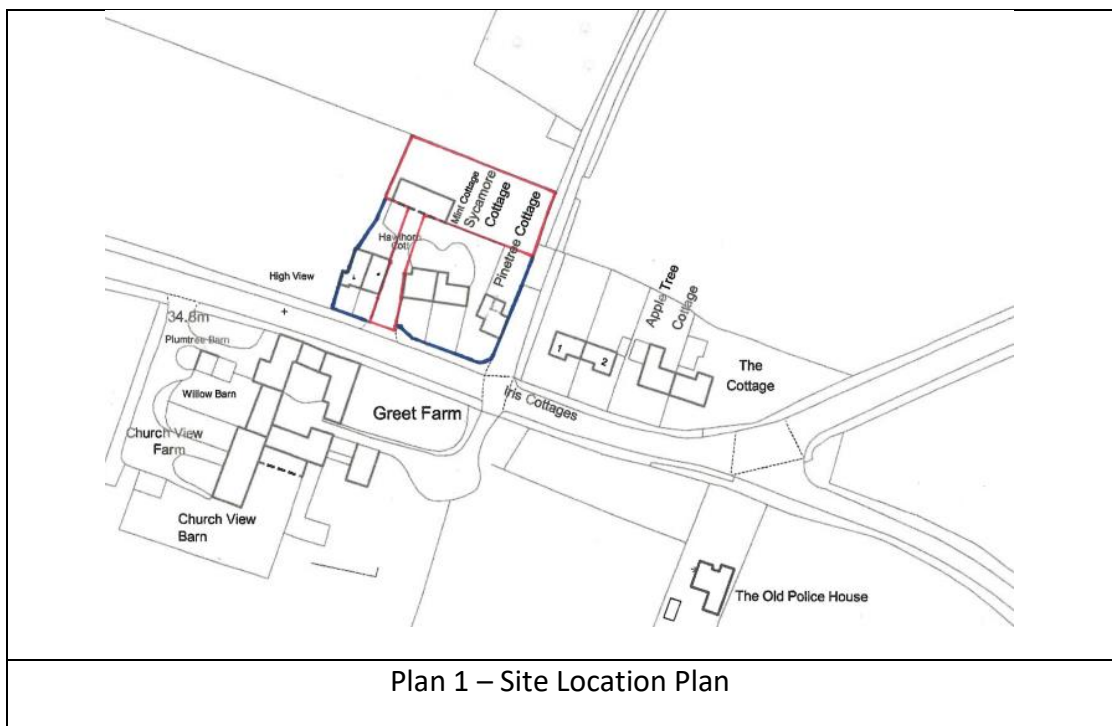
3.0 The Proposal

3.1 The application seeks permission in principle for residential development of one dwelling following the demolition of the existing open-fronted car port.

3.2 Documents assessed in this appraisal:

Name	Reference No.	Date received
Location Plan		21 st October 2025
Planning Statement and Heritage Impact Assessment	(Dated Oct 2025)	21 st October 2025

3.3 Key plans are as follows:



4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 9 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 11th November 2025.

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 14 – Historic Environment

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

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 took place between Tuesday 16 September and Tuesday 28 October 2025. The period of consultation has concluded and the Inspector is considering the representations and finalising 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)

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. None.

Town/Parish Council

6.2. Kirklington Parish Council (consulted on 03.11.2025) – no comment received.

Representations/Non-Statutory Consultation

6.3. NSDC Conservation – No objection in principle.

6.4. No comments have been received from any third party/local resident.

7.0 **Appraisal**

- 7.1. 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.
- 7.2. As the application concerns the conservation area and there is a listed building nearby, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are 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." Section 72(1) of the Act requires LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.3. The duties in sections 66 and 72 of the Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and character and

appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.4. The Planning Practice Guidance (PPG) advises that permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 7.5. The permission in principle consent route has two stages. The first stage, or permission in principle stage, establishes whether a site is suitable in-principle. The second 'technical details consent' stage is when the detailed development proposals are assessed.
- 7.6. The PPG also states that the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.
- 7.7. As such, the main issue is whether or not the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Principle of Development

Location

- 7.8. The application site is located approx. 0.19 miles to the northeast of St Swithun's Church in Kirklington. There are other residential properties on both the same and opposite sides of A617 immediately to the east and south of application site. They are surrounded by open fields and there is an approx. 150m distance separating them from the larger cluster of development of Kirklington, which includes residential properties, the Church and a primary school, along Church Lane, A617, Home Farm Lane, Forge Close and Southwell Road.
- 7.9. The application site is also located within Kirklington Conservation Area and there is a Grade II listed building (Greet Farmhouse) located on the other side of A617 opposite the access point of the application site. The application site is located within the Grounds at Hall Farm, Kirklington, a non-designated heritage asset (ref: MNT26698). Land to the north, east and west is all covered by different Historic Environment Record entries.
- 7.10. 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.
- 7.11. Spatial Policy 3 of the ACSDPD relates to rural areas. There is no defined boundary to the extent of the main built-up area of Kirklington in the Local Development

Framework. Given the degree of separation of the application site from the main developed area in Kirklington, it is considered that the application is not located within the village of Kirklington.

- 7.12. Spatial Policy 3 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.
- 7.13. 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 detached car port 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.

- 7.14. It is not considered that the proposed dwelling would meet the requirements of DM8.
- 7.15. 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.*

- 7.16. The main differences between ADMDPD and DAADMPD have been emboldened. Based on the information submitted in support of this application, 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.
- 7.17. In short, it is considered that the location of proposed development would conflict with both Policy DM8 in the ADMDPD and Policy DM8 in the DAADMPD.
- 7.18. 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. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states special attention

needs to be paid to the desirability of preserving or enhancing the character or appearance of that area when making the decision.

- 7.19. Core Policy 14 of the ACSDPD and Policy DM9 of the ADMDPD relate to heritage assets and historic environment. Paragraphs 210 to 215 of the NPPF set out what and how to consider planning applications in relation to designated heritage assets. Paragraph 216 of the NPPF sets out how to consider the effect of an application on the significance of a non-designated heritage asset
- 7.20. The Conservation Team has been consulted and in principle raised no objection to the proposed development which would consist of one dwelling following the demolition of existing detached car port.
- 7.21. The Conservation Team pointed out that this area of Kirklington Conservation Area that the application site is located in is unusual in its disparate connection to the nucleated core of the village. Nonetheless, it is considered that the parkland and landscape to the north of the application site is still relevant to the historic settlement of Kirklington. It is considered that the proposal would not result in encroachment upon an area of the Conservation Area that would be considered as unacceptable.
- 7.22. It is acknowledged that the application site is essentially a parcel of land to the rear of existing residential properties, however, there is already an existing detached car port on the land. This existing detached car port is considered to make a neutral contribution to the street scene of Kirklington Conservation Area.
- 7.23. In short, it is considered that the presence of a Grade II listed building on the other side of A617 opposite the access point of the application site, the application being located within Kirklington Conservation Area and the demolition of the existing detached car port would not make the application site an inappropriate location for the proposed development.

Land Use

- 7.24. The land use of the proposed development would be residential.
- 7.25. Immediately to the north and west of the application site are open fields. Beyond the fields further to the north are some properties in Commercial, Business and Service uses and stables. To the east of the application site is the access road connecting the aforementioned properties and stables to the A617. Beyond this access road is a woodland.
- 7.26. To the southeast of the application site beyond the aforementioned access road as well as to the south of the application site are some residential properties that face onto A617. On the other side of A617 are also some residential properties.
- 7.27. Notwithstanding the inappropriate location of the proposed development, due to conflict with Policy DM8 in the ADMDPD, the land use of the proposed development is considered to be acceptable.

Amount

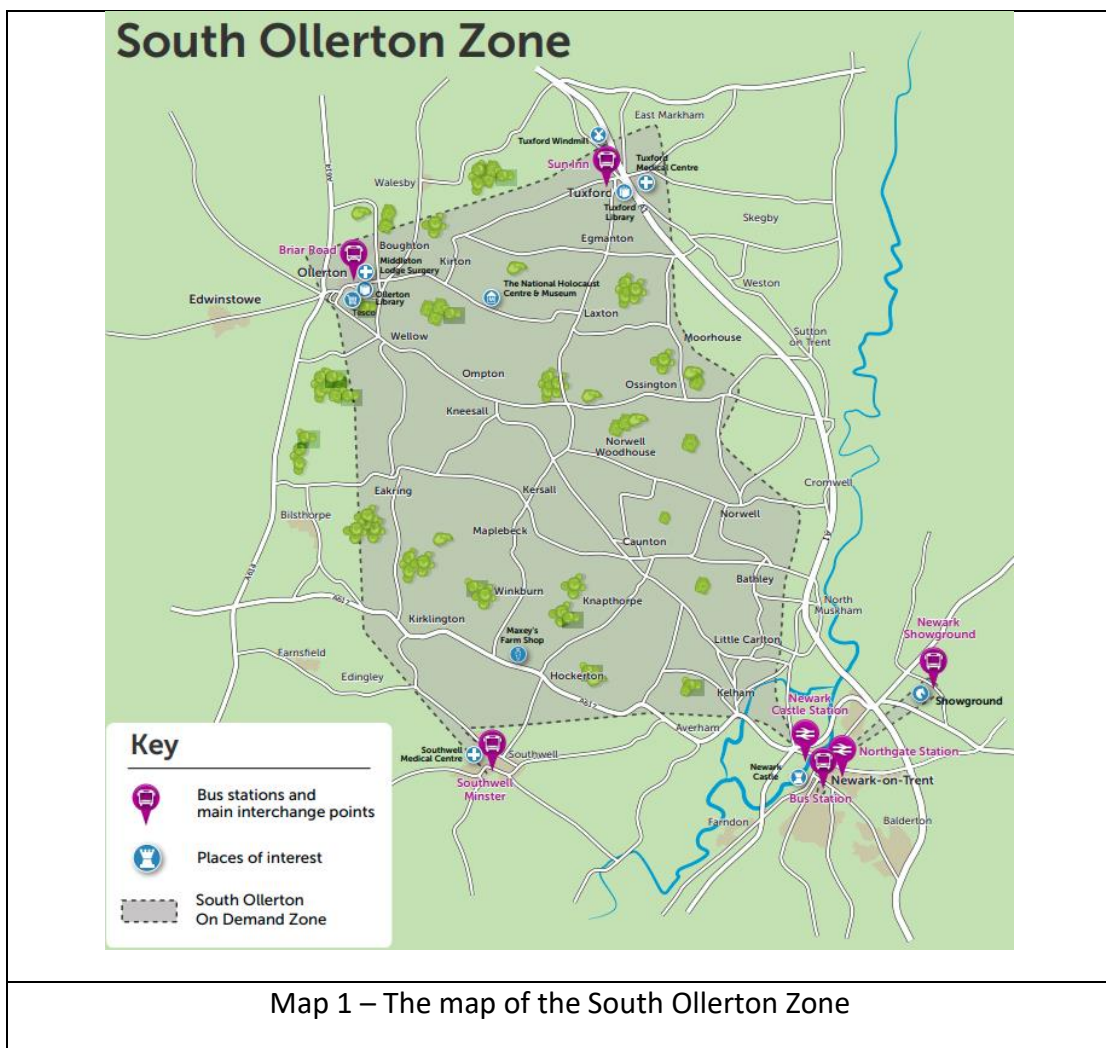
- 7.28. The proposed development is for one dwelling, following the demolition of existing detached car port.
- 7.29. Core Policy 3 of the ACSDDP relates to Housing Mix, Type and Density. It sets out development densities in all housing developments should normally be no lower than an average 30 dwellings per hectare net, and housing developments with a lower density would require justification, taking into account individual site circumstances.
- 7.30. The proposal would equal to approximately 10 dwellings per hectare, which would fall below the normal requirement of 30 dwellings per hectare net. Notwithstanding the inappropriate location of the proposed development due to conflict with Policy DM8 in the ADMDDP, the lower density of the proposal is considered to be appropriate and acceptable owing to the location of the application site and the variations of density of the existing development nearby. The amount of development is therefore acceptable.

Planning Balance

- 7.31. 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.
- 7.32. 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. As of 1st April 2025, Newark and Sherwood District Council as the local planning authority determining this application only has 3.84 years of housing land supply, falling short of the minimum of five years' worth of housing required by the NPPF.
- 7.33. 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.
- 7.34. 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

- 7.35. Footnote 7 of the NPPF expands on 'protect areas or assets of particular importance' and designated heritage assets are one of them. At this stage, it is considered that the application of policies in relation to designated heritage assets in the NPPF would not provide a strong reason for refusing the development proposed, as assessed in Paragraphs 7.18 to 7.23 above.
- 7.36. Turning to 11(d)(ii), the proposal would provide 1 net dwelling that can potentially be delivered relatively quickly, and it is considered that smaller developments are more likely to be carried out, thus increasing the likelihood of the proposal contributing to the shortfall of the housing supply. There would also be social and economic benefits to the locality. These benefits are given moderate weight.
- 7.37. The proposal would be located in an unsustainable location in the open countryside for new residential land use. It is acknowledged that Kirklington has a limited range of local services, as there is a primary school, a village hall and a Church, but no shops or public houses. It is also acknowledged that Kirklington is not served by any regular bus service. However, Kirklington is served by 'Nottsbus On Demand' in its South Ollerton Zone, which offers flexible on demand (as well as advance booking) bus service Monday to Saturday 7am to 7pm (excluding bank holidays) from Kirklington to identified bus stops or designated pick-up points in the Zone (see Map 1), which includes Southwell, Newark, Ollerton and Tuxford, with no fixed route. There is an identified bus stop approx. 0.2 miles to the west of the application site. At the time of writing the report, a single journey costs £2.50 and a day ticket costs £4.40. According to Google maps, Southwell, which is a Service Centre, is less than 10 minutes away (driving time).



Map 1 – The map of the South Ollerton Zone

- 7.38. The application site already benefits from an existing access point directly off the A617, which offers connection to the wider road networks, through a wide private access road which is located within the redline boundary of the application site.
- 7.39. It is therefore considered that the level of harm that would arise from the introduction of one new residential dwelling in the open countryside in this unsustainable location would be modest.
- 7.40. In this instance, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, and permission in principle is recommended to be granted.

Matters for Technical Details Consent Stage

- 7.41. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The default duration of a grant of permission in principle by application is 3 years, and applications for technical details consent must be determined within the duration of the permission granted.

Impact upon Visual Amenity, the Character of the Area, the setting and significance of

nearby listed building and Kirklington Conservation Area

- 7.42. Core Policy 14 of the ACSDPD and Policy DM9 of the ADMDPD relate to heritage assets and historic environment. Paragraphs 210 to 215 of the NPPF set out what and how to consider planning applications in relation to designated heritage assets. Paragraph 216 of the NPPF sets out how to consider the effect of an application on the significance of a non-designated heritage asset.
- 7.43. 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.
- 7.44. Core Policy 9 and Policy DM5 relate to demonstrating high standard of sustainable design that reflect, protect and enhance the District's environment.
- 7.45. 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. It is not subject to a proposed main modification.
- 7.46. The design of the proposal would be critical to whether the proposal would be acceptable in this regard, and design information in accordance with DM5(a) in the DAADMDPD is expected to be submitted during the second stage.
- 7.47. The Conservation Team has commented that consideration would need to be given to form, scale, mass, density and material palette, as the site is in a historic location, directly opposite a Grade II listed farmhouse and surrounded by landscape that has Historic Environment Record entries.

Impact upon Residential Amenity

- 7.48. 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.
- 7.49. 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.
- 7.50. It is noted that there is currently an LPG tank and a storage container. Paragraph 35 of the submitted Planning Statement and Heritage Impact Assessment sets out that this LPG tank is currently only used by a single property and when that property next becomes vacant, that property would be modified to not be reliant on LPG. It is unclear as to whether the LPG tank would be able to be removed from the application site prior to the submission of the application for technical details consent. Details of the LPG tank, should it still be present on site when the submission of the application for technical details consent, would be required to be submitted during the second stage.

- 7.51. It is also noted that all existing residential properties to the south of the application site feature openings on their northern elevation at both ground and first floor levels that appear to be serving habitable rooms. There is no boundary treatment on the southern boundary of the application site.
- 7.52. Subject to an appropriate design, including boundary treatments and position of openings, it is considered that the proposal would be capable of being acceptable in relation to residential amenity.

Impact upon Highway Safety

- 7.53. Spatial Policy 7 of the ACSDPD relates to Sustainable Transport. Policy DM5 (1.) and (2.) of the ADMDPD relate to Access and Parking respectively. Additional wordings have been included in DM5(b)(1.) and (2.) in the DAADMDPD, which are subject to a proposed main modification, to encourage integration of sustainable and active modes of travel, as well as to maximise opportunities for multimodal travel.
- 7.54. The Residential Cycle and Car Parking Standards & Design Guide SPD 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. Given the size of the application site, it is considered that the proposal for up one dwelling would be able to provide sufficient parking provisions.
- 7.55. It is unclear as to the use of the existing detached car port, which would be demolished. If the existing detached car port is currently used by occupiers at the existing residential properties to the south of the application site for parking, details of replacement parking provisions for those properties would be required to be submitted during the second stage. Further details in relation to the existing private access road would also be required to be submitted during the second stage.
- 7.56. Subject to the above, it is considered that the proposal would be capable of being acceptable in relation to impacts upon public right of way.

Impact upon Ecology

- 7.57. Core Policy 12 of the ACSDP, Policy DM7 of the ADMDPD and Policy DM7 in the DAADMDPD, which is only subject to modifications in very minor in nature, relate to conserve and enhance the biodiversity and geological diversity of the District.
- 7.58. Policy DM5 (5.) and (7.) of the ADMDPD, and DM5(b)(6.) in the DAADMDPD, which is only subject to modifications in very minor in nature, relate to Trees, Woodlands, Biodiversity & Green Infrastructure and Ecology.
- 7.59. A Preliminary Ecological Appraisal (including Preliminary Bat Roost Assessment), and any additional necessary surveys, would be required to be submitted during the second stage.

Trees and Landscaping

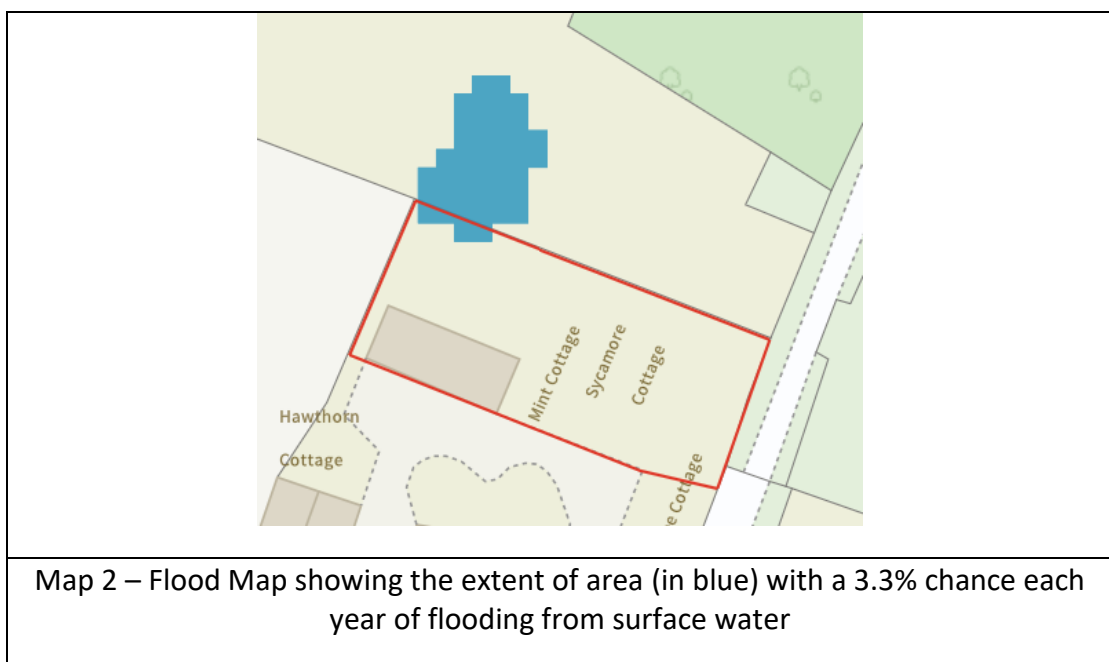
- 7.60. There are existing trees within the application site, and they would be expected to be

retained unless not in a suitable condition. Additional tree planting would also be expected as part of the landscaping scheme.

- 7.61. A tree survey with appropriate tree protection information and landscaping details would be required to be submitted during the second stage.

Flood Risk and Water Management

- 7.62. Core Policy 9 and Core Policy 10 of the ACSDPD 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.
- 7.63. 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.
- 7.64. 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. This section of DM5 in the DAADMDPD is subject to modifications.
- 7.65. The application site is located within Flood Zone 1. The northeastern corner of the application site has a more than 0.1% chance each year of flooding from surface water, and a small area of land immediately to the east of the northeastern corner of the application site has a more than 3.3% chance each year of flooding from surface water (see Map 2).



- 7.66. Details of water management (the disposal of surface water and foul sewage) would be expected to be submitted during the second stage.

Other Matters

- 7.67. **Community Infrastructure Levy (CIL)** – The site is located within Housing High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. However, CIL may only be applied to development consented through the permission in principle route if technical details consent has been granted. Therefore, the subsequent technical details consent (as a grant of planning permission) would be liable to CIL charges.
- 7.68. **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 grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), however the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition. Details of how the site will achieve a 10% BNG will be required at the technical details stage.

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 Implication – LEG2526/5459

- 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 considered that the application site would be located in an unsustainable location in the open countryside for the proposed residential use and would be in conflict with Policy DM8 in the Allocations & Development Management DPD, however, Newark and Sherwood District Council as the local planning authority determining this application does not have five years' worth of housing required by the NPPF.

- 9.2. The proposal would provide 1 net dwelling and the associated benefits. The harm that would arise from the introduction of one new residential dwelling in the open countryside in this unsustainable location is considered to be modest.
- 9.3. In this instance, it is considered that the identified adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, and therefore permission in principle is recommended to be granted.

10.0 Conditions

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

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

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. You are advised that CIL applies to all planning permissions granted on or after this date. Thus the subsequent technical details consent (as a grant of planning permission) may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/.

03

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.

This grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), however, the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition.

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 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
Application No.	25/01917/ADV		
Proposal	Vinyl advertisement attached to hoardings		
Location	Newark Castle, Castle Gate, Newark On Trent		
Applicant	Newark and Sherwood District Council	Agent	
Web Link	25/01917/ADV Vinyl advertisement attached to hoardings Newark Castle Gardens Castle Gate Newark On Trent		
Registered	8 December 2025	Target Date	2 February 2026
Recommendation	That advertisement consent is APPROVED, subject to the conditions set out within Section 10 of this report		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation because Newark and Sherwood District Council is the applicant.

1.0 The Site

- 1.1 The application relates to the northern boundary of Newark Castle and Gardens that fronts Beast Market Hill, opposite the Ossington, which is Grade II* listed and The Wharf which leads down to the east bank of the River Trent. To the west of the application site is the Grade II listed former Tollhouse, also known as Trent Bridge House, which was formerly occupied by the Federation of Women's Institute but is now vacant and which also fronts Beast Market Hill.
- 1.2 The castle is a Grade I listed building and a Scheduled Monument and dates back to 11th century. The gardens are a Grade II registered park and garden. The site is also located within Newark Conservation Area.
- 1.3 The Castle and Gardens are currently an active construction site, being developed to provide a new gatehouse approach as well as a new entrance pavilion and multi-

functional events facility and are therefore not currently open to the public. Part of the boundary with Beast Market Hill is currently defined by temporary 2.1 high solid steel fence coloured dark blue situated along the back edge of the footway. This has been erected whilst construction is taking place. This current hoarding has been erected under deemed consent and therefore does not require any express consent from the Local Planning Authority.

1.4 This access into Newark represents the most historically significant as well as most visually attractive, over the River Trent.

1.5 The site has the following constraints:

- Within the setting of a Scheduled Monument;
- Within the setting of all Grades of listed building;
- Within the setting of a Grade II Registered Park and Garden;
- Within Newark Conservation Area.

2.0 Relevant Planning History

2.1 24/01268/S73 - Application for Variation of condition 20 to substitute approved drawings with revised plans for the multi functional building following archaeological investigations attached to planning permission 21/02690/FUL (Engineering works to form new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works). Approved 06.09.2024.

2.2 24/00403/LDO - Application for draft Local Development Order to enable and control filming at Newark Castle - pending consideration.

2.3 21/02690/FUL - Engineering works to form new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works. Approved 19.01.2024.

3.0 The Proposal

3.1 The application seeks advertisement consent to apply vinyl advertisements to the temporary site enclosure hoardings which consists of solid steel blue fencing. The vinyls would advertise the Castle Gatehouse Project and various other projects within Newark. The vinyls would extend along a length of 20m x 2m and would be finished in a clear anti-graffiti and ant-scratch gloss over laminate. The advertisement would have white text over a purple background and the images below have been provided as an example. The vinyls would not be illuminated and would be in place until November 2026. Similar advertisements have been displayed at the former Marks and Spencer site at 32 Stodman Street.



Existing steel hoarding



Examples of advertisement appearance/colours provided

3.2 Documents assessed in this appraisal:

- Application Form;
- Site Location Plan;
- Location Plan and Example of Vinyls.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 16 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 11 December 2025

5.0 Planning Policy Framework

The Development Plan

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

Core Policy 9 -Sustainable Design

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

5.2 Allocations & Development Management DPD (adopted 2013)

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

- 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 took place between Tuesday 16 September and Tuesday 28 October 2025. The Inspector will now 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 (as amended Feb 2025)

Planning Practice Guidance (online resource)

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Planning (Listed Buildings and Conservation Areas) Act 1990

Newark and Sherwood Shopfronts and Advertisement Design Guide SPD 2014

Nottinghamshire County Council Highway Design Guide

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 Nottinghamshire County Council (Highways) –

- 6.1. Historic England – No need to consult them.

- 6.2. Nottinghamshire County Council Highways Authority - Standing Advice applies (January 2021)
- 6.3. The Gardens Trust – Do not wish to offer any comments but this should not signify either their approval or disapproval of the proposals.

Town/Parish Council

- 6.4. Newark Town Council – no comments received at time of writing the report.

Representations/Non-Statutory Consultation

- 6.5 No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issues are:

- Principle of Development
- Impact upon Amenity
- Impact on Public Safety

- 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.
- 7.3. As the application concerns designated heritage assets of the setting of listed buildings and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are 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."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

- 7.5. In line with the Town and Country Planning (Control of Advertisements) Regulations 2007 and paragraph 141 of the NPPF, the main issues in determining this application for advertisement consent relate to amenity and public safety, taking account cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management DPD.
- 7.6. The above regulations advise that in determining advertisement applications, the local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account – (a) the provisions of the development plan, so far as they are material and (b) any other relevant factors. Other factors that are considered relevant to amenity include the general characteristics of the locality, including those of historic, architectural, cultural or similar interest.

Impact upon Amenity

- 7.7. “Amenity” is not defined within the Advertisement Regulations but in practice it is usually understood to mean the effect on visual and aural enmity in the immediate neighbourhood of an advertisement, where residents or passers-by will be aware of it.
- 7.8. Core Policy 9 states that new development should achieve 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 and is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Matters of size, colour and brightness should reflect its locality.
- 7.9. Given its highly sensitive historic location, Core Policy 14 and DM9 are also relevant which seek to protect historic environments and manage heritage assets in a way that sustains their significance. The importance of considering the impact of new development on the significance of heritage assets is also expressed in Section 16 of the NPPF. This advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development.
- 7.10. The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
- 7.11. The application seeks consent for the installation of banner adverts on the construction hoardings that front Beast Market Hill. The advertisements are of a professional design, with a muted colour scheme and the finish has been designed to

ensure that the vinyls would not deteriorate through weathering or by graffiti. Although they would be large relative to most signs in the area, they would be appropriately sited relative to the size of the existing steel fence and would inform residents and passers-by of this important project for the Castle, as well as other projects around the town. The temporary hoarding is only expected to be in place until November 2026, when the construction period comes to an end. At that point both the hoarding and advertisements would be removed.

- 7.12. The impact on the surrounding listed buildings, Scheduled Monument, Grade II Registered Park and Garden and Newark Conservation Area have also been carefully considered. As the proposal relates to adding signage to a modern and temporary construction fencing and is considered to be of an appropriate scale and design and it is not considered that the proposal would result in any harm to the setting or significance of surrounding designated heritage assets or the character and appearance of Newark Conservation Area.
- 7.13. The proposals are considered to be appropriate for the location and would not result in any adverse visual amenity impact in accordance with Core Policies 9 and 14 of the Amended Core Strategy, Policy DM5 and DM9 of the Allocations and Development Management DPD, the principles set out in the adopted Shopfronts and Advertisement Design Guide SPD as well as the provisions set out in the NPPF. The objective to preserve required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would also be secured.

Impact upon Public Safety

- 7.14. Policy DM5 acknowledges that the assessment of advertisements applications in terms of public safety will normally relate to the impact on highway safety. Owing to the nature of the application, it falls to be considered against the Highway Authority's standing advice. The advertisement would not be located within highway limits or projecting over the public highway. The vinyls would not obstruct or confuse road users' view of any traffic sign or signal. They are not illuminated or animated advertisements that would likely distract the attention of road users and they would not obstruct the line of sight for drivers emerging from private accesses or junctions.
- 7.15. On the basis of compliance with the above standing advice, it is not considered that the proposed advertisements would result in any unacceptable detriment to highway safety in this case. The advertisements are therefore considered acceptable in terms of public safety, in compliance with Policy DM5.

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 – **LEG2526/6166**

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

9.0 Conclusion

- 9.1. The proposed advertisements are considered appropriate and proportionate to the purpose to which they serve, which is to inform regarding the Castle Gate project being carried out at the site, as well as other projects being carried out within the town.
- 9.2. This report has identified no harm to amenity or public safety and would therefore accord with Core Policies 9 and 14 of the Amended Core Strategy, Policies DM5 and DM9 of the Allocations and Development Management DPD, as well as being in accordance with guidance set out in the NPPF and the adopted Shopfront and Advertisement Design Guide SPD. The objective to preserve required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would also be secured.
- 9.3. Accordingly, it is recommended that advertisement consent is approved subject to the conditions set out below.

10.0 Conditions

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried except in complete accordance with the site location plan and approved proposed plans reference:

- Application Form;
- Site Location Plan;
- Location Plan and Example of Vinyls.

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the advertisement consent application.

Reason: In the interests of visual amenity.

04

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

No advertisement shall be sited or displayed so as to:

- a) endanger persons using the highway.
- b) obscure, or hinder the ready interpretation of, any traffic sign; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

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).

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 - 25/01917/ADV



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Report to Planning Committee 15 January 2026

Director Lead: Matt Lamb, Director of Planning and Growth

Lead Officer: Oliver Scott, Planning Development

Report Summary	
Report Title	Planning Reform Update
Purpose of Report	To update Members of the Planning Committee on the latest planning reforms
Recommendations	<p>That Planning Committee:</p> <ul style="list-style-type: none"> a) Note the contents of the report; b) Delegate to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of Planning Committee, the Council's response on planning reform consultations given the urgency involved with meeting the consultation deadline; c) Endorse the presentation of all other reforms via the Planning Policy Board and Cabinet.

1.0 Background

- 1.1 On the 16 December, the government launched a consultation on a new **National Planning Policy Framework (NPPF)** and a suite of planning reforms. The deadline for responses is 10th March.
- 1.2 The **Planning and Infrastructure Bill** received Royal Assent on the 18 December. The new Act is central to the government's Plan for Change. Further consultation and regulations for this new legislation are planned for early 2026.
- 1.3 In addition, the government is also seeking views on reforming **the role of statutory consultees in the planning system**. This consultation will last for 8 weeks from 18 November 2025 to 13 January 2026.
- 1.4 Prior to Christmas the Government also published a written ministerial statement on the **new plan-making system**. The new system will be based on the legislative changes set out in the Levelling-Up and Regeneration Act 2023, and accompanying the statement was a guidance on creating a Local Plan using the new system including proposed regulatory requirements. One element of the announcements that will have significant implications is that Supplementary Planning Documents will no longer be able to be adopted after 30 June 2026. The implications of these changes will be considered by Planning Policy Board in January and Cabinet in February.

2.0 Key announcements

- 2.1 The government has launched a consultation on a broader set of planning reforms that represent the most significant rewrite of the NPPF since its introduction more than a decade ago. The revised NPPF separates out policies for plan-making and decision-making.
- 2.2 The government has taken the decision not to proceed with statutory National Development Management Policies (NDMPs) at this stage. Instead, it has adopted national policy changes through the NPPF “while leaving open the possibility of a future transition to statutory NDMPs should it be required”.
- 2.3 The NPPF has been significantly restructured and its format and shape looks different to previous versions with separate, numbered policies for plan-making and decision-making. The government has announced a range of new policies through the new NPPF, including:
- Permanent presumption in favour of suitably located development, which seeks to make development of suitable land in urban areas acceptable by default.
 - Default yes for homes around stations for suitable proposals that develop land around rail stations within existing settlements, and around ‘well-connected’ train stations outside settlements, including on Green Belt land. The government are proposing a minimum density of 40 dwellings per hectare around all stations and 50 dwellings per hectare around ‘well-connected’ stations.
 - Driving urban and suburban densification, including through the redevelopment of corner and other low-density plots, upward extensions and infill development – including within residential curtilages.
- 2.4 Supporting small and medium sites with a category of ‘medium development’ for sites between 10 to 49 homes so SMEs have “proportionate rules and costs for their site size”, including a possible exemption from the Building Safety Levy.
- 2.5 Exempting smaller developments up to 0.2 hectares from Biodiversity Net Gain and introducing a suite of other simplified requirements to improve the implementation of BNG on small and medium sites that are not exempted. Defra will also consult on an additional targeted exemption for brownfield residential development, testing the definition of land to which it should apply and a range of site sizes up to 2.5 hectares.
- 2.6 £8 million new funding for local planning authorities to accelerate planning applications for major residential schemes at the post-outline stage. This funding “will be targeted at those authorities with high volumes of deliverable applications in this Parliament and those with strong economic growth potential”. £3m of this fund will go to London. Expressions of Interest are invited by the end of January from ‘eligible’ authorities. We will be notified if we are ‘eligible’ which to date we have not.
- 2.7 In addition, the government expects local planning authorities to be pragmatic when

considering proposals to modify existing planning obligations to improve the viability of housing developments in the near term, boosting the number of new homes – including affordable homes delivered – in the next few years.

The Planning and Infrastructure Act 2025 (the ‘Act’)

2.8 The new Act received Royal Assent on 18 December 2025 and introduces a series of measures affecting how development is planned, approved and challenged:

- A Nature Restoration Fund and accompanying environmental delivery plans are intended to enable developers to start work more quickly while financing habitat restoration and pollution reduction measures, such as river clean-ups.
- The pre-application process for major infrastructure will be overhauled with the government saying less onerous statutory consultation requirements will shorten timetables, with an average saving of about 12 months on major projects.
- Legal challenge provisions are tightened: for certain government decisions on major infrastructure, the number of attempts at judicial review will be restricted, with only one attempt allowed in cases deemed by the court to be “totally without merit”.
- Planning committee procedures will be changed so local committees concentrate on the most significant developments, aiming to speed local decisions on new homes.
- Development corporations will be given extra powers to accelerate large-scale projects including new towns, with a stated aim of delivering more affordable homes and public transport.
- Land acquisition rules will be simplified for housing, GP surgeries and schools.
- Councils will be able to set their own planning fees to cover the cost of determining applications.
- Strategic “spatial development strategies” covering multiple local planning authorities will be introduced to identify sustainable locations for growth and ensure infrastructure is planned alongside homes.
- The Act makes non-water sector companies able to build reservoirs that will be treated as Nationally Significant Infrastructure Projects (NSIPs), streamlining approvals for large reservoirs.
- Electric vehicle charger approvals on public roads are to be simplified.
- The law replaces the current “first come, first served” grid connection regime with a “first ready, first connected” system to prioritise clean power projects deemed ready for connection.
- The secretary of state gains powers to set up a scheme that could provide discounts on electricity bills of up to £2,500 over 10 years to people living within 500m of new pylons and transmission lines.

Consultation on reforming the role of statutory consultees in the planning system in England

2.9 Statutory consultees play an important role in the planning application process by

providing expert advice on significant environmental, transport, safety, and heritage issues. As set out in the Council's scheme of delegation, certain applications must be referred to Committee where the officer view is to approve contrary to a statutory objection.

2.10 However, the government considers that the statutory consultee system is not working effectively. They are therefore seeking views on reforming the role of statutory consultees in the planning system and covers the following proposals:

- removing statutory consultee status from certain bodies
- reviewing the scope of what statutory consultees advise on
- improving performance management across existing statutory consultee bodies in the planning system

2.11 The Minister for Housing and Planning is concerned that there are too many instances where statutory consultee engagement with planning applications is not proactive or proportionate, and advice and information provided is not timely or commensurate with what is necessary to make development acceptable in planning terms. In addition, the Minister feels that local planning authorities and developers sometimes provide inadequate or poor-quality information or make blanket and inappropriate referrals to statutory consultees.

3.0 Discussion

3.1 The 2024 update to the NPPF reinstated mandatory housing targets, increasing the national ambition to 370,000 new homes annually. This increased Newark and Sherwood's target to 707, up from 454. As of 1 April 2025, the target number for dwellings is 691 per annum which indicates our land supply stands at 3.84 years. The tilted balance provides a presumption in favour of approval where Local Plans are out of date. This will continue under the revised NPPF.

3.2 The overall changes appear to aim to make planning policy more rules-based. There will be a permanent presumption in favour of suitably located development to make development on suitable urban land acceptable by default. It will support housing and mixed-use development around train stations, with minimum density requirements of 40 dwellings per hectare for stations within settlements and 50 dwellings per hectare for well-connected stations outside settlements. It will also encourage higher density development in urban and suburban areas through redevelopment of low-density plots, upward extensions, and infill development, with clear expectations for minimum densities in well-connected locations.

3.3 Measures to support small and medium-sized builders are also proposed, including creating a new *medium* development category (10-49 homes) with proportionate information requirements and potential exemptions from the Building Safety levy. There are hooks for strengthening rural social and affordable housing, accessible housing for older and disabled people, and flexibility in unit mix for market sale housing.

- 3.4 The draft NPPF appears to limit quantitative standards in development plans to specific issues where local variation is justified, avoiding duplication of matters covered by Building Regulations. Nevertheless, the NPPF potentially sets clearer policies for climate change mitigation and adaptation, including promoting sustainable transport, energy-efficient designs, and renewable energy.
- 3.5 The proposals give substantial weight to business growth, supports specific sectors like logistics and AI Growth Zones, and seeks views on removing the town centre sequential test.
- 3.6 The NPPF has been drafted to reflect Local Nature Recovery Strategies, with emphasis on landscape character, and introduces requirements for swift bricks and guidance on sites of local importance for nature.
- 3.7 The government also argues for a more positive approach to heritage-related development, replacing the current policies it considers difficult to navigate. This has resulted in a revamp of the heritage section with a new approach to identifying impact on heritage assets.

Planning and Infrastructure Act

- 3.8 The impact of the new Planning and Infrastructure Act will be significant. The Act gives the government the power to introduce regulations covering several aspects of planning committees, although most of these changes require further secondary legislation and are expected to be phased in during 2026 (initial advice is that regulations could be published in April).

Mandatory Member training

- 3.9 A key provision is the requirement for planning committee members to complete certified, mandatory training before they can participate in decision-making. This aims to ensure a consistent and adequate standard of understanding of planning law and related functions across England. The original consultation reported to the Committee considered two options, either a national certification route or formal in-house training. Members already must undertake planning training with officers before they can participate. Until regulations and advice are published, it is not clear which route the government will take.

National scheme of delegation

- 3.10 The Act enables the creation of a national scheme of delegation that will determine which types of planning applications are decided by planning officers (delegated powers) and which must be referred to the planning committee. This is intended to speed up decisions on smaller, routine applications and allow committees to focus on more significant developments. Members of the Committee will recall our previous update in the summer of 2025 which set out the government model for a two tier approach with everything in Tier A (minor development up to 9 dwellings, reserved matters etc) being mandatory officer decisions, whilst those in Tier B being larger, more strategic applications, but still delegated by default unless they pass a 'gateway test' between chief planner and planning chair. Development projects submitted by

the Council will still need to be considered by the Committee no matter what.

- 3.11 The gateway arrangements will be hugely important. It is assumed at this stage that the national scheme of delegation could drastically reduce the number of applications called into the committee. Other than for reporting (appeals, NSIPs, quarterly performance etc) and Council-led projects, there would be little call-in by default based on the last 2 years of committee agendas. What is difficult to judge is how many might be called in through Tier B with full agreement between chief planner and chair. It is assumed that development proposals for sites allocated through the Local Plan, will not be referred as Members will have been involved in the allocation process. The government advice is that the gateway test should be based on the mantra that a referral is warranted where it raises a "significant planning matter" or an issue of "significance to the local area" that warrants a committee decision. Remember that Tier B only includes applications not in Tier A, e.g. major applications, section 73 variation of condition applications as well as applications where the applicant is the Council, a Member or relevant officer.
- 3.12 The government now has the power to legislate through regulations to limit the size of planning committees. They argue this will support more effective and efficient debate and decision-making. The consultation in the summer of 2025 envisaged committees of no more than 11, but ideally smaller. The government was keen to stress that local authorities should not have the maximum as a default, but that a size of 8-11 was probably optimum for most. Consideration to our current broad political representation, the size of the committee will need careful consideration.

Planning fees

- 3.13 Local authorities will be empowered to set their own planning application fees to better cover the cost of determining applications, provided the revenue is reinvested into the planning service. Planning application fees are currently set nationally and are intended to cover the cost to an LPA of providing their development management service. However, the government recognises that planning application fees do not always fully cover the costs in many cases. The Act establishes a new power for the Secretary of State to sub-delegate the setting of planning fees to the LPA. It also requires the planning fees must not exceed the costs incurred to determine that planning application. Should a local planning authority seek to set its own fees the fee income must be retained (or 'ring fenced') for spending on the LPA's relevant planning function.
- 3.14 Provisions within the Act include safeguards to prevent against excessive or unjustified fee increases by providing the Secretary of State with the power to intervene and direct an LPA to amend their fees or charges when it is considered appropriate to do so. Should the Council decide not to set their own planning application fees then the current nationally set fees will apply.
- 3.15 To set their own fees an LPA must consult on their proposed fee structure they wish to impose and provide evidence to justify the fees they propose. Significant resource in respect of officer time would be required to collect the evidence to initially establish what the level of fee would be; however, it would likely result in an increase in fee

income from planning application fees. The government has indicated that the new fee regime could be available for 2027. Officers intend explore the possibility of setting our own application fees it will be prudent that work commences in the near future to evidence the time and resources taken up by the planning application process in order to establish a robust evidence base.

Reforming the role of statutory consultees in the planning system

- 3.16 This consultation seeks views on reforming the role of statutory consultees in the planning system, specifically those that are governed by the Town and Country Planning Act 1990.
- 3.17 This will be achieved through adjustments to referral criteria, removal of some statutory consultees, increased use of standing advice and increased clarity to support better applications from developers.
- 3.18 As set out in the written ministerial statement of 10 March 2025, the government is consulting on proposals to remove Sport England, The Gardens Trust, and Theatres Trust as statutory consultees.
- 3.19 It is understandable that there will be reticence at the potential removal of Sport England. The government recognises the importance of maintaining and improving the stock of playing fields but considers that statutory consultation on individual cases to a national body is not proportionate. For example, Sport England received 1,164 statutory consultations in 2024 to 2025 and objected in 30% of cases. Two thirds of these objections were removed after amended submissions.
- 3.20 The government also highlights that the majority of Sport England's existing casework (around 60% of cases) relates to school developments. Only 8% of casework relates to housing development on or adjacent to playing fields. The nature of Sport England's caseload means that much of the burden of engagement, including the cost and delay that can occur, falls on the public sector. Around 8% of applications on which Sport England is consulted go to a decision carrying an objection. 80% of these are decided in favour of the applicant. This includes around 65 school or public sector developments over the last 3 years, and around 55 commercial or residential developments over the same period.
- 3.21 The government argues that the NPPF provides sufficient protections for playing fields and that LPAs are best placed to assess proposals. Nevertheless, Members in this District will understandably be sensitive to properly considering the impact of development proposals on sports field capacity and want to ensure that local community's benefit from a sustainable sports field strategy. In our experience, Sport England has provided robust and useful advice in many cases. The government quotes figures for Sport England holding objections with two thirds resulting in amended schemes. In many of these cases, better outcomes will likely have been achieved as a result of Sport England involvement. It is also important to have consistency of approach in measuring the starting point for Sports Provision before going on to assess quantitative or qualitative impact or indeed weighing loss in a wider planning balance. At present, there is no such comfort that a consistent approach can be achieved, albeit

the Government is welcoming views on defining what is meant by ‘substantial loss’, in which circumstances Sport England would be a consultee.

- 3.22 Although the government proposes to remove of The Gardens Trust as a statutory consultee, they would still be notified of relevant applications within Registered Parks and Gardens. Their views would still therefore be material for decision-makers.
- 3.23 The Theatres Trust only receives around 100 consultations per year. We have sent them a number of statutory requests in recent years due to proposed works at the Palace Theatre. We have found their advice to be helpful. Theatres Trust engages on a non-statutory basis in relevant development, such as new theatre proposals, and has made representations to the government that it would seek to continue engaging in all relevant theatre development on a non-statutory basis, should its status as a statutory consultee be removed.
- 3.24 The relatively low number of consultations sent to Theatres Trust and Gardens Trust does not suggest that they are a burden in the planning process. They could continue to have the ability to make a positive contribution to planning decision-making.
- 3.25 Streamlining to the referral process for other statutory consultees is proposed, notably to National Highways, Natural England, Environment Agency and Historic England. These are summarised in the table below:

Statutory consultee	Proposals	Potential outcome
Active Travel England	1. Remove requirement to consult on commercial development 2. Raise threshold for residential consultation from 150 to 250 units 3. Create new requirement to consult on major school/college development 4. Create new requirement to consult on highways authority works where planning permission is required	40% reduction in number of consultations overall
National Highways	1. Replace current requirement for consultation on development over 10 units with a requirement for consultation where a transport assessment is required	25% reduction in number of consultations resulting from changes to consultation requirements. A further 10% reduction in consultations requiring substantive engagement,

	<p>2. Retain current requirement for consultation where there is a safety impact and introduce new categories where there is likely to be a safety or operational impact (for example, works that impact on highway drainage)</p> <p>3. Introduce new triage system</p>	through new triage system.
Historic England	<p>1. HE is a stat con on GI and II* listed buildings and are notified of all GII listed building applications. They propose removing notification requirements for all GII consents except demolition.</p> <p>2. HE is also notified of conservation area applications of over 1000m². It proposes raising this threshold to 2000m².</p> <p>3. HE must be notified of any listed building consent application in London boroughs, provided it is not for an excluded work (broadly demolition, alteration or extension of grade II listed building). This leads to a doubling up of work, and HE has recommended removing this requirement.</p>	<p>20% reduction in applications received, as a result of dropping GII notification requirement and changing conservation area notification threshold.</p> <p>Removing London/LBC requirements could reduce application HE needs to see by circa 1000 p/a</p> <p>Potential to remove up to 15% of casework by tackling unnecessary referrals</p>
Natural England	<p>1. Increased use of standing advice, to cover issues such as air quality, and best and most versatile land.</p> <p>2. Supporting improved use of Impact Risk Zones from local planning authorities, including exploring options to expand its scope.</p>	<p>8% of NE cases are already covered by pre-agreed mitigations, allowing consultation requirements to be streamlined.</p> <p>14% of NE caseload will benefit from newly published standing air quality advice.</p>

	<p>3. Maximising opportunities to embed strategic approaches. This will involve an increased focus on strategic engagement, including through LNRSs and local plans, supported by a potential change to the primary legislation governing NE, in order to increase its flexibility in choosing where to focus their resources.</p> <p>4. Proactive working with local planning authorities to support capacity and capability building across the sector, including working with the Planning Advisory Service on issues such as housing, local plan advice and LNRS integration</p>	<p>30% of NE caseload reflects unnecessary referrals from local planning authorities.</p>
Environment Agency	<p>1. Investing in replacement for legacy IT system</p> <p>2. Clarifying and streamlining existing processes</p> <p>3. Reviewing response approaches, including potential for more standing advice and standardised comments (for example, more standardised advice on biodiversity, land remediation).</p> <p>4. Shifting focus towards strategic interventions</p> <p>5. Reviewing all online guidance to ensure it meets needs of customers</p> <p>6. Working with local planning authorities and developers to support effective engagement</p>	<p>37% of referrals (2024 to 2025) from Local Planning Authorities (LPAs) are unnecessary, often due to misinterpretation of consultation triggers.</p> <p>In addition 8% of referrals are already covered by EA standing advice, indicating a need for better awareness and application of existing guidance.</p> <p>A further 2–3% could be avoided by revising consultation protocols around land contamination matters</p>

Mining Authority	Remediation	MRA proposes to reduce the scope of applications it advises on by developing additional standing advice for low-risk development in high- risk areas.	20% reduction from changes to referral criteria. Potential for up to 27% reduction in the number of consultations overall (based on measures to tackle unnecessary and inappropriate consultations)
Health and Safety Executive		Current referral criteria should be maintained, reflecting importance of safety focus.	No measurable impacts at this stage.

- 3.26 The government will continue to argue that around a third of referrals to the key statutory consultees which this consultation focuses on are unnecessary, either because they do not meet the criteria for referral, or because standing guidance is already in place.
- 3.27 It is acknowledged that the proposals will substantially reduce the number of referrals to statutory consultees. Nevertheless, there will be concerns that reducing the scope of consultees as well as the removal of Sport England and other statutory consultees will put at risk good quality outcomes.
- 3.28 Moreover, if there is a reduction in scope of consultation, for example higher thresholds at which consultees will be consulted, there are serious concerns that Local Planning Authorities will need to absorb an ability to respond themselves. This creates capacity and capability challenges. For example, if an LPA were to attach a planning condition requiring a flood drainage scheme there is then no in-house ability to assess this. There is no reference to any new burdens funding or expectation that LPA's should then 'resource-up' by having new in-house experts. Another example will be with active travel, given existing routes and priorities will not be known by the LPA.

4.0 Implications

- 4.1 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.
- 4.2 **Legal Implications – LEG2526/2439**
- 4.3 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.

BACKGROUND PAPERS

NPPF Consultation overview:

[National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

NPPF consultation document with questions:

[National Planning Policy Framework: proposed reforms and other changes to the planning system](#)

NPPF - Draft text for consultation:

[National Planning Policy Framework: draft text for consultation](#)

Reforms to the statutory consultees in the planning system overview:

[Reforms to the statutory consultee system - GOV.UK](#)



Report to Planning Committee 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston – Senior Planner

Report Summary			
Application No.	14/01978/OUTM		
Proposal	Middlebeck – Affordable Housing Review (S106)		
Location	Middlebeck, Newark		
Applicant	Urban and Civic	Agent	Stantec
Recommendation	<p>To inform the Planning Committee Members of the outcome of the review of the first S106 affordable housing review. The report is for noting and has also been reported to Senior Leadership Team.</p> <p>Note the report in accordance with the Key Objective in the Community Plan to ‘Increase Housing Supply and Standards’</p>		

1.0 **Background**

- 1.1 Middlebeck is a strategic site consented under planning permission 10/01536/OUTM for up to 3,150 homes with subsequent commercial, leisure and school developments, as well as the additional infrastructure including the Southern Link Road (SLR) linking the A46 to the west with the A1 to the east.
- 1.2 In 2015 consent was granted for a variation to the original permission (and S106 legal agreement) to change the phasing of the development to allow development to start at the A1 end first and amending some of the contributions within the S106 relating to the sports provision, affordable housing agreed quantum and phasing of the SLR. Details of the original and revised affordable housing quantum are explained below.
- 1.3 *Original S106 2011*
- 1.4 First Tranche (1000 dwellings) of the development will be 7.5% affordable provision and for the remainder of the Development will be 20% (still less than the policy requirement of 30%) unless viability information is submitted demonstrating that this should be reduced. If viability is claimed, then this should be submitted prior to the

first occupation of the 800th, 1300th, 1800th, 2300th, and 2800th dwellings (known as Viability Triggers). If the Council, as Local Planning Authority, concludes that viability challenges exist to justify a reduction in affordable housing (as is the case for all decision-making), a revised affordable percentage will be agreed.

1.5 *Revised S106 2015*

- 1.6 The First Tranche remains at 7.5% for the first 1000 dwellings, however beyond this for the remainder of the development the number of units for affordable housing is 11.5%.

1.7 *Revised S106 2020*

- 1.8 First Tranche remains at 7.5% for the first 1000 dwellings, however for the remainder of the development will be 0% unless at the next review portion (1000th dwelling with every 500 trigger thereafter), a target Internal Rate of Return (ungeared internal rate of return inclusive of growth), is achieved at 15%. For awareness an IRR is used for master developer sites as this given the need for both the master developer and housebuilders to receive reasonable profits. For sites which do not follow the master developer model, which are traditionally smaller and do not need strategic-level infrastructure to unlock them a simple GDV model is used, typically requiring 17.5-20% profit for the housebuilder. In very simple terms large scale strategic 'Urban Expansion Sites' require very significant and costly up-front site infrastructure, meaning profits are not realised until significantly into the development.
- 1.9 As at the time of writing the report, Middlebeck has Reserved Matters approval for 927 dwellings with, as of October 2025, 623 dwellings occupied. Key Phase 1 of the allocation, which is located to the east of the site, is practically completed in terms of residential development, with development moving in to Key Phase 3 with Miller Homes currently onsite. Parcels to the west of the site, in Key Phase 2 have gone out to market, with one volume housebuilder proceeding to contracts. This would then take the number of dwellings over the 1000, which is the First Tranche. Onsite at present, and consented, the affordable housing is spread across the site as follows:

AR = Affordable Rent
SO = Shared Ownership
FH = First Homes

	S106 Requirement		Provision		Who?	Residual
1 Bed House/Flat	2no. AF	2no. SO	2 & 2		Millers	0 no.
2 Bed house/flat	20no. AR	10no. SO	14no. AR	8no. SO	Millers	6no. AR 2no. SO
	3no. FH		2no. FH	1no. FH	Bellway & Millers	0 FH

2 Bed bungalow	4no. AR	2no. SO	3no. AR	2no. SO	Millers	1no. AR
3 Bed house	14no. AR	10no. SO	11 no. AR	6 no. SO	Millers	3no. AR 4no. SO
	3no. FH		2no. FH	1no. FH	Bellway & Millers	0no. FH
4 Bed house	2no. SO 3no. FH		2no. SO 2no. FH		Millers Millers	0 no. AH 1no. FH
Total	75no.		58no.			17no.

Assessment against the Affordable Housing Delivery Plan (S106)

Therefore, the remainder of 17 units from the initial 1000 dwellings (7.5%) would still be provided, and given the marketing carried out, this would be within Key Phase 2, therefore making affordable units in all three phases. This is however subject to Reserved Matters approval being granted. The mix of dwellings and the tenure would need to accord with the above table, which is fixed through the S106 and the Affordable Housing Delivery Plan.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1. As part of the latest S106, the Master Developer, Urban and Civic, have submitted financial information for the Council to undertake a viability appraisal of the 'Review Portion' (500 dwellings) to determine the Second Tranche of affordable housing requirements. The plan below shows the Parcels in green, showing the First Tranche of dwellings, and the Parcels in red, showing the expected Second Tranche.



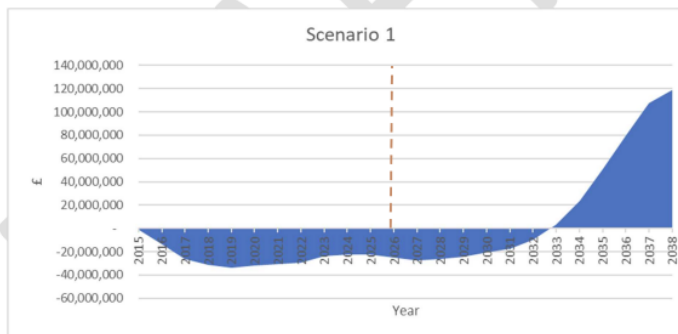
- 2.2.
- 2.3. The review has been undertaken by Mercer & Co, who is independent of the Council and Urban and Civic. Their report takes in to account all the financial information from U&C including land receipts, value of all completed development, anticipated/actual sales value, rental income from commercial uses and S106 costs.
- 2.4. As part of the review, the following scenarios were investigated:
1. Baseline position using figures as submitted by Urban & Civic.
 2. Our view.

3. A 'goal-seek' to establish by how high sales process would need to increase before a 15% IRR is achieved.

2.5. Scenario 1

2.6. U&C have calculated an IRR of 9.5%.

Represented graphically, the 'net cash' position under this scenario can be depicted as follows:



2.7. Note: the vertical orange line above depicts the current time period (Q4 2025) and shows the net cash position still being negative (£25.27m) and not turning positive until Q4 2032.

2.8. Scenario 2

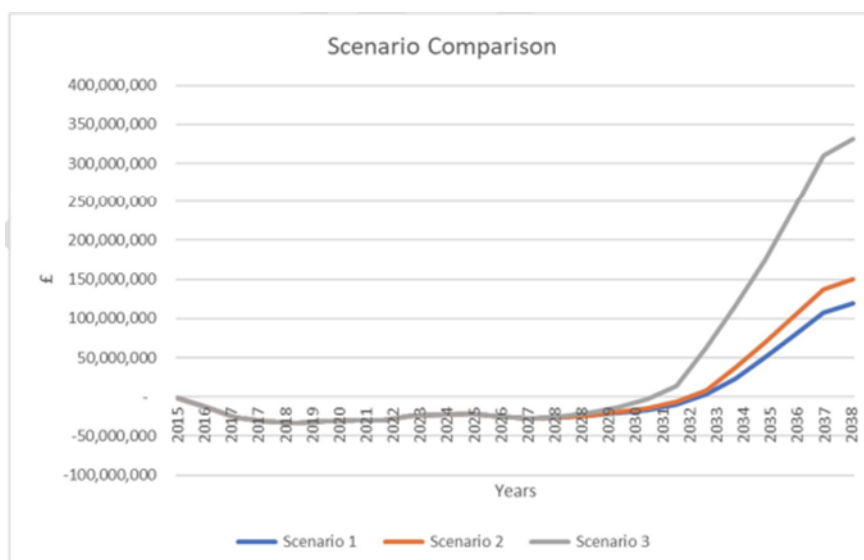
2.9. Mercer has adopted the same approach as U&C but with some amendments to House Price Inflation, Residual Land Value Inflation and Rental Income continuing from Gannet's Café. With these adjustments, the IRR would achieve 10.68%.

2.10. Scenario 3

2.11. In order to achieve an IRR of 15% we have modelled a 'goal seek' scenario by varying house price inflation only. House price inflation would need to increase by 8.7% per annum for all future years of the development. This obviously also assumes no commensurate inflationary rises with build costs.

3.0 Financial Summary

3.1 The graph below compares the relative 'net cash' position for each scenario.



3.2

3.3 An IRR of 15% is highly dependent on the house price sale and the predicted house price inflation over the term. Scenario 2 (orange) suggests that this inflation will rise at 4.11% per annum over the next 5 years. Scenario 3 (grey) suggests it would need to rise by 8.7% per annum (from now - Q4 2025 to June 2037) if a 15% IRR is to be achieved. If current market forecasts are accurate for the next 5 years at 4.11%, this would take them to November 2030, meaning a house price inflation would need to be significantly higher than the 8.7% to achieve a 15% IRR by June 2037. This is considered unlikely, and it is considered unlikely that any Affordable Housing would be deliverable for the remainder of the project. However, the Third Review portion (1500 – 2000 dwellings) would still apply and U&C would need to submit a new Viability Review to the Council for independent review. However, given the build rates it is not expected that this would be until around 2031.

3.4 The heavily loaded front-end expenditure incurred by U&C has meant that it is unlikely in the remaining years of the development that an IRR of 15% will be reached, given the current economic climate and forecasts over the next 5 years.

3.5 Whilst the conclusions above are disappointing, the Council has followed extant viability guidance, the route detailed within the planning consent (specifically the S106 agreement) and the advice of the independent expert. The initial S106 was in 2010/2011 just as consequences of the financial crisis hit, which stalled the development for many years until 2014. Subsequent to this the general material costs of the development have also increased, with the main portion of cost increases being related to infrastructure and the increased pressure to deliver this coupled with the under estimation of the initial cost of the delivery of the SLR, hence the funding has been sought and granted from Homes England, LEP, NCC and NSDC.

3.6 This isn't a report that we cannot agree to as the S106 is clear that if within a review portion the conclusion is that the IRR is below 15%, then it is accepted as the procedure for the next 500 dwellings. The Council is working hard to seek the delivery of the other development within the allocation, notably the commercial developments, which would seek to improve to profitability of the site, however this is a long process. There are other ways that the Council are helping to deliver and

improve the wider area, and thus improve the health and pride or community spirit of those residents. This includes seeking to deliver the Hawton Mill (Middlebeck Basin) site as a 'community hub' for sport which will improve the sports offer locally and deliver sports facilities out of the flood zone for the benefit of all.

4.0 Implications

- 4.1 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.

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.

Planning Committee – 15 January 2026

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 24 November 2025 and 05 January 2026)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
6001288 25/01080/HOUSE	1 White Lion Yard Main Street Blidworth NG21 0QD	Change of use of the land to domestic use and proposed detached garage with room over.	Written Representation	refusal of a planning application
6001966 25/01005/FUL	The Cottage Main Street Epperstone NG14 6AU	Change of use of outbuilding to a small scale reformer pilates studio (ground floor only)	Written Representation	refusal of a planning application
6002390 25/00990/FUL	Land Adjacent Low Meadow Lambley Road Lowdham	Demolition of Existing Stables and the Erection of a Proposed Mobile Home and Field Shelter	Written Representation	refusal of a planning application
APP/B3030/C/25/3375131 24/00171/ENFC	2 Birkland Drive Edwinstowe NG21 9LU	Without planning permission, operational development consisting of the erection of a fence, enclosing the South and West elevations of the property (as shown between Point A within Photograph 1. and Point B within Photograph 2. and marked by a red line within Plan A).	Written Representation	service of Enforcement Notice
APP/N3020/C/25/3375307 24/00372/ENFC	Lilac Farm Cottage Water Lane Oxton NG25 0SH	Without planning permission, operational development consisting of the erection of a brick wall enclosing the Southern garden of the property (as shown by the red markers within photographs 1 and 2; and highlighted in red on the site location plan)	Written Representation	service of Enforcement Notice

Appendix B: Appeals Determined (between 24 November 2025 and 05 January 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01837/FULM	Land To The West Of Main Street Kelham	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Planning Committee	Committee Overturn	Appeal Allowed	3rd December 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2MM5BLBKXZ00						

24/01743/FUL	Cats Whiskers Cattery Rose Cottage Normanton Road Upton Newark On Trent NG25 0PU	Erection of dwelling following demolition of existing cattery buildings	Delegated Officer	Not Applicable	Appeal Allowed	24th November 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKQ2GKLBII700						

24/00804/TPO	26 Blenheim Avenue Lowdham NG14 7WD	Lime 1 and Lime 2 - Felling and stump removal.	Delegated Officer	Not Applicable	Appeal Dismissed	27th November 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCUW0FLBG7N00						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
23/00673/AGR	Land adj to The Old Grain Store, Old Eppertone Road, Lowdham	Prior approval was needed for creating a hardstanding for agricultural vehicles under the Town and Country Planning (General Permitted Development)	The site previously had unauthorised wood fuel production equipment on it, which was removed following an enforcement notice in August 2022 and the land was restored and reverted to agricultural use. The proposed hardstanding was deemed necessary for agriculture and comprises a unit exceeding 5 hectares, thus this proposal was assessed under Class A of the GPDO. Prior approval for the submission of a formal planning application, was not considered to be required.

		<p>(England) Order 2015 Schedule 2, Part 6 (Agricultural and Forestry).</p>	<p>Judicial Review proceedings were made by a local resident against this planning decision on 30.06.2025. The Claimant challenged the decision on four grounds:</p> <ol style="list-style-type: none"> 1. First Ground: Defendant (i.e. The Local Planning Authority) failed to consider if the development was reasonably necessary for agriculture. 2. Second Ground: Defendant wrongly assumed the agricultural unit was 165 hectares instead of less than 5 hectares. 3. Third Ground: Defendant failed to consider that part of the site was not in agricultural use at the time. 4. Fourth Ground: Defendant incorrectly treated the site as part of a unit over 5 hectares; under Class B, the proposal would have exceeded the 1000 m² limit. <p>Council's Response:</p> <ul style="list-style-type: none"> • First Ground: Case Officer's report confirmed agricultural use and necessity; proposal was logical and legitimate. • Second Ground: Evidence (application form, site plans, GIS mapping, land summary) showed the unit exceeded 5 hectares; exact size was irrelevant. • Third Ground: Enforcement issues were resolved; land was lawfully agricultural at decision time. • Fourth Ground: No further comment; site clearly exceeded 5 hectares. <p>Outcome:</p> <p>The witness statement contesting these claims was submitted to Court. Permission to proceed with the Judicial review was refused by the Court. The claim was not taken further.</p>
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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