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**Wednesday, 4 February 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 M Home  
Councillor K Melton  
Councillor P Rainbow**

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

<b>MEETING:</b>	<b>Planning Committee</b>
<b>DATE:</b>	<b>Thursday, 12 February 2026 at 4.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>
<p><b>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</b></p> <p><b>If you have any queries please contact Catharine Saxton on <a href="mailto:catharine.saxton@newark-sherwooddc.gov.uk">catharine.saxton@newark-sherwooddc.gov.uk</a>.</b></p>	

## **AGENDA**

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2. Apologies for Absence	
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7. Lincoln Road Playing Field, Lincoln Road, Newark On Trent - 25/00679/S73M	91 - 114
8. Holly House, 5 East Lane, Edwinstowe, NG21 9QN - 25/02047/HOUSE Site Visit: 11.30am	115 - 129
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12. Field Reference Number 7919, Cauntton Road, Hockerton - 25/01918/PIP	180 - 194
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### **Part 3 - Exempt and Confidential Items**

#### **19. Exclusion of the Press and Public**

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, 15 January 2026 at 4.00 pm.

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

Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor T Smith, Councillor T Wildgust, Councillor M Home and Councillor M Spoors

APOLOGIES FOR Councillor S Forde, Councillor K Melton and Councillor L Tift  
ABSENCE:

84 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.

85 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales and A Freeman declared an other registerable interest for any relevant items as appointed representatives on the Tent Valley Internal Drainage Board.

Councillor P Rainbow declared a non-registerable interest in Agenda Item No. 11 – Land to the North of Hawthorn Cottage, Main Street, Kirklington, Newark On Trent, as the applicant was known to her. Councillor P Rainbow took no part in the debate or vote.

86 MINUTES OF THE MEETING HELD ON 4 DECEMBER 2025

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

87 LAND TO THE NORTH OF 14 COTTAGE CLOSE, BLIDWORTH, NG21 0QE - 25/00785/FUL

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.

*Councillor P Harris arrived during the Officers presentation and took no part in the debate or vote for this application.*

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from a local resident.



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

Mr A Smith, local resident spoke in objection to the application.

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

Members considered the application, and it was felt that the access and egress to this development was unsafe and although the report had indicated that flooding issues had been addressed there were still concerns regarding this. It was commented that whilst the development would enhance the area and appeared to be of good design it was not in the right place.

The Senior Planning Officer confirmed that contact with No. 7 Cottage Close had not taken place as flooding at that property was an existing flood problem and was not from this site.

*Having left the meeting during the presentation of this application Councillor M Spoors took no part in the vote.*

A vote was taken for approval and lost with 4 votes For, 5 votes Against and 1 Abstention.

AGREED        Moved Councillor T Smith and Seconded Councillor D Moore (with 5 votes For, 4 votes Against and 1 Abstention) that contrary to Officer recommendation Planning Permission be refused for the following reasons:

- (i)        Access and Highways issues; and
- (ii)       Failure to address surface water flood issues.

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

Councillor	Vote
C Brooks	Against
L Dales	Against
A Freeman	Abstention
M Home	Against
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
T Smith	For
T Wildgust	Against

88        LAND ON WEST SIDE OF NEWARK ROAD, OLLERTON - 23/02274/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for up to 184 Dwellings, All Matters Reserved apart from Access.

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

- (i) There were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and
- (ii) The proposal was particularly contentious, and the aspects being raised could only be viewed on site.

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

Ms A Smithson, local resident spoke in objection to the application.

Mr S Silcocks, the applicant spoke in support of the application.

Members considered the application, and concern was raised regarding traffic onto the surrounding network. It was suggested that a dual access was required. Members also commented that there was no affordable housing on this site and the payment in lieu was not considered acceptable. It was considered that whilst planning permission was extant on the site for housing, which had been granted twenty years ago, the housing market had changed since then and affordable housing had not been part of that scheme at that time but was considered needed at present time.

A vote for approval was taken and lost with 2 votes For and 10 votes Against.

AGREED                      Moved Councillor A Freeman and Seconded Councillor Councillor D Moore (unanimously) that Planning Permission be refused on the grounds of safety due to the single point of access and no affordable housing on site, the payment in lieu was not acceptable.

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

Councillor	Vote
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
M Home	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
M Spoors	For
T Smith	For
T Wildgust	For

89 WINGS EAST SCHOOL, MAIN STREET, KIRKLINGTON, NG22 8NB - 25/01445/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of an animal therapy provision including associated animal shelter and livestock fencing to grazing paddocks.

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

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

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

Members considered the application acceptable given the inappropriate sports field and the nature for the use of the site for animal therapy for children. Concern was raised that there appeared to be no provision to the wellbeing of the Alpaca's as the field was located in flood zone 3. It was suggested that if Members were minded to approve the application that a flood evacuation plan protecting the animals on site be written and submitted to the Planning Authority within six months of confirmation of planning permission.

AGREED (with 11 votes For and 1 vote Against) that:

- (a) Planning Permission be approved subject to the conditions, as contained within the report;
- (b) an additional condition providing a flood evacuation plan protecting the animals on site in the event of flooding, be submitted to the Planning Authority within six months of confirmation of planning permission; and
- (c) due to the statutory objection from Sport England, the application 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.

90 LAND AT NEWARK ROAD, WELLOW - 25/01862/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for construction of a minimum of 2 dwellings and a maximum of 9 dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason, the impact of the proposed development was difficult to visualise.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from a member of the public, who raised concern regarding highway safety and character of the area.

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

Mr S White, a member of the public spoke against the application.

Mr N Baseley, the Agent for the applicant spoke in support of the application.

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

Members considered the application and whilst some Members felt that the proposal was acceptable given that the site was located adjacent to the 30mph speed area of the road, and the other side of the road was also built up. Other Members felt that the proposed houses on the front were in keeping with the street scene but suggested that the development should not go beyond that as it would be out of character with Wellow. It was also commented that the development was in the open countryside.

The Senior Planning Officer advised the Committee that the proposed application did not provide any details of the proposed design therefore the Committee did not have the knowledge of what the character and design of the area would be.

AGREED (with 8 votes For and 4 votes Against) that Permission in Principle is approved, as contained within the report.

*Councillor T Smith left the meeting at this point.*

91 LAND AT CORKHILL LANE, NORMANTON - 25/01827/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason, the impact of the proposed development was difficult to visualise.

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

Mr N Baseley, the Agent for the applicant spoke in support of the application.

Members considered the application and felt that this development was outside of the built-up area of Normanton and would affect the views of Southwell Minster, which was steeped in years of history. Members considered this a creep of urbanisation into the open countryside and was not a suitable site for development.

AGREED (unanimously) that Permission in Principle be refused for the following reasons:

- (i) DM8; and
- (ii) Protective Views - impact of the view of the Minster.

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

Councillor	Vote
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
M Home	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
M Spoors	For
T Smith	For
T Wildgust	For

92 LAND ADJACENT CARTREF, CORKHILL LANE, NORMANTON - 25/01832/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for proposed residential development of 2 dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason, the impact of the proposed development was difficult to visualise.

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

Mr N Baseley, the Agent for the applicant spoke in support of the application.

Members considered the application acceptable as the proposal was for two houses which would not impact on the infrastructure of the village.

AGREED (unanimously) that Permission in Principle is Approved, as contained within the report.

*The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour. The Chair sought agreement from the Committee to defer agenda items 13 and 15 to the February meeting of the Planning Committee, to achieve this time deadline.*

93     LAND TO THE NORTH OF HAWTHORN COTTAGE, MAIN STREET, KIRKLINGTON, NEWARK ON TRENT, NG22 8NL - 25/01823/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for residential development of one dwelling following demolition of existing open-fronted car port.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason, the impact of the proposed development was difficult to visualise.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from Kirklington Parish Council.

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

Members considered the application acceptable and felt that the proposed development would tidy the site and requested a high-quality design.

Having declared an interest in this application Councillor P Rainbow took no part in the debate or vote.

AGREED            (unanimously) that permission in principle be approved, as contained within the report.

94     NEWARK CASTLE, CASTLE GATE, NEWARK ON TRENT - 25/01917/ADV

The Committee considered the report of the Business Manager – Planning Development, which sought vinyl advertisement attached to hoardings.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from Newark Town Council, who raised no objection to the application.

Members considered the application acceptable however commented that the examples of the advertisements included in the report were not appropriate and suggested the history of the Castle to be displayed. The expiration date was also proposed to be one year instead of the end period of five years, from the date of consent.

The Director for Planning & Growth confirmed that the advertisement had been decided by the Council's design team and would be consistent with the hoarding on Stodman Street, he confirmed that this would be taken back to the design team and also confirmed that the end period of one year was acceptable.

AGREED (with 8 votes For and 3 votes Against) that:

- (a) advertisement consent is approved, subject to the conditions within the report, and the amendment of condition 01, the end period of one year; and
- (b) the design of the vinyl advertisements for the hoarding to be addressed by the design team.

95 PLANNING REFORM UPDATE

The Committee agreed that due to the time this report would be considered at the 12 February 2026 meeting of the Planning Committee.

96 NOMINATION TO THE PLANNING POLICY BOARD ONE MEMBERS OF THE PLANNING COMMITTEE TO BE NOMINATED TO THE PLANNING POLICY BOARD TO REPLACE FORMER COUNCILLOR OLDHAM

The Committee were asked to nominate one Member of the Planning Committee to be appointed to the Planning Policy Board, to fill the vacant seat.

AGREED (unanimously) that Councillor M Home be appointed as the Planning Committee representative on the Planning Policy Board up to May 2026.

97 MIDDLEBECK - AFFORDABLE HOUSING REVIEW (S106) - 14/01978/OUTM

The Committee agreed that due to the time this report would be considered at the 12 February 2026 meeting of the Planning Committee.

98 APPEALS LODGED

AGREED that the report be noted.

99 APPEALS DETERMINED

The Committee was informed that Application No. 25/00673/AGR – Land adjacent to the Old Grain Store, Old Epperstone Road, Lowdham. Judicial review had been requested but was not taken any further by the Courts.

AGREED that the report be noted.

Meeting closed at 8.24 pm.

Chair



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/01879/OUTM		
Proposal	Outline planning application (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing), highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure.		
Location	Land West Of Allenby Road Southwell		
Applicant	Richborough	Agent	Fisher German LLP - Kerry Andrews
Registered	14.11.2025	Target Date / Extension of Time	13.02.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and subject to the signing of a S106 for the contributions.		

**This application is being referred to the Planning Committee for determination, in accordance with the Council's Scheme of Delegation, as the site is a departure from the plan.**

## The Site

- 1.1 The site is located outside of the defined built up area of Southwell, as defined by the Allocations and Development Management DPD and is still outside in the Amended Allocations and Development Management DPD (status explored later in this report). The site comprises of land at 3.59ha in area.
- 1.2 The site relates to existing open agricultural fields to the west of the existing settlement of Southwell. The site is bounded on all sides by a large mature hedgerow and hedgerow trees to the north, west and southern boundaries. One tree is located within the site. An existing informal field farm access is located to the east of the site, from Allenby Road, forming a break in the hedgerow.

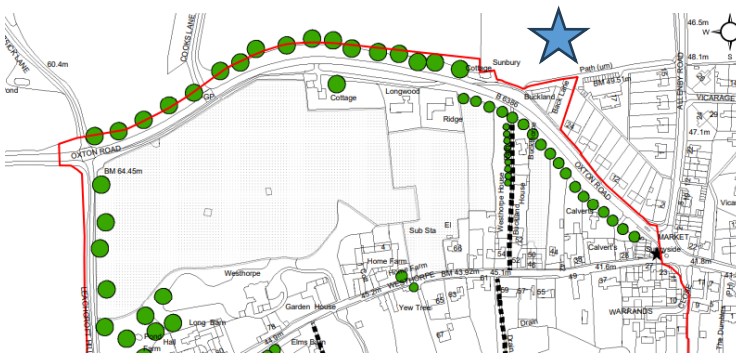


- 1.3 A public right of way is located north-south through the site and east-west along the southern boundary (SouthwellFP45 & SouthwellFP30). (see below)

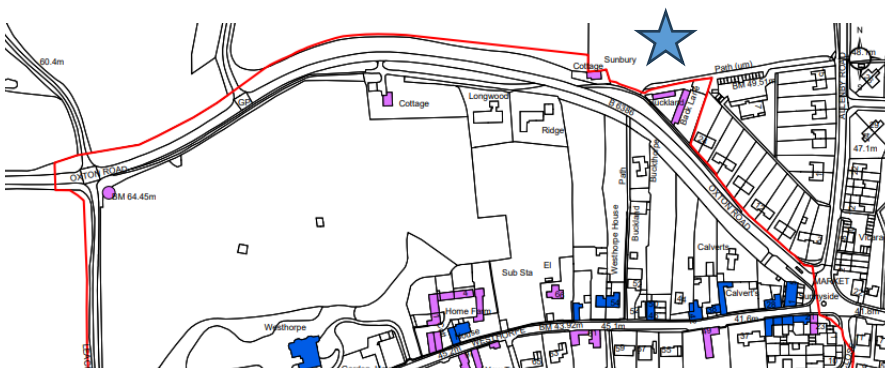


1.4

- 1.5 The site is located just outside of the defined Conservation Area, which runs to the south of the site along Oxton Road. There are unlisted buildings of local interest (shown in pink) to the south of the site on Oxton Road (see below, the star indicates the site location). Further details of the conservation and historical impact is explored in the heritage section of this report.



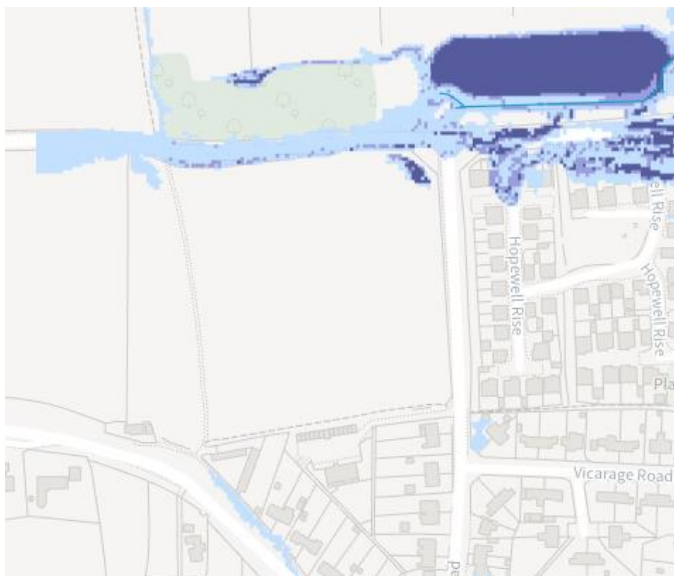
1.6



1.7

- 1.8 The site is within Flood Zone 1 according to Environment Agency maps therefore at lowest risk from fluvial flood risk and very low risk from surface water flooding. The map below shows the flood risk which coincides with the location of the watercourse to the north of the site (to the south of Halam Road)

- 1.9 There is no planning history relating to the site.



1.10

1.11 The site has the following constraints:

- Flood risk – Zone 1
- Buildings of local interest
- Footpaths Southwell FP45 & FP30
- Conservation Area setting

## 2.0 **Relevant Planning History**

2.1. PREAPM/00198/25 Erection of up to 70 dwellings Positive advice given 20.10.2025

## 3.0 **The Proposal**

3.1 This application seeks outline planning permission (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing provision), highway works, public open space, children's play space, landscaping, drainage and all other associated works.



3.2

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

- Application form
- DRWG 0110 Rev F Indicative Framework Plan;
- DRWG no. 110535-PEF-ZZ-XX-DR-TP-00001 Rev P03 Site Access Arrangement;
- DRWG no. 1830-L-D-PL-200 Rev V3 Illustrative Landscape Strategy;
- Location Plan;
- DRWG no. 0101 Site Location Plan;
- Agricultural Quality Report 2704/1 (14 October 2025);
- Air Quality Assessment (August 2025 revised October 2025 Rev 1);
- Arboricultural Impact Assessment V4 October 2025;
- Climate Change Statement (November 2025);
- DEFRA Biodiversity Net Gain Report (October 2025);
- **DEFRA Biodiversity Net Gain Report January 2026;**
- Design and Access Statement (November 2025);
- Flood Risk Assessment & Drainage Strategy Report V1.7 (November 2025);
- **UPDATED Flood Risk Assessment & Drainage Strategy Report V1.8 (12.01.2026);**
- Geophysical Survey Report ref.25689 (dated 19/09/2025);
- Heritage Impact Assessment (October 2025);
- Landscape and Visual Appraisal V3 (October 2025);
- Mineral Resource Assessment (04 November 2025);
- Noise Assessment (October 2025);
- Nottinghamshire Rapid Health Impact Assessment (RHIS) Template 2025-30;
- Phase 1 Geo-environmental Assessment (28 October 2025);
- Planning Statement (27/10/2025 updated 04/11/2025 V1);
- Preliminary Ecological Appraisal (October 2025);
- **Updated Preliminary Ecological Appraisal Ref.V3 (January 2026);**
- Stage 1 Road Safety Audit – Designers Response rev. S2\_P1 (07/10/2025);
- Statement of Community Involvement;
- Transport Statement Rev. P3 (23/10/25);
- Utilities Assessment Rev.2 (15/10/2025);
- BNG Metric;
- **BNG Metric V2 January 2026;**

4.0 **Departure/Public Advertisement Procedure**

4.1 Occupiers of 27 properties have been individually notified by letter. Two site notices have also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 21.11.2025.

5.0 **Planning Policy Framework**

5.1. **Southwell Neighbourhood Plan (made October 2016)**

Policy E1 – Flood Risk Assessments & Mitigation  
Policy E2 – Flood Resilient Design  
Policy E3 – Green Infrastructure & Biodiversity  
Policy E4 – Public Rights of Way & Wildlife Corridors  
Policy E5 – Green Link  
Policy DH1 – Sense of Place  
Policy DH2 – Public Realm  
Policy DH3 – Historic Environment  
Policy TA1 – Cycle & Pedestrian Routes  
Policy TA2 – Public Transport Connectivity  
Policy TA3 – Highways Impact  
Policy TA4 – Parking Standards  
Policy CF1 – Identified Assets  
Policy CF2 – Green and Open Spaces and Burial Grounds  
Policy HE1 – Housing Type and Density

**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 1 – Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 - Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 10A – Local Drainage Designations  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
SoAP1 – Role and Setting of Southwell

**5.3. Allocations & 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  
DM8 – Development in the Open Countryside  
DM9 - Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development  
So/HN/1 - Southwell Housing Need

*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 next stage in the Examination process will be the Inspector issuing their draft report.*

*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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;*

- Not subject to a proposed main modification;*
- The modifications/clarifications identified are very minor in nature; or*
- No objection has been raised against a proposed main modification*

*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](#)

The policies which now carry substantial weight and therefore applicable to the consideration of this application are:

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM3 – Developer Contributions and Planning Obligations  
DM5(a) – The Design Process  
DM5(b) – Design  
DM5(d) – Water Efficiency Measures in New Dwellings  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment

Core Policy 3 – Housing Mix, Type and Density

#### **5.4. Other Material Planning Considerations**

- National Planning Policy Framework 2024 (updated 2025)
- Planning Practice Guidance (online resource)
- Residential cycle and car parking standards Supplementary Planning Document (SPD)
- Landscape Character Assessment SPD
- S.72 Planning (Listed Buildings and Conservation Areas) Act 1990

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places (October 2019)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Building for a Healthy Life Criteria<sup>1</sup>.

## 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/guidance/consultation-and-pre-decision-matters)

**Environment Agency** – The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

**NCC Lead Local Flood Authority** – 03.12.2025 (Initial objection) Whilst the principles of the development are acceptable there are a number of issues within the submission that must be resolved before outline permission is granted.

1. The application fails to consider the flood alleviation works carried out in the immediate downstream location of the site and in particular any exceedance flow impacts on that area.
2. The use of one single attenuation basin as shown on the proposals for this site is not recommended due to the potential off site impact of exceedance flows. The applicant should consider the use of two or more smaller basins through the site.
3. Section 4.9 makes reference to culverting of a watercourse. This would not be permitted and the applicant should consider alternatives.
4. On page 2 of the Flood Risk Assessment Figure 8 appears to be blank.
5. Appendix A, the proposed plan appears incomplete.

The issues identified above have the potential to impact on the layout of the development and as such we object to the proposals as they stand.

16/01/2026 **NO OBJECTION** subject to conditions

**Historic England** – 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.

**Sport England** – The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case.

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<sup>1</sup> <https://www.designforhomes.org/wp-content/uploads/2020/11/BFL-2020-Brochure.pdf>

### **NCC Rights of Way – Requires further information**

1. Proposed maintenance of the footpaths
2. Traffic/ private vehicular access/intensification, would this be a danger to ROW users?
3. Clarification on who would maintain the footpaths going forward. Any change to the surface composition must be agreed with the Rights of Way Team.
4. How the developer would ensure the safety of the public, during the building phase.

No objection pending further information – Confirmation of the conditions (listed above) being accepted/included, there would be no objections.

*Following further clarification on the comments raised, NCC Rights of Way officer stated that the comments raised are more specific to the detailed application through the Reserved Matters Application and not the Outline.*

**NCC Highways – No objections subject to conditions/informatives.**

### **Town/Parish Council**

- 6.1. Southwell Town Council – Object but state *Should the Outline Planning Permission be approved, Southwell Town Council would note the following concerns and priorities that we would wish to see addressed in Reserved Matters.*

- *Affordable Housing*
- *Waste Water Infrastructure*
- *Trees and Hedges*
- *Climate Change*

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

**NCC Planning Policy –** *Due to the length of these comments you are advised to review this on the Council's website. Summaries will be included in the relevant sections where necessary.*

**NSDC Environmental Health (Contaminated Land)** A Phase 1 Geo-environmental Assessment has been completed by Fisher German in support of this application. Whilst no potential sources of contamination are identified, the report recommends that a phase 2 intrusive investigation is completed. Given this recommendation I would request the use of the full phased contamination condition in the event that any elevated contamination is identified in the phase 2.

**Air Quality** The report uses current guidance (IAQM, EPUK etc.) on which to base the assessment and to consider the impact of traffic emissions and dust generated during the site development.

A qualitative construction phase dust assessment has been completed and with mitigation dust risk is described as 'not significant'. An appropriate suite of mitigation

measures (based on IAQM guidance) is proposed in Appendix D and I would expect these to be required by condition.

Operational phase traffic emissions have been screened using appropriate guidance and given current DEFRA mapped air quality levels and predicted vehicle movement numbers, the requirement for detailed assessment has been screened out and the impact is therefore considered 'not significant'.

Environmental Health welcomes the proposed incorporation of Electric Vehicle (EV) charge points at each dwelling as part of the design to minimise the impact of the development on air quality. I would request that this is secured by condition. Other design aspects that could be included which would also benefit local air quality are:- secure cycle storage for each dwelling, pedestrian and cycle connectivity into the wider network, resident sustainable travel information packs.

Broadly speaking Environmental Health can accept the findings of the assessment providing that dust mitigation and EV charge points at each dwelling (as a minimum) are mandated by condition.

I would point out that Environmental Health is not able to consider any risk to ecological receptors and appropriate expertise should be sought for this.

Finally, section 6.3 of the Summary and Conclusions describes a qualitative odour assessment being completed, however no odour assessment appears to have been carried out. I assume that this is a typo and therefore needs correcting.

**NSDC Environmental Health (Noise)** I have reviewed the noise assessment submitted in support of the outline application. This demonstrates that for the majority of the site an acceptable acoustic environment can be achieved both within proposed dwellings and external amenity space. However, noise levels nearest to the highway adjoining the site are above guideline levels. As such, attenuation by design, acoustic barriers and glazing will be required in these areas. Final design details are not known at this stage. The acoustic assessment should be taken account of in determining site layout, and an updated assessment submitted when final details are known.

**NHS Greater Nottinghamshire Clinical Commissioning Partnership – Impact of new development on GP practice** - The development is proposing up to (70) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.5 per dwelling, primary care health provision would result in an increased patient population of approx. (175) (2.5 x A).

**GP practice most likely to be affected by growth and therefore directly related to the housing development** - It is unlikely that NHS England or Nottingham and Nottinghamshire ICB would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest to is: • Southwell Medical Centre • Hill View Surgery • Jubilee Park Medical Partnership – Lowdham Site

**Necessary to make the development acceptable in planning terms** All practices in the



area are working at capacity and therefore in order to make this development acceptable from a health perspective, the infrastructure will need to be developed to accommodate the increased population. Patients may not necessarily register with the above practices due to Patient Choice. However, infrastructure financing in the form of S106 will be required to ensure that there is adequate primary care health facilities within the Newark & Sherwood District Council area.

**Plans to address capacity issues** The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.

**Fairly and reasonably related in scale and kind to the development.** - As a consequence and since the number of dwellings exceed 65, we would ask for £982 per dwelling for costs of Primary Health Care provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations, revised indexation 2016. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.

**Financial contribution requested** - £68,740.00 (70 x £982 per dwelling)

**NSDC Conservation** The proposed /development is considered to result in less than substantial harm to the setting of the Southwell Conservation Area, resulting in harm to the historic rural setting of the town. It is appreciated that there may be public benefits which may outweigh the level of harm.

**Lincs County Council Archaeology** If the planning authority is mindful to grant planning permission prior to the evaluation I recommend that a pre-commencement archaeological condition is attached to any consent issued in respect of this proposal. A condition is required to secure works based on current guidance from the Lincolnshire Handbook (2024).

**NSDC Planning Policy** *Southwell Neighbourhood Plan* The Amended Southwell Neighbourhood Plan was published under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 in December 2024. An Examiner has not yet been appointed, and the objections raised at the Regulation 16 stage remain unresolved. As these issues have not been considered through examination, the emerging Amended Neighbourhood Plan cannot be given any meaningful weight at this time. The existing Southwell Neighbourhood Plan remains extant and continues to form part of the statutory development plan until it is formally replaced or updated.

The Council is currently unable to demonstrate a five-year housing land supply. As a result, the tilted balance set out in Paragraph 11(d) of the NPPF is engaged. I am not aware of any protected areas or assets of particular importance that would provide a clear reason for refusing the application. Therefore, in accordance with part 2 of Paragraph 11(d), planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, with particular regard to its key policy areas.

**NSDC Sports, Community Facilities and Events Manager** - If this proposal were to receive planning consent I would request that the scheme is compliant in respect of the Developer Contribution SPD. Specifically in respect of the Community facility contribution which would be allocated to suitable projects in the Southwell locality.

**Southwell Civic Society** - The Council's policy advice notes that the 2012 Gateway Study concluded that development of the application site would result in "an unacceptable level of impact and (it) was therefore excluded from the Draft Allocations & Development Management DPD". The 'unacceptable level of impact' has not changed so it is difficult to understand why the policy advice does not acknowledge this fact and that, in relation to the 'tilted balance', the harmful impact that would be caused by the proposed development would engage NPPF footnotes 7 and 9.

Consequently, we consider that the adverse impacts described above would 'significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places'. Therefore, the development plan policies should prevail, and the application should be refused.

**Trent Valley Internal Drainage Board** – No comments received.

**Community Health Partnership** – No comments received.

- 6.2. 15 comments have been received from any third party/local residents which are summarised below:

Principle

Creeping suburban ribbon development

Density of housing proposed is higher than new development to east of Allenby Road

70 dwellings not in line with the character of the area, overdevelopment; Needs reducing in line with other developments such as the 45 houses on Bramley Fields;

Houses on Lower Kirklington Road are struggling to sell, so why build more?

No need for more housing – even affordable housing is not affordable;

The point of extending the Conservation Area was to protect the rural environmental of the properties around Oxton Road;

Erosion of countryside 'Gateway';

There are other available sites in the town which are preferable to this one to meet both current and any additional housing targets;

Allenby Road provides a natural boundary to the town;

Concern about spread to Halam in the future;

Application is premature whilst a new Development Management DPD is in progress;

#### Highways/Rights of Way

Exacerbate existing issues on Halam Road and the area in general;

Allenby Road/Oxton Road is an almost blind junction;

Cars always parked on the northern side of Oxton Road going west;

Concern that the footpath will turn in to an access point from Oxton Road;

Condition of local roads with pot holes are terrible;

Has consideration been given to the access from Halam Road as opposed to Allenby Road?;

Estate roads accessing the properties should be fit for purpose and to proper adoptable highway standard with 2m wide footways on either side;

#### Flood Risk

Northern side of the site regularly floods, with standing water for weeks;

Loss of yet more arable land would upset the existing flood defences along Halam Road;

Increase flood risk with more concrete;

#### Ecology/Biodiversity

10% Biodiversity Net Gain by planting new trees and additional vegetation along the site boundaries is not balanced for the loss of agricultural land;

Loss of well used green space, used by dog walkers and others;

Destroying precious habitat for our wildlife;

#### Residential Amenity

Site is visible from the rear of properties on Oxton Road. Impact on construction work and the lives of those residents will be abominable;

Inevitably there will be noise, air contamination, dirt, vibration and light pollution throughout the building works;

No details of when the screening will go up to the south of the site; This should be early on in the development;

Next to a children's nursery, will cause disruption to the children attending & concern for their health;

#### Other matters

Southwell is already stretched at the surgery and schools, consideration of impact on these should be given.

A new park is not needed and will have no impact on current residents;

Not enough services for Southwell and have to go out of town to do a main shop due to inadequate Co-op foodstore to serve Southwell;

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

7.1. The key issues are:

1. Principle of development
2. Loss of agricultural land
3. Housing need & mix
4. Impact on the Heritage Impact and the Visual Amenities of the Area
5. Impact on Residential Amenity
6. Highway Safety and Public Right of Way
7. Flood Risk and Drainage
8. Ecology, Trees and BNG

#### Principle of Development

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. The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. 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 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the hierarchy as a Service Centre and has a good range of local facilities including schools, public transport and local employment. Beyond Principal Villages new development will

be considered against Location, Scale, Need, Impact and Character. However, as part of the criteria Spatial Policy 3 states that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Where Neighbourhood Plans define village envelopes, development will only be supported beyond them if they meet the requirements of relevant policies within the Core Strategy or Allocations & Development Management DPD.

- 7.4. The first assessment which is necessary as part of the current assessment is to determine whether the site can be considered in the village or falls outside of the village and therefore should be assessed as development in the open countryside.
- 7.5. In this respect, the explanation text of the Amended Core Strategy Spatial Policy 3 is relevant:
- 7.6. *4.25 In implementing Spatial Policy 3 its locational criteria supports the development of sites in 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, farm yards and community facilities.*
- 7.7. The proposal does not comply with any of the above criterion and given it is an undeveloped open field, it is expressly stated within the policy explanation that SP3 does not include such land. Therefore, the site is located within the open countryside where policy DM8 applies. However, the site is in close proximity to the defined settlement of Southwell, which is defined as a Service Centre under Spatial Policy 1 and has facilities to support additional development.
- 7.8. Due to the changes to the NPPF in December 2024 which amended the housing mechanism for housing delivery, the Council can no longer demonstrate a 5yr housing land supply. Therefore paragraph 11(d) of the NPPF is engaged which applies the presumption in favour of sustainable development, and granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.9. Caveats to this relate to development relating to habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.
- 7.10. Therefore, given the tilted balance in favour of development, although the site is located outside of the defined settlement boundary where residential development

would normally be unacceptable, given the Council has no 5yr housing land supply, to resist development for this reason alone would be inappropriate.

- 7.11. Other material considerations also must be taken into account, and these are explored below.
- 7.12. Status of the Southwell Neighbourhood Plan. The existing Neighbourhood plan was approved and adopted by the Council as part of its Development Plan 2016. Due to the plan approaching 10 years old, a new plan was started in 2024 under the Neighbourhood Planning (General) Regulations 2012 but has been delayed due to outstanding objections. An Examiner has not yet been appointed, and the objections raised at the Regulation 16 stage remain unresolved. As these issues have not been considered through examination, the emerging Amended Neighbourhood Plan cannot be given any meaningful weight at this time.
- 7.13. The existing Neighbourhood Plan remains extant and continues to form part of the statutory development plan until it is formally replaced or updated.
- 7.14. History of the site In the Options Report of the Draft Allocations and Development Management DPD (2013), Newark and Sherwood District Council initially proposed allocating the site. However, following a significant level of objection, the Council undertook a Gateway Study to assess which sites in Southwell would be the most suitable for allocation, focusing on their impact on the town's key gateways. This site was found to have an unacceptable level of impact and was therefore excluded from the Draft Allocations and Development Management DPD.

#### Loss of Agricultural Land

- 7.15. 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.'
- 7.16. 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.
- 7.17. 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.

- 7.18. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Soil testing has been carried out to distinguish whether the site is formed by Grades 3a or 3b land. The conclusion of this report is that the land is Grade 3a and therefore of good quality, albeit on the lowest end of the scale.
- 7.19. The loss of this 'good to moderate' agricultural land should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

#### Housing need & mix

- 7.20. Core Policy 3 of the Amended Core Strategy DPD states an emphasis of family housing of 3 bedrooms or more, smaller housing 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. This will depend on the local circumstances of the site, the viability and any localised housing need. The amended Core Policy 3 proposed through the Amended Allocations and Development Management DPD largely follows this same emphasis but emphasises the need for 2 and 3 bedroom family housing and a greater provision of bungalows on appropriate large sites and support for specialist housing such as extra care and retirement housing.
- 7.21. In addition, particular emphasis will be placed on considering the impact of physical disability and mental health when addressing housing needs. On sites of 10 dwellings or more, provision of 23% of new homes to M4(2) accessible and adaptable standard will normally be required. On sites of 50 dwellings or more 1% of new dwellings will normally be required to meet M4(3) wheelchair accessible standard and should be provided as part of the affordable housing delivered on site. The provision of M4(2) and M4(3) will be required unless site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step free access is not viable, neither M4(2) or M4(3) should be applied.
- 7.22. The Council's latest housing need report from Arc4 District Wide Housing Needs Assessment (Dec 2020), states that within the Southwell Sub Area the greatest need for market housing is 3 bedroom properties (33.3%), followed by 4 bedrooms or more (24%) then 3 and 2 bedroomed bungalows (15.2% & 14.8%).
- 7.23. In addition to the above there would be a requirement to provide affordable housing onsite at 30%, with the general makeup being 60% social rented/affordable rented – 40% affordable home ownership products. Working on a maximum provision on site of 70 dwellings, 30% affordable housing would equate to 21 dwellings (13:8 tenure split of dwellings). The amended Core Policy 1 within the Amended Allocations and Development Management DPD retains the stated tenure mix but the affordable home ownership product element of the contribution will comprise the overall national 25% First Homes with the remaining 15% made up of the other affordable

home ownership products based on an up-to-date assessment of local need. First Homes should secure a minimum discount of 30% against market value (see below, extract from the revised Core Policy 1).

- 7.24. The Planning Statement submitted with the application states that at para 6.26 *“Delivery of 30% of the scheme as much needed local affordable housing in Southwell in accordance with NSDC policy requirements. The affordable homes proposed will contribute positively to addressing the shortfall in affordable housing within the district. This is a tangible benefit and merits significant weight.”*
- 7.25. The existing Southwell Neighbourhood Plan from 2016 states at Policy HE1 for Greenfield sites of schemes over 11 dwellings a housing mix is prescribed. However, the Arc4 report supersedes this document, as it was produced in 2020 and represents more up to date information. However, policy HE1 of the emerging NP broadly aligns with the requirements of the Arc4 report.
- 7.26. This provision can be secured through an associated S106, including the make-up of tenure and bedroom numbers. It is considered that this matter is acceptable.
- 7.27. *Density*
- 7.28. Core Policy 3 of the Amended Core Strategy DPD requires development densities in all housing developments to be no lower than 30 dwellings per hectare. Developments below this should be justified. Within the submission, 70 dwellings are proposed and given the site area of 3.29hectares would equate to 21 dwellings per hectare. Given this site is on the edge of a settlement, a density at 30 per hectare, may be too intensive and the layout should be designed to reflect a transitional site to the open countryside and thus a reduction in density is appropriate for this reasoning.

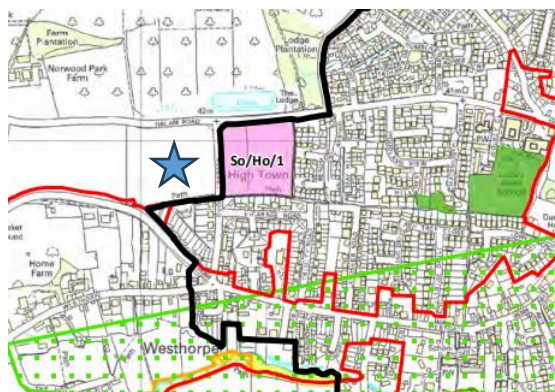
#### Impact on the Heritage Impact and the Visual Amenities of the Area

- 7.29. *Landscape*
- 7.30. 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.
- 7.31. 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.
- 7.32. 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.

- 7.33. The site is located within the Mid Nottinghamshire Farmlands Policy Zone and specifically Halloughton Village Farmlands (MN PZ 38) according to the Council's Landscape Character SPD (2013). This landscape is gently undulating and rounded landform, with medium to long distance views towards frequently wooded skylines. These views are, however, often enclosed by hedgerows, vegetation (woods and riparian vegetation) and settlements. The buildings tend to be vernacular, with a few exceptions of more modern developments, principally around the north west of Southwell.
- 7.34. The landscape condition is defined as good and the area has a coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. The landscape sensitivity is defined as moderate with an apparent landform with intermittent areas of woodland giving moderate visibility value.
- 7.35. Landscape actions are to conserve and reinforce and where this relates to hedgerows and are gappy and in poor condition, these should be reinforced with new planting. New planting should take into consideration medium and longer distance views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond.
- 7.36. The Landscape and Visual Impact Appraisal submitted with the application also states that the site is located within the National Character :48 – Trent and Belvoir Vales. This character area is defined as having an undulating, strongly rural and predominantly arable farmland, centred on the River Trent. A low-lying rural landscape with relatively little woodland cover, the NCA offers long, open views.
- 7.37. The site falls outside of policy So/Pv Southwell Protected Views (see below), which sets out that the Council will seek to protect views of and across the principal heritage assets comprising of the Minster and Thurgarton Hundred Workhouse. The site is significantly outside of the view cone, therefore the impact in this regard is not considered applicable.



- 7.38. *Extract from Southwell policy map*

- 7.39. The application is in Outline form with the scale, massing and layout of the site yet to be considered, and would come from the subsequent detailed application known as Reserved Matters. The site is found at the settlement edge and has a rising landform from north to south. The surrounding landform, which is already built on and adjoins the site, is on a similar landform.
- 7.40. The combination of the hedgerow, hedge line trees, the level change and surrounding tree cover is typical of the host landscape. These factors influence the opportunity for, and frequency of, seeing the site from the wider open countryside. The effect of the site reduces expediently with distance and is not prominent in views.
- 7.41. The public right of way is located through the site, and although users of this would experience a change in their 'environment', the landscape buffer area as indicated on the indicative landscape plan shows that the western edge of the site can still be enhanced and the landscape strengthened to help to screen and protect the visual amenity. Whilst landscaping and layout is a reserved matter, the mitigation that this could bring to the proposal would offset the visual effect on the site's countryside setting. A condition could be imposed to ensure the landscape buffer to the west of the site is retained through to the detailed stage, as this would result in appropriate mitigation. The area around the footpath to the west of the site is identified in the Southwell NP as a 'green link' under Policy E5 and thus should be preserved as such, moving forward. This in itself does not preclude it from further development as this mitigation can be achieved through careful design.
- 7.42. Consequently, in landscape terms, subject to the appropriate design and landscaping to secure mitigation and reinforcement, the proposal would be in keeping with the local landscape character and setting and although it would result in limited number of material landscape or visual effects, these would be localised to the existing settlement edge location.
- 7.43. Responses from residents and consultees have mentioned inclusion of the site previously for consideration in the existing Allocations and Development Management DPD 2013, however it was removed from selection following a review of the Gateway Sites Assessment report (2012). This stated that the western boundary of the site does not conform to a physical natural or man-made barrier which would naturally define the extent of the site. At the present time (2012) Allenby Road itself provides a more appropriate limit to the growth of the settlement in the location, and in moving forward also provide a more defensible boundary in the long-term. The conclusion was that due to the open and prominent location with no natural screening to the west, the assimilation into the surrounding landscape character would be more difficult to achieve **than with other gateway site options.** (emphasis added).
- 7.44. This report led to the deletion of the site from the **DRAFT** Allocations document as it was in 2012, felt that the impact from this and the other sites assessed as part of this report, was greater than the ones that went on to be included in the current Plan. This does not automatically mean that a scheme is not deliverable on this site. Members should note that the report was 14 years ago when the Council was able to demonstrate a 5yr housing supply under the former local plan assessment. Planning

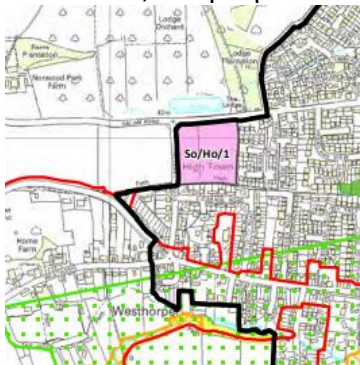
Policy now is under a different situation and material considerations must be considered in the round under the updated and current NPPF and PPG.

7.45. *Heritage*

- 7.46. Built Development – The site is located outside of the defined Southwell Conservation Area, to which the boundary is to the south of the site. There are no built heritage assets located within the site, however to the south of the site, outside of the site boundary, are buildings of local interest, non-designated heritage assets. These buildings are identified within the Southwell Neighbourhood Plan and within the Southwell Conservation Area Appraisal.
- 7.47. The Southwell Conservation Area Appraisal states the area of Westhorpe Character Area is generally agricultural in character. Westhorpe merged with Southwell following development in C18 and C19 along Westgate was consolidated in the C20. Development has extended in an east-west direction to include the subsidiary settlements of Westhorpe and Easthorpe so that the town now generally occupies the valleys of the dumble and the River Greet and the wooded ridge of higher ground between them.
- 7.48. The majority of the historic buildings within Westhorpe are of traditional construction and of modest scale, with brick and pantiles the most common facing materials. Generally, the buildings comprise simple cottage and farm buildings, and this is true of the non-designated heritage assets to the south of the site. Westhorpe Hall is the only high-status building within Westhorpe. There is no uniformed grain to the developments with area of open spaces which contribute to the character. It has its individual identity and historical context to the western periphery of Southwell. Oxton Road is generally of a verdant character with tree lined streets.
- 7.49. The Council's Conservation Officer has commented on the proposal stating that the most sensitive area of the site is to the south-west, where there are impacts to heritage assets. The existing cottages on the Oxton Road site are within the rural backdrop, which makes a positive contribution to their setting, illustrating the historic development of the town as a rural community. They have stated that in order to retain this rural character, the landscaping as shown on the indicative plan around the south-west corner of the development site, as this is a high point of the site, should be retained as a benefit.
- 7.50. Norwood Park, which is located to the north of the site, is an unregistered park and garden and therefore a non-designated heritage asset. It is considered that there is no intervisibility between Norwood Hall or the heritage assets within the park. The historic parkland site is over the brow of a hill, and is separated by the road, woodland and agricultural land. The retention of the hedgerows and mature trees along this boundary helps to retain the separation between the parkland and its heritage assets from the development site.
- 7.51. The retention of landscaping and a play area to the west and south of the site would help to maintain a rural character from the public footpath, and would retain views of

Sunbury Cottage to aid in placemaking and wayfinding to retain this focal point. Officers have advised to avoid the area to the west of the site, where the LEAP is located, from being built up and interrupting wider views towards the Conservation Area and equally towards the north and towards Norwood Park. As stated before, this western site is identified within the Southwell NP as being a 'green link' therefore keeping it free of built development would not be unreasonable.

- 7.52. The site is located to the north but outside of the Southwell policy area So/PV. The policy in the ADMDPD states that for developments outside of the view cone, development proposals which have the potential to negatively impact on the view of these heritage assets will not normally be acceptable. The level of potential impact will be dependent on factors such as scale, height, location and the scope for mitigation. The adjacent site to the east of Allenby Road, which is also outside of the view cone, but closer to the Southwell and within the land allocation So/Ho/1, was assessed by the Conservation Officer as not having any inter-visibility between the site and the Minster, Holy Trinity Church or the Workhouse. It was considered that the land was not significant to any of the assets' setting. Therefore, given that this application site is on a similar trajectory, with further built development located inbetween, the proposal would not result in harm to the setting of these assets.



- 7.53. The proposal is concluded to result in less than substantial harm to the setting of the Southwell Conservation Area and the non-designated heritage assets, resulting in harm to the setting of the town. In accordance with para 215 of the NPPF, *'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.'*
- 7.54. Para 216 of the NPPF states *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 7.55. The Southwell Neighbourhood Plan (2016) and Policy DH1 states that development should take in to account the Design Guide. The proposal is not subject to detailed design at this stage and just the principle.
- 7.56. *Archaeology* – The site is located approximately 1km west of Southwell Minster and the town's historic core. Within the wider landscape there are a number of earthwork features identified to the south and west of the site which appear to relate to former agricultural activity. The available resources suggest the site has been in agricultural

use for the most of its recent history. The geophysical survey reports on a potential feature which does appear to coincide with the early cartographic evidence and also a pit which may coincide with the eastern internal field boundary shown on the 1947 oblique of the area.

- 7.57. The 1835 Sanderson map annotates the area as 'Brick Hill Field' and the pit identified in the geophysical survey may be related to this industry. The 1841 tithe map of the area also shows extant and former field boundaries and track/pathway.
- 7.58. The presence of archaeological features on site cannot be entirely excluded, either predating the brick industry located in the area, or directly relating to the pre-industrial brick manufacture and the associated infrastructure and extractive activities. The Council's Archaeology consultant has recommended that an archaeological field evaluation is undertaken consisting of 3% coverage within the redline area, with a 1% contingency; this recommendation is consistent with evaluation recommendations for other sites in the region and district. The evaluation, adhering to an agreed and approved written scheme of investigation, will seek to identify the presence, extent, depth, date and significance of any below-ground archaeology. The results of the fieldwork will be used to inform and further measures to preserve in situ or preserve by record and significant archaeology identified during the evaluation.
- 7.59. The consultant has agreed with the agent that the fieldwork through trial trenching will be required to inform reserved matters but is not required for determination of this outline application. They agree to the imposition of a planning condition requiring a program of trial trenching to be undertaken prior to reserved matters stage.
- 7.60. Taking the above factors into consideration (landscape, heritage and archaeology), the site has been assessed in accordance with the landscape character SPD and the national landscape character, and it is considered that mitigation measures to reinforce landscape boundaries and a buffer would be acceptable mitigation. There would be no immediate harm to the landscape setting in the medium to long distance views.
- 7.61. The site is located outside of any heritage designation, however as stated above the site is adjacent to the Southwell Conservation Area, and adjacent to non designated heritage assets.
- 7.62. The proposal is considered to have less than substantial harm to the setting of the Southwell Conservation Area. Para 13 of the Planning Practice Guidance (PPG) *'The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.'*

- 7.63. This harm needs to be weighed in the planning balance against the public benefits gathered by the scheme proposed in accordance with the NPPF and the PPG. Public benefits are defined in the PPG (para 20) as anything that delivers economic, social or environmental objectives as stated in para 8 of the NPPF. This includes the delivery of homes to *meet the needs of present and future generations*.
- 7.64. The proposal would result in the delivery of up to 70 dwellings, including affordable dwellings. The Council cannot demonstrate a 5yr housing land supply and in accordance with para 11dii of the NPPF, planning permission should be granted unless adverse impacts demonstrably outweigh the benefits. Para i) however states that where the proposal affects designated heritage assets a strong reason for refusing the development to ensure its protection also apply. It is considered the case that the harm to the setting of the Conservation Area is on the lower end of less than substantial harm and advice has been given that this harm can be mitigated for. Therefore, the benefits of the provision of housing to contribute to the 5yr housing supply (including affordable housing) outweighs any harm identified.
- 7.65. The site could have archaeological impact, however this is not considered to be worthy of scheduled monument significance and only of local significance. The harm to which can be mitigated by appropriate recording and mitigation.

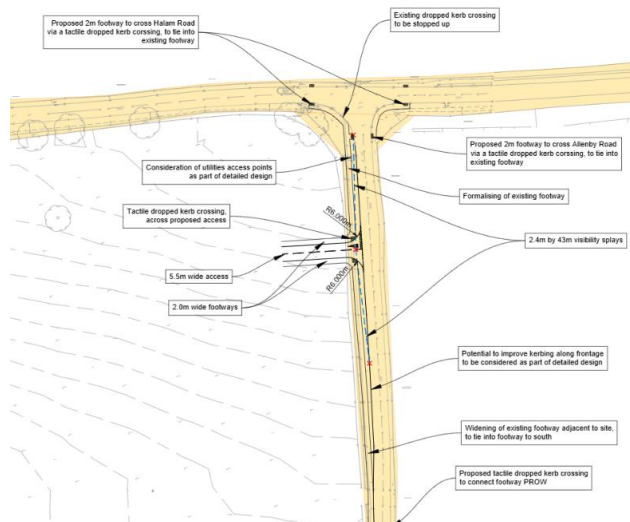
#### Impact upon Residential Amenity

- 7.66. The Policy DM5(b) 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.
- 7.67. The layout of the development and scale is not subject to this application and is for reserved matters stage. It is considered that a scheme can be designed to have an acceptable impact on neighbour amenity.
- 7.68. Comments have been received concerned over the impact of the development upon users of the local children's nursery in terms of their health. The Air Quality assessment has been reviewed by the Council's Environmental Health and officers concur with the assessment as suggest that the dust mitigation measures proposed within Appendix D of the report is conditioned. The operational traffic emissions have been concluded as not significant.
- 7.69. The agent has submitted a noise assessment report which has been assessed by the Council's Environmental Health Officers who state that the majority of the site can achieve an acceptable acoustic environment both within the proposed dwellings and external amenity space. However, noise levels nearest to Halam Road are above guideline levels. As such, attenuation by design, acoustic barriers and glazing will be required in these areas. Final design details are not known at this stage and it is reasonable to condition this information to come through at Reserved Matters stage and this will be managed by condition.

- 7.70. No conflict is identified in terms of amenity (loss of privacy, light or overbearing) therefore in respect of DM5(b) and the proposal is a compatible use for its context as required by CP9.

Impact upon Highway Safety and Public Rights of Way (PRoW)

- 7.71. SP7 and DM5(b) set out policy in respect of highway safety, transport and parking. Para 116 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*
- 7.72. The Outline planning application is for all matters reserved apart from access, therefore the impact upon the surrounding area is a matter which the Local Planning Authority must take into consideration to ensure an acceptable development.
- 7.73. As part of the proposal, the agent has submitted a Transport Statement (TS) and a stage 1 road safety audit, along with the details of the site access point, all of which have been assessed by Nottinghamshire County Council Highways officers.
- 7.74. In terms of traffic impact, the proposal will have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal, and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to.
- 7.75. The application site is well placed to where residents can walk and travel to/from nearby public transport facilities. It is important that new development promotes sustainable travel journeys in the creation of new and improved infrastructure that supplements Active Travel.
- 7.76. In this case having regard to the needs of pedestrians/bus users given the Active Travel philosophy it would be beneficial for the developer as part of the proposed scheme to provide a number of highway improvements as indicated within the TS i.e. dropped crossings/tactile paving, footway widening etc. in the area where each and every development must work with the Highway Authority in line with the Active Travel viewpoint.
- 7.77. In addition to this there is a need to maximise the width of the hardstanding area to the north bound bus stop on Allenby Road close to the application site.



7.78.

7.79. A new vehicular and pedestrian access is proposed on Allenby Road that will form part of a 278 agreement with NCC Highways as will other highway improvements. The proposed junction will operate under priority control and has been assessed in capacity terms and safety; the layout and driver's visibility requirements are considered satisfactory.

7.80. Residents who have responded during the application, have raised concerns over the safety of the site and the increase in the number of vehicles. However, the Highway Authority have assessed all the information, including the improved pedestrian access around the site. This will help to improve safety, and given the concern raised with regards to the use of the footways for school children around the site, the improvements are considered acceptable.

7.81. Although the proposal may increase the number of movements around the site, it has been assessed by the Highways Authority, that subject to conditions relating to the improvements, there is no conflict with the requirements of DM5(b) (the emerging plan), SP7, or the NPPF.

7.82. Car Parking - The Council's Residential cycle and car parking standards Supplementary Planning Document (SPD) provides guidance of minimum parking standards required for new developments regardless of tenure. As the design of the development has not yet been detailed, this is not able to be assessed and is thus for reserved matters stage. However, there is an expectation that the site can develop a scheme which is compliant with the SPD. Provision should also be made for secure cycle storage and storage of equipment, which is a matter for the detailed application stage.

7.83. PROW – Southwell footpaths 30 and 45 cross the application site. The application has received a response from VIA East Midlands (on behalf of Notts CC) seeking further details on the maintenance of the footpath, details of the intensification and danger to the ROW users, changes to the surfacing and safety of the public during building works. Given the layout of the site is not yet decided, details of these matter requested



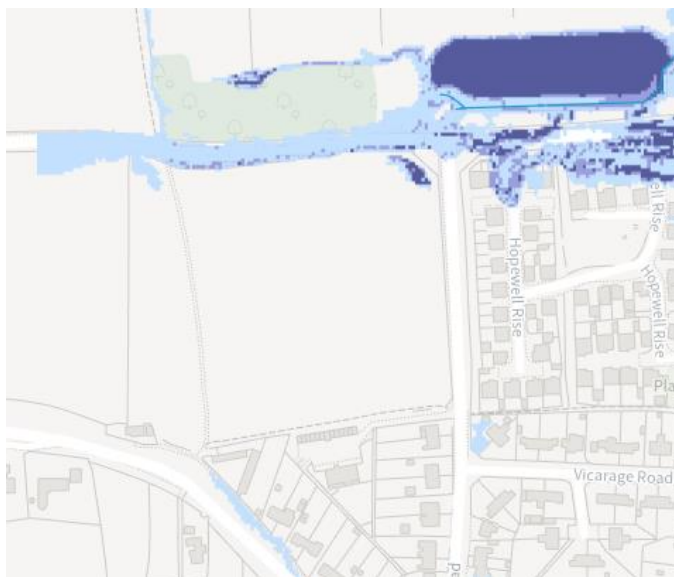
by VIA cannot be confirmed or clarified. The indicative layout, although this does not carry any weight in determination, does allow for the alignment of the PROWs within the scheme and would largely follow the existing alignment. The detail of the PROW as requested by VIA is for consideration at reserved matters stage.

- 7.84. Policy E5 of the Southwell NP states, *‘Development proposals that could contribute to the creation of a Green Link around Southwell to help maintain the rural character of the town, maintain attractive PROWs linked to open spaces, for the benefit of the public and wildlife, will be supported.’* The incorporation of the PROW to the west of the site within the open space, and similarly to the south of the site, would ensure this compliance.

#### Flood Risk Impacts and surface water drainage

- 7.85. Part of the site falls within Flood Zone 1, at lowest risk from fluvial flooding as shown on the Environment Agency’s Flood Map for Planning and at low risk from surface water flooding. Land to the north of the site, along Halam Road and outside the application site, and land to the junction of Allenby Road and Halam Road, is shown to have a pool of water (see the map below) thus showing a higher risk of surface water flooding.
- 7.86. 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(c) ‘Sequential Test’ of the Emerging Amended Allocations & Development Management DPD clarifies that development proposals follow a sequential approach to development and flood risk, seeking to steer new development away from those areas at highest risk. Core Policy 10A (Local Drainage Designations) states that the policy applies to Southwell and that the geographic extent, forms of development which will be subject to the designation and the specific standards that proposal will need to meet, will be defined through a Local Drainage Designations SPD. The SPD has not been produced and there is no expectation that this will be done before the change to the plan making regulations, where the current guidance (before the new regulations come in to force) alludes to no new SPDs can be commenced after 30 June 2026. Therefore, the focus is on updating existing SPDs mainly where it relates to S106 contributions. Given there is no geographical context of how to apply the policy, and the site is located outside of the defined built up area, it is difficult to state this policy could apply. However, given the very closely connected relationship of the site to the Southwell Urban Area it would seem sensible and logical to apply this policy too. Policy E1 of the Southwell Neighbourhood Plan (NP) states there should be no development within the flood plain of local watercourses that would result in a loss of floodplain storage.

- 7.87. 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.



7.88.

- 7.89. The site is located within the land at lowest risk from fluvial flooding, however land to the north of the site is at medium to high risk from surface water flooding (see above). This area coincides with the location of an open watercourse and an area of low lying land, where water naturally pools in the lowest section of the site. 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)

- 7.90. Para 175 states that *'The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.'* Due to the small extent of surface water risk adjacent or within the site, it is considered that the proposal could be designed to demonstrate there would not be any built development in areas at risk from flooding.

- 7.91. In accordance with Annex 3:Flood risk vulnerability classification of the PPG, the use of the land for dwelling is classified as 'more vulnerable' and in accordance with Table 2: Flood risk vulnerability and flood zone 'incompatibility', the use of the land is compatible in flood zone 1 and the application of the exceptions test is not necessary.

- 7.92. The Environment Agency have stated that they have no fluvial flood risk concerns associated with the site. NCC as the Lead Local Flood Authority, have commented on the application, and following their initial objection and the submission of further

information from the agent, they are now satisfied with the impact from the development. The drainage strategy submitted with the application (as part of the revised flood risk assessment) demonstrates that an appropriate drainage system for both foul and surface water can be provided on the site which discharges to a suitable outfall with runoff rates being limited at Greenfield runoff rate (this rate sets the basis for setting consents for the drainage of surface water runoff from sites). Subject to the mitigation measures proposed, the development may proceed, and the development will not significantly increase flood risk to the wider catchment area. The drainage plan shows the use of swales to detain water and additional flood mitigation to the Halam Road boundary, along with a detention basin to the north-eastern corner of the site, which is the lowest section of the site. Where possible, preference should be given to multifunctional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

- i. into the ground (infiltration);
- ii. to a surface water body;
- iii. to a surface water sewer, highway drain, or another drainage system;
- iv. to a combined sewer.

7.93. The discharge is proposed to the existing watercourse which in the hierarchy is accepted. The LLFA have agreed with this conclusion and the submitted information within the document and have thus removed their objection, subject to the imposition of a condition relating to the detailed surface water drainage scheme being submitted in accordance with these principles.

7.94. The Town Council have provided comments on the proposal stating they are aware streams and rivers are plagued by sewerage pollution from Combined Sewer Overflows. Making sure new developments do not exacerbate this problem is a priority. Separate systems for foul and surface water and sufficient sustainable drainage systems would be expected.

7.95. Therefore, given the submitted information relies on this form of attenuation for surface water, and a condition can be imposed to secure this, it is considered that a scheme can be developed which would ensure the development, in terms of flood risk would be acceptable and not increase flood risk elsewhere. The proposal is considered to positively manage surface water and thus would accord with the Development Plan, NPPF, PPG and the Southwell Neighbourhood Plan.

#### Impact upon Ecology and trees (including BNG)

7.96. 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(b). Core Policy 12 and Policy DM7 seek to conserve and enhance the biodiversity of the district whilst DM5(b) seeks to retain features through integration and connectivity of green infrastructure to deliver benefits.

- 7.97. The revised Preliminary Ecological Appraisal submitted the application identifies areas of priority habitats beyond the application site but states that the development would not anticipate having adverse impacts on these areas due to the distance, lack of functionally linked habitats and the nature of the proposed development. Given the nature of the hedgerows on site, they are classified as Priority Habitats under the UK Biodiversity Action Plan. As part of this hedgerow is to be removed, adverse impacts are anticipated. However the impacts of this removal are due to be resolved through the requirements of Biodiversity Net Gain (BNG).
- 7.98. The site has been assessed to contain areas of modified grassland, individual trees, native hedgerows with and without trees, which are all of moderate ecological importance. The areas of modified grassland is to be retained in the most part which is acceptable, with the removal of one tree (T11) within the centre of the site (classified a U category), and removal of part of the hedgerow to Allenby Road to provide the access point. All trees and hedgerows to be removed are to be re-provided for within the site as part of the redevelopment.
- 7.99. *Bats* – The ash tree within the centre of the site (T11 as mentioned above) has been assessed for its roosting potential for bats. The aerial inspection concluded that the woodpecker hole is open on both sides, and therefore remains suitable as a feature for a bat. It is recommended that the tree is inspected by a bat licensed ecologist prior to felling. The habitats onsite and along the boundaries are considered to provide a low suitability for foraging/commuting bats. Due to the potential change in light levels and the use of the surrounding area, it is encouraged that the suitable lighting scheme is adopted.
- 7.100. *Birds* – Habitats such as hedgerows, trees and arable fields provide some suitable nesting and foraging opportunities for a range of bird species. The tree due for removal should first be checked to ensure no nesting birds are present. It is advised that the removal is taken place outside of bird nesting season of March – August inclusive. However, if clearance is required within this time then checks must be carried out within 24 hours of works commencing.
- 7.101. No great crested newts have been found on the site following the survey.
- 7.102. The Council's ecologist has assessed the proposal and concurs with the survey and recommends conditions relating to the submission of a Construction Environmental Management Plan (CEMP) and a Faunal enhancement plan. As part of the latter plan, they suggest at least 15 integrated bat boxes, 15 integrated bird boxes and hedgehog highways. The Emerging Southwell NP policy E3.5C states that on sites over 10 dwellings, integrated bat roosting boxes to be provided on 20% of the dwellings and integrated swift boxes in minimum groups of 3 to be provided on 10% of the dwellings, and integrated bird nesting boxes for species other than swifts on 10% of the dwellings. Based on the number of dwellings provided being 70, then 20% would be 14 boxes and 10% being 7. The condition as recommended by the Council's ecologist would comply with this requirement.
- 7.103. *Trees* – One ash tree which is to be felled as part of the proposal. The Arboricultural

assessment states this trees is on declining health with deadwood within the canopy and decay on the north side of the main stem. It is unlikely to offer long-term contribution. The remaining trees around the site are of B1 - C2 condition (moderate to low).

#### *BNG*

- 7.104. Due to the updated sustainable urban drainage information, the BNG calculations have been updated also. The area of neutral grassland within the vicinity of the proposed play area has been assigned a precautionary 'poor' condition.
- 7.105. The site falls within the Mapped Measure A/M2 on the Nottinghamshire & Nottingham Local Nature Recovery Strategy Habitat Map, which states "Target habitat enhancement and creation in areas where this will reduce fragmentation and increase ecological connectivity, through the creation of linkages, corridors and stepping stones." The ecologists consider that these habitats provide biodiversity value and met the requirements of this measure. Within the context of the site the ecologist agrees that the habitats do provide connectivity around the proposed development to the adjacent landscape.
- 7.106. The amended habitat score is now +0.97 Habitat units, equivalent to an uplift of 13.47% and +0.69 Hedgerow units equivalent to an uplift of 13.50% and as such off-site units will not be a requirement.
- 7.107. The site would be subject to the General Biodiversity Gain Condition and would require submission and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development.
- 7.108. No conflict has been identified in respect of CP12, DM7 and DM5(b), NPPF and the PPG which are material planning considerations as well as the Southwell NP.

#### Other Matters

- 7.109. Contamination – A Phase 1 Geo-Environmental Assessment has been submitted by the application, which has been assessed by the Council's Environmental Health Officers. They state that whilst no potential sources of contamination are identified, the report recommends that a phase 2 intrusive investigation is completed. This can be secured through the standard phased contamination condition to ensure if elevated contamination is identified at the next stage.
- 7.110. Air Quality – The report has been assessed by Environmental Health officers, and some comments have been summarised briefly in the Residential Amenity section of the report. However, in summary, officers consider that the report follows current guidance and subject to a condition seeking appropriate mitigation, the impact of dust is not considered to be significant. Operational traffic emissions have been screened using appropriate DEFRA guidance and the impact is not considered to be significant. Officers welcome the inclusion of Electric Vehicle (EV) charging points to dwellings to

minimise the impact on air quality and additional measures such as cycle storage, pedestrian and cycle connectivity and resident travel information packs. Officers can accept the findings of the submitted assessment providing that dust mitigation and EV charge point at each dwelling are mandated by condition. Officers note that within the report (section 6.3 Summary and Conclusions) describes a qualitative odour assessment being completed. No such assessment has been received and it is assumed this is a typo. No such report is required but could be included in a CEMP if Members require.

7.111. Minerals In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering, or in close proximity to, the site. There are no current or permitted minerals sites close to the application site. The County Council therefore does not wish to raise any objections to the proposal from a minerals' perspective.

7.112. Waste In terms of the Waste Local Plan, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (in accordance with Policy SP8 'Safeguarding Waste Management Sites' of the Waste Local Plan). As set out in Policy SP1 'Waste Prevention and Re-use' of the Waste Local Plan, the development should be 'designed, constructed and operated to minimise the creation of waste, maximise the use of recycled materials and assist with the collection, separation, sorting, recycling and recovery of waste arising from the development during its use.' In accordance with this, if the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided in paragraph 049 of the Planning Practice Guidance.

**7.113. S106 developer contributions –**

	<b>Contribution based on up to 70 dwellings</b>	
<b>Affordable Housing</b>	30% on site provision (60% social/affordable rent; 25% First Homes and 15% Shared Ownership)	On site
<b>Community facilities</b>	Off-site community facilities contribution £1,384.07 x 70 = <b>£96,884.90 + indexation</b> <b>Sought for:</b> <ul style="list-style-type: none"> <li>Improvements to existing sports buildings in Southwell (details to be determined on the specific scheme at draft agreement stage but is likely to be one of the following sits, Southwell Rugby Club, bowls, tennis, cricket club, local scouts hut, or Brinkley football site.)</li> </ul>	Off Site
<b>Education provision</b>	Not requested by Nottinghamshire County Council	-
<b>Health</b>	£982.62 x 70 = <b>£68,783.40</b> <b>Sought for:</b> <ul style="list-style-type: none"> <li>Southwell Medical Centre</li> <li>Hill View Surgery</li> <li>Jubilee Park Medical Partnership – Lowdham Site</li> </ul>	Off site
<b>Libraries (building costs)</b>	Not requested by Nottinghamshire County Council	-
<b>Libraries (stock)</b>	161 (population) x 1.532 (items) x £12.67 (cost per item) = <b>£3,125</b>	Off site
<b>Amenity Green Space &amp; Open Space for Children and Young People</b>	Green Space - SPD requirement is 14.4m <sup>2</sup> /dwelling = 0.1008 ha (1,008m <sup>2</sup> ). Children and young people - SPD requirement is 18m <sup>2</sup> per 2 bed and above dwellings = 0.1260ha (1,260m <sup>2</sup> )  Total = 0.2268ha (2,268m <sup>2</sup> )  <b>Proposed provision – 0.8ha of public open space within the site comprising of native planting, outdoor children’s play equipment and recreational footpath.</b>	On site
<b>Maintenance of Amenity Green Space</b>	SPD requirement is £282.79 / dwelling = <b>£19,795.3</b>	-
<b>Maintenance of Public Open Space for Children and Young People</b>	SPD requirement is £1031.30/ dwelling = <b>£72,191</b>	-
<b>Transport</b>	Contribution of £35,000 for the provision of the local community transport scheme  Contribution of £4,800 is paid to provide improvements to two bus stops	Off site

	Scheme for free introductory bus passes set out in a Travel Plan.	
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7.114. The agents have confirmed that the scheme would be policy compliant in terms of the required Developer Contributions that could be secured through a S106 agreement. Contributions from NCC for Education provision have not been requested as it would be covered by CIL contributions. No contributions have been requested towards library building costs as was the request of NCC. Health provision contributions have been requested and would be served in the local area. Payments would be required for transport provisions which are mainly to the local bus service and bus stop improvements. Open space requirements have been addressed onsite with an overprovision. If this is to be provided onsite then the maintenance contribution may not be required but it will depend on how this will be maintained moving forward, either via a management company.

7.115. **Community Infrastructure Levy (CIL)** – The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/). The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

7.116. **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 scheme can deliver more than 10% BNG onsite, and this will be secured by appropriate legal agreement.

## 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 - LEG2526/5676

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

## 9.0 Conclusion



- 9.1. The application is for outline planning permission with all matters reserved apart from access. The Council cannot demonstrate a 5yr housing land supply with the Council's current supply at 3.84yrs. Therefore, the tilted balance in favour of sustainable development as stated in paragraph 11d of the NPPF is engaged.
- 9.2. Members will note that the site is located outside of the defined urban boundary of Southwell as defined within the Council's current and emerging Allocations and Development Management DPD. However, due to the close physical relationship to Southwell and its urban boundary and the lack of a sufficient housing supply, it is considered that the principle of development on the site is acceptable.
- 9.3. The site is located just outside of the defined Conservation Area and there are non-designated heritage assets also outside but in close proximity to the site. Para 11.d states that where there are **strong reasons** for refusing a development based on impact to designated heritage assets then this carries more weight than the delivery of housing (through the tilted balance). The harm to the Conservation Area and heritage assets are considered on the lower end of the less than substantial harm which, subject to the design and layout of the scheme could result in an acceptable impact.
- 9.4. Similarly, where the proposal would result in harm to flood risk the tilted balance does not apply. It has been demonstrated that the site is located within Flood Zone 1 and land which is the lowest lying to the north of the site, is susceptible to surface water flooding. However, the NPPF and PPG state that where the site can be developed away from areas of higher risk the sequential test does not apply. The proposal has not received an objection from the Environment Agency and the Lead Local Flood Authority have not objected subject to the imposition of a condition. Therefore, based on the above, it is considered that the tilted balance is still engaged in decision making.
- 9.5. The proposal has received comments from the surrounding community on its impact upon the surrounding landscape. Whilst this was a concern as raised through the 'Gateway' report in 2012, the Council is in a different policy position from 2012, and the review was undertaken as part of a range of sites within Southwell. The ones taken forward to the Plan, were the ones of least harm. The site has a sloped character with the highest part of the site to the south and the lowest to the north joining Halam Road. Whilst this would ensure the site has greater prominence in the area, with sufficient mitigation and a landscape buffer to the western boundary, the harm is not considered to be significant or detrimental to the surrounding landscape.
- 9.6. The proposal has been assessed by Nottinghamshire County Council Highways with regards to the proposed access from Allenby Road, and the submission includes a Stage 1 Road Safety Audit. The proposed access to the site is not considered to result in harm to highway safety.

- 9.7. Matters of residential amenity, ecology and impact on trees, are all considered acceptable or can be fully assessed through the subsequent reserved matters application, which relates to detail.
- 9.8. The proposal is therefore considered acceptable and in Officer's opinion there is not a strong reason for refusing outline planning permission, which would outweigh the benefits of delivering housing in this highly sustainable location that would contribute to the Council's 5yr Housing Land Supply. The proposal is therefore considered to accord with the Development Plan, taking in to account the material considerations of the NPPF, PPG, the Landscape Character SPD and the Southwell Conservation Area Appraisal.

## **10.0 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 before any development begins and the development shall be carried out as approved.

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

03

The availability of the Southwell FP30 and FP45 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

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

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.

#### 05 - LLFA

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 Link Engineering Flood Risk Assessment (FRA) and Drainage Strategy Report ref LE25158 version 1.8 dated 2026.01.12, 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 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any

attenuation system, the outfall arrangements and any private drainage assets.

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

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

## 06 - Highways

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of the junction/access onto Allenby Road and highway improvement works for the northbound bus stop together with improved (footway) pedestrian facilities and crossing points has been submitted to and approved in writing by the Local Planning Authority.

1. (a) The approved highway scheme shall be completed in accordance with the approved details before the first dwelling is occupied. For the avoidance of doubt the highway works shall include: -

- (b). (i) The construction of the new junction to Allenby Road together with uncontrolled pedestrian crossing points/tactile paving (all to NCC standard highway details).
- (ii) The widening of the hardstanding raised area to the north bound bus stop located outside no. 13 Allenby Road (to NCC standard highway details).
- (iii) The construction of new uncontrolled pedestrian crossing points/tactile paving to the footway on the southwest corner junction of Allenby Road/Halam Road (all to NCC standard highway details).
- (iv) The full length of the existing footway fronting the site on Allenby Road is to be widened and formalised to 2m in width (to NCC standard highway details).

Reason: In the interests of highway safety; to ensure satisfactory highway infrastructure provision and to safeguard the users of the highway. Note: For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act Section 278 Agreement with the

Highway Authority to comply with the requirements of this condition.

#### 07 – Highways

No part of the development shall be occupied or brought into use until driver's visibility splays detailed on drawing ref: 110535-PEF-ZZ-XX-DR-TP-00003 are cleared of all obstructions to visibility exceeding 600mm in height above carriageway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason: To ensure adequate visibility at the site access in the interests of road safety.

#### 08 – Highways

(a) No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the logistics of construction has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall include, but not be limited to:

- (i) Construction traffic routes, including provision for access to the site
- (ii) Entrance/exit from the site for visitors/contractors/deliveries
- (iii) Location of directional signage within the site
- (iv) Siting of temporary containers
- (v) Parking for contractors, site operatives and visitors
- (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- (vii) Temporary roads/areas of hard standing
- (viii) Storage of materials and large/heavy vehicles/machinery on site
- (ix) Measures to control noise and dust
- (x) Details of street sweeping/street cleansing/wheelwash facilities
- (xi) Details for the recycling/disposing of waste resulting from demolition and construction works

(b) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are needed prior to the commencement of development in order to ensure that adequate on-site provision is made for construction traffic, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers during construction.

#### 09 – Highways

The development hereby permitted shall not be commenced until details of car parking facilities for each residential plot within the development in accordance with policy hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that adequate provision is made on the site for the traffic generated by

the development.

## 10 – Highways

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

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

## 11 – Environmental Health

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

### **Part A: Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

### **Part B: Submission of Remediation Scheme**

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

### **Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **Part D: Reporting of Unexpected Contamination**

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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

## **12 - Archaeology**

Part 1 No development or enabling or associated engineering works shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation (WSI) for evaluation trenching and contingency for further mitigation work if required (i.e. excavation, subject of a separate and

approved WSI). These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

### 13 - Archaeology

Part 2 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the preceding Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

### 14 – Archaeology

Part 3 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the local museum service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

### 15 - Landscaping

The reserved matters submission for the landscaping of the Site shall include the submission of Landscape Masterplan and full details of both hard and soft landscape works (both in the



public realm/strategic landscaping works and for individual plots) and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape Strategy (drwg no. 1830-L-D-PL-200 rev V3) or any updated version that shall be agreed through the relevant reserved matters approval
- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours.

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

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Amended Core Strategy.

#### 16 - Landscaping

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

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

#### 17 - Ecology BNG

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the 'DEFRA Biodiversity Net Gain Report V2' and Statutory Biodiversity Metric, dated 30/10/2025 and January 2026 respectively and both produced by Heatons Ecology Ltd.

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 approved in writing by, the local planning authority and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisations(s) delivering the HMMP;

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

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

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

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

D. Notice in writing shall be given to the local planning authority when the site construction compound has been removed.

E. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 9 months of removal of the site construction compound.

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

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

## 18 - Ecology

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 within Section 45 of the Preliminary Ecological Appraisal Report V3, January 2026 produced by Heatons Ecology Ltd.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

## 19 - Ecology

A. The approved development must not commence until a Faunal Enhancement Plan has been submitted to, and been approved by, the local planning authority. The plan must show the type, and proposed locations for 15 integrated bat boxes and 15 integrated bird boxes within new dwellings and details for incorporating these (i.e., height and orientation). The plan must show where hedgehog holes must be created in solid boundaries within the approved development to create a 'hedgehog highway'.

B. Photographic evidence of all installed boxes, and photographic evidence of hedgehog holes created within the approved development, must be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. Thereafter, the installed boxes 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.

## 20 - Noise

The reserved matters application shall be accompanied by a Noise Attenuation Scheme taking into account the submitted Noise Assessment (October 2025).

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

## 21

The development hereby permitted authorises the erection of no more than 70 dwellings. Any reserved matters application for the development hereby approved shall broadly show development in the area shown as developable/residential on plan reference 0110 Rev F.

Reason: To define the planning permission and to ensure an appropriate landscape buffer is provided within the site.

22

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To protect existing trees and hedgerows within the site.

23

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

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

24

The construction phase of the development shall be carried out in complete accordance with Appendix D of the Air Quality Assessment (August 2025) or any amending document approved by the Local Planning Authority.

Reason: To ensure that adequate mitigation is made for Air Quality and in the interests of residential amenity.

### Informatives

01

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be entered into post the approval of the reserved matters or full application, the bond secured and the Highway Authority's technical approval and inspection fees must be paid before any drawings will be considered and approved.

02

There are two Public Rights of Way, Ref: Southwell FP30 and FP45 within the application site boundary. The applicant is advised that before undertaking any work that affects these footpaths you must contact Nottinghamshire CC - Highway Authority's Public Rights of Way Team. Consultation comments provided by the Public Rights of Way Team dated 02/12/2025 must be adhered to by the applicant/agent.

03

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

04

For Part B d) of Condition 17 completion of the development, and therefore the start of the 30-year period is considered to be when the site construction compound has been removed.

05

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

06

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

## IMPORTANT

The development granted by this notice must not begin unless:

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

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

### Biodiversity Net Gain

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

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

OR

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

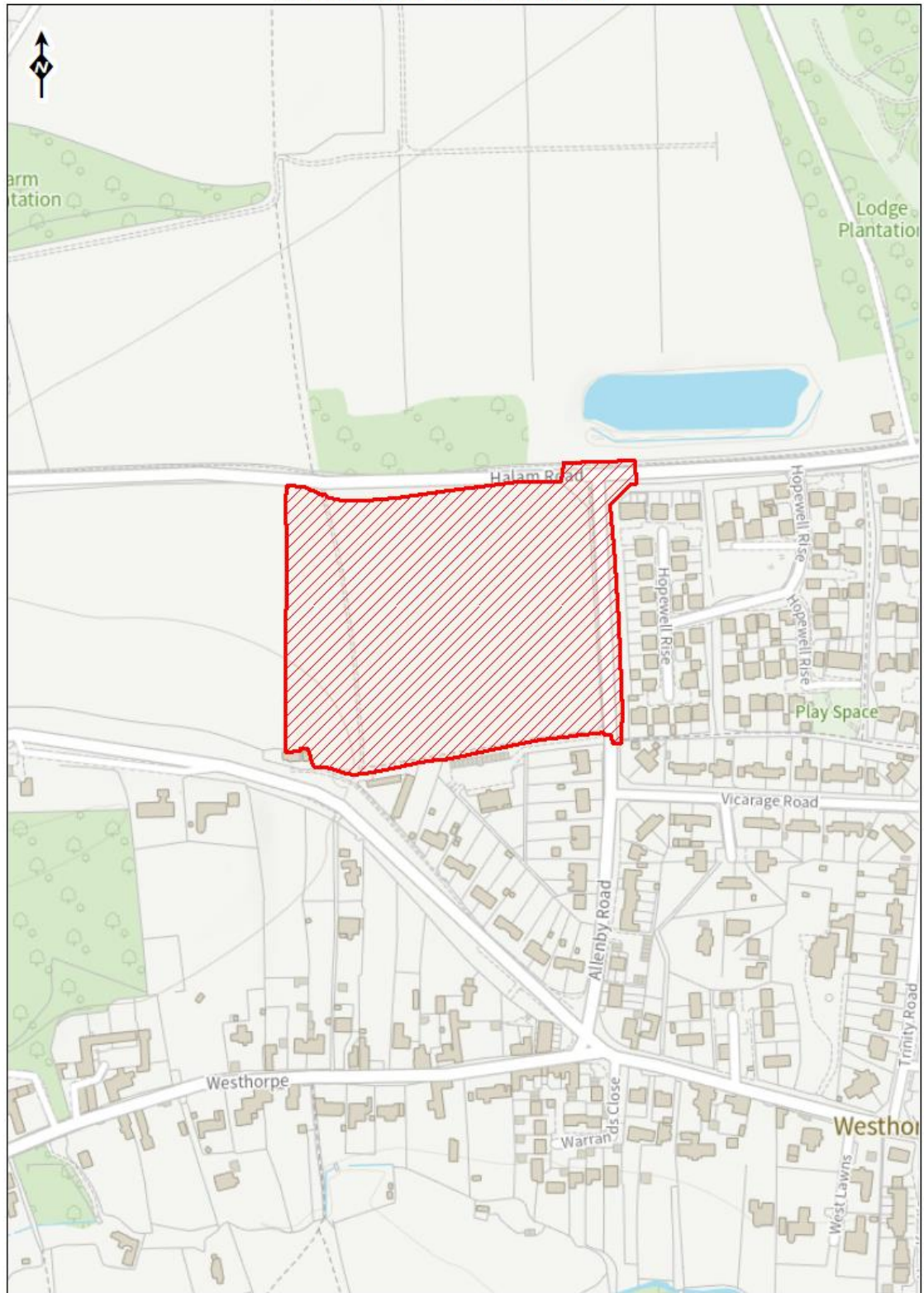
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Newark and Sherwood District Council (NSDC).

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

## BACKGROUND PAPERS

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

Application case file.



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Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary			
Application No.	25/01298/FUL		
Proposal	Proposed Erection of two Dwellings.		
Location	Land At 50A Main Street, Lowdham NG14 7BE		
Applicant	Messrs Grant Wainwright & Drew Wainwright	Agent	Mr Anthony Northcote
Web Link	<a href="#">25/01298/FUL   Proposed Erection of two Dwellings.   Land At 50A Main Street Lowdham NG14 7BE</a>		
Registered	01.08.2025	Target Date	26.09.2025
		Extension of Time	20.02.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the conditions detailed at Section 10.0, and the signing of a Unilateral Undertaking to secure the dwellings as self-build.		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Wendel, on the following grounds; over intensive development; harm to residential amenity; impacts upon surface water drainage; not in keeping with surrounding area; harm to highway safety; loss of trees; no bio-diversity net gain; and would set a precedent for further inappropriate 'back land' development.

## 1.0 The Site

- 1.1 The application site is located to the rear of 50 Main Street in Lowdham, with access taken from Main Street along the southern side of the building, through an existing car park.





- 1.2 No. 50 which fronts onto Main Street, and is within the same ownership as the application site, is currently occupied by a number of businesses including a book shop, a beauty salon and a hair salon. To the west on the opposite side of Main Street is the village Post Office and a children's day nursery. The remainder of the area is predominantly residential in nature.
- 1.3 To the south of the site, on the opposite side of a private driveway serving 5 dwellings, is 48 Main Street, a detached two storey dwelling, located approx. 16m from the application site. To the northeast, at a higher level than the application site, is 48A Main Street, a detached single storey dwelling sited within a large plot, located approx. 6.5m from the application site, with some tree screening along boundary. This neighbouring property also has a detached outbuilding (historically associated with no.48 to the immediate south of the site, the northern elevation of which sits on the shared boundary). To the southeast, opposite the shared driveway, is 48D, a detached single storey dwelling sited within a large plot, located approx. 21m from the site. To the north of the site is no. 52, a two-storey detached dwelling fronting onto Main Street with a two storey rear projection. The rear garden of no. 52 extends rearwards and runs along the whole of the northern boundary of the application site.



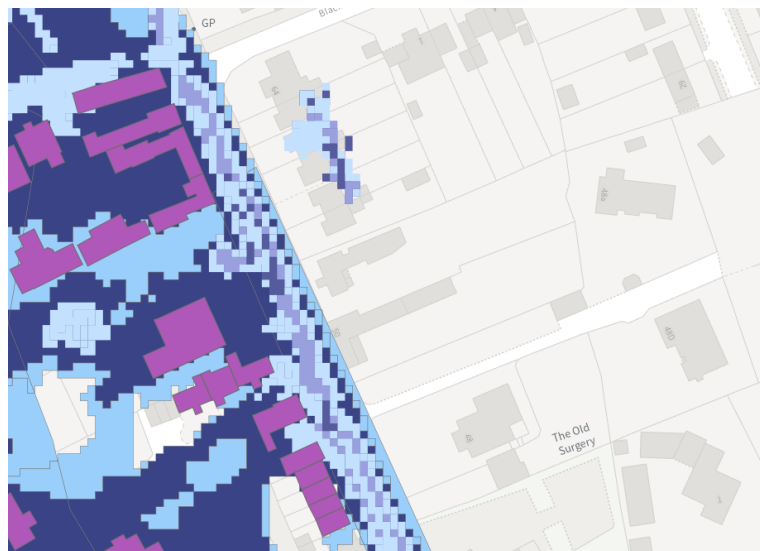
- 1.4 The application site is currently undeveloped grassland. It is noted that some

unprotected trees along the southern boundary of the site have been felled. In terms of site levels, from Main Street, the ground level rises north-eastwards towards the rear of the site, with a steep step up to the rear of the existing buildings, resulting in the majority of the site on a significantly higher level than Main Street.



*Photograph taken from the east facing back towards the rear of 50 Main Street*

- 1.5 In terms of site constraints, the application site is largely located within Flood Zone 1 on the Environment Agency's Flood Zone map, and is therefore has a low risk of flooding. The site is also at a low risk from surface water flooding. However, it is noted that areas immediately downstream, including Main Street to the west, off which access to the site would be, are with Flood Zones 2/3 and therefore at a high risk of flooding.



- 1.6 The site is not located within the Lowdham Conservation Area (this is located some distance to the west, beyond the A6097 Epperstone By-Pass). There are no Listed buildings within the immediate setting of the site. The nearest Listed buildings are the Framework Knitters workshops located to the northwest of the site, on the corner of

Main Street and Ton Lane.

## **2.0 Relevant Planning History**

2.1. 24/00558/FUL - Five 2 bedroom townhouses. Application Refused on 08.07.2024 on the following grounds:-

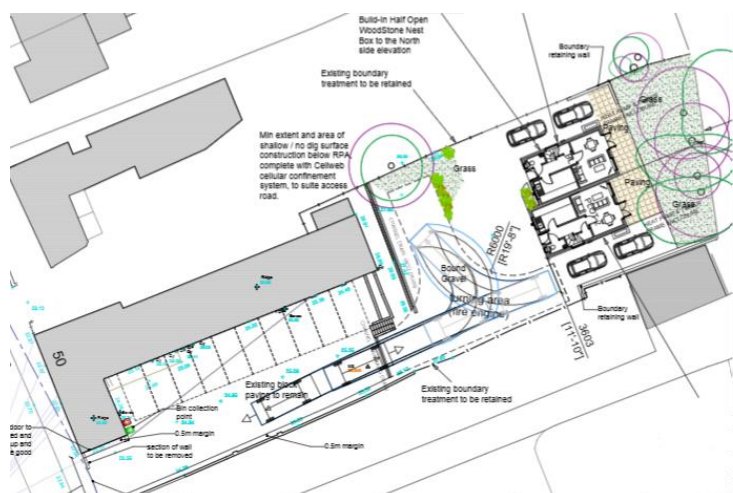
1. *Due to the back land and elevated position of the site, and the cramped layout with no garden space, the proposal would have a detrimental impact on the character and appearance of the surrounding area. In addition, the lack of private amenity space, limited internal floorspace, the location of the bin store area alongside one dwelling, and the distance to the public highway to carry the bins, would cumulatively result in poor amenity levels for the occupants of the dwellings. The proposal is contrary to Policy DM5 (Design) of the adopted Allocations and Development Management DPD and Core Policy 9 (Sustainable Design) of the Amended Core Strategy adopted 2019 and Part 12 of the NPPF.*
2. *It has not been demonstrated that the existing shared access from Main Street would have adequate visibility splays or sufficient width for the intensification of the access that would occur as a result of the development. In addition, the proposed car parking spaces are below the minimum dimensions set out in the Council's adopted Parking Standards SPD, and there is insufficient turning space within the site. For these reasons it is considered the proposal would have an unacceptable impact on highway safety, contrary to Spatial Policy 7 (Sustainable Transport), DM5, and Part 9 of the NPPF.*
3. *No information has been provided to demonstrate the proposal is for self-build dwellings (and therefore exempt from Biodiversity Net Gain) and the terraced and small-scale design does not lend itself to this type of development. It is the opinion of the Local Planning Authority that the proposal is not exempt from the mandatory biodiversity net gain requirement of 10% which came into effect for small sites on 2nd April 2024 (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)). No information in relation to the baseline value of the site, nor a draft Biodiversity Net Gain Strategy which is required by the Council's adopted local validation list has been submitted. In addition, trees have been removed from the site and the layout of the proposal indicates that further removal would likely be required. The proposal is therefore contrary to the aims of Core Policy 12 and DM7 which seek to protect and enhance the biodiversity of the district.*
4. *The proposal would increase surface water run off towards Main Street where there is an extant risk of surface water flooding. The application form states that surface water would be discharged to the main sewer. Infiltration and discharge to a surface water body have not been explored. The proposal would not pro-actively manage surface water and would increase the risk of surface water flooding in the surrounding area, contrary to Core Policy 10, DM5, and Part 14 of the NPPF.*

## **3.0 The Proposal**

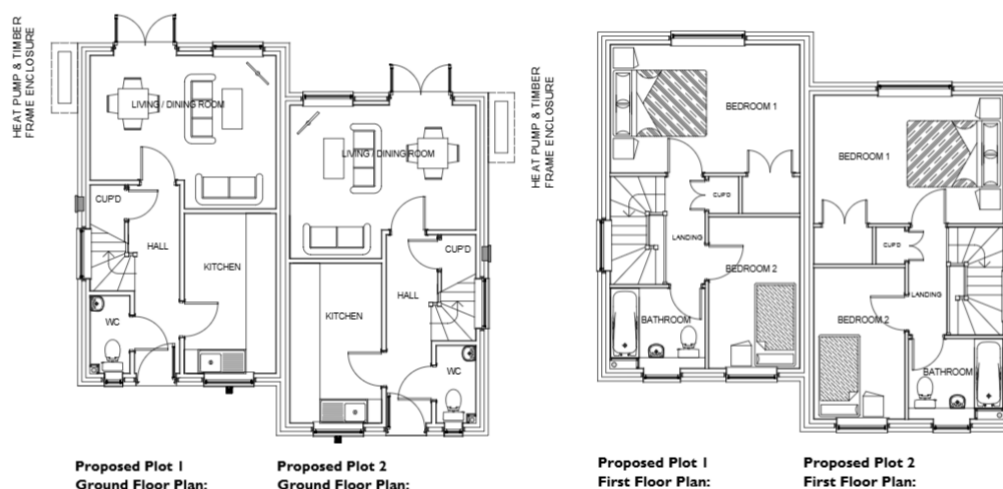
3.1 The application seeks permission for the erection of a pair of 'self-build' semi-

detached two storey dwellings, located towards the east of the site. The dwellings would be sited central to the plot, set off the side boundaries, with their front/rear elevations slightly staggered to reflect the angle of the eastern boundary. Each dwelling would be served by two tandem car parking spaces to the side of each plot. To the front of the properties would be a vehicular turning area, large enough to accommodate a fire engine. Some engineering works will be required to recontour the site to allow for vehicular access.

- 3.2 Along the southwestern boundary of the site would be a channel drain for surface water run-off, to the southern boundary, adjacent to a neighbouring outbuilding, a new retaining boundary wall is proposed. Along the eastern boundary a new 1.8m high closed boarded timber fence is proposed. The existing close boarded fence along the northern boundary is to be retained.

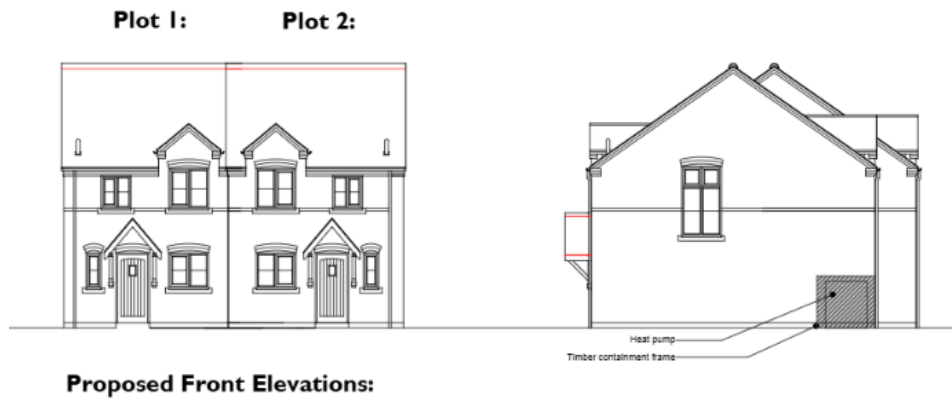


- 3.3 Each dwelling would provide the following accommodation: a living / dining room, kitchen, w.c. and hallway at ground floor, and two bedrooms (1 double and 1 single) and a bathroom at first floor. Each dwelling would have a gross internal floor area of 70m<sup>2</sup>.



- 3.4 The dwellings would be of a simple dual pitched roof design with casement windows and a storm porch above the front door. The dwellings are proposed to be constructed of red brick with a clay pantile.





3.5 Revised plans have been received during the course of the application. The following documents have been assessed in this appraisal:

- Topographical Survey 0001
- Location Plan 703\_2025
- Existing Site Block Plan 703\_2024\_01
- Tree Protection Plan Rev A
- Planning Statement, including Flood Risk Assessment Report dated July 2025
- Drainage Strategy dated July 2025
- Preliminary Ecological Appraisal dated 9<sup>th</sup> July 2025
- Arboricultural Impact Assessment and Method Statement dated 23<sup>rd</sup> July 2025

Received by the Local Planning Authority on 31<sup>st</sup> July 2025

- Proposed Site Block Plan 703\_2024\_02 Rev A
- Proposed Site Section 703\_2024\_03 Rev D
- Plans and Elevations 703\_2024\_04 Rev A

Received by the Local Planning Authority on 8<sup>th</sup> December 2025

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

4.1 Occupiers of 29 properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 08.09.2025.

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

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

Spatial Policy 1 – Settlement Hierarchy  
 Spatial Policy 2 – Spatial Distribution of Growth  
 Spatial Policy 7 – Sustainable Transport  
 Core Policy 3 – Housing Mix, Type and Density  
 Core Policy 6 – Shaping our Employment Profile  
 Core Policy 9 – Sustainable Design  
 Core Policy 10 – Climate Change

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

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

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 next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

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 The following emerging policies are considered to carry weight in the consideration of this application.

Policy DM5(b) – Design

Policy DM5(c) – Sequential Test

Policy DM5(d) – Water Efficiency Measures in New Dwellings

Policy DM7 – Biodiversity and Green Infrastructure

## 5.6 **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

District Wide Housing Needs Survey carried out by Arc 2020

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

## 6.0 **Consultations and Representations**

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

### **Statutory Consultations**

### 6.1. **Nottinghamshire County Council (Highways) – Raised concerns:-**

Access to the proposed dwellings is via an existing private drive currently serving the commercial premises at 50A Main Street. Proposals involve removal of the front boundary wall, widening the access to approximately 5.9 metres. The shared access runs alongside the existing parking spaces for the commercial premises and culminates in a turning area adjacent to the proposed new dwellings.

Minimum standard parking provision is proposed for the new residential dwellings, however, it is unclear how the existing parking arrangements for the commercial units at 50A Main Street would be impacted on. The proposed development could lead to a loss of these existing spaces which are well utilised. Any displaced parking is likely to result in on-street parking, which would exacerbate existing amenity issues.

The proposed access does not incorporate pedestrian visibility splays, which are required for sites with moderate to heavy pedestrian footfall, which raises concerns regarding pedestrian safety, given the village centre location and the proposed intensification of the access.

The internal layout must provide a turning area large enough to accommodate a long wheelbase transit van, to allow such vehicles to enter and exit the site in a forward gear.

### 6.2. **Nottinghamshire Lead Local Flood Authority – Standing Advice:-**

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 (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

### **6.3. Severn Trent Water – No objections:-**

Request that any approval be conditioned as follows:

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

2 The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

3. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

### **6.4 NSDC Tree Consultant – No objections. Advise as follows:-**

The AIA and AMS have been prepared in accordance with BS5837:2012.

A BS5837:2012 tree survey of the area recorded 7 individual trees consisting of Cherry, Whitebeam, Elder and Cypress and 1 Hawthorn hedge. The majority of trees are lower (Category C) quality, with 1 moderate value Category B specimen (T1) located on adjacent land to the northwest.

The proposed development will not require the removal of any trees at site.

Pruning of 1 tree (T7) has been recommended to facilitate development and provide 2m clearance from the proposed dwellings.

Construction impacts on nearby retained trees are considered manageable. No-dig construction of a proposed hard surface has been recommended where works fall within RPAs (notably tree T1 Whitebeam).

On balance, the arboricultural impacts are minor, limited to some works within the RPA of T1 and some minor pruning to T7. Provided the Arboricultural Method Statement and Tree Protection Plan measures are implemented, the development is acceptable in arboricultural terms.



We request the following conditions: Implementation and Confirmation of Tree Protection Measures Works must be carried out in full compliance with the submitted Arboricultural Method Statement and Tree Protection Plan. Prior to the commencement of any development or site works, all approved tree protection measures shall be installed. Written confirmation of their installation, supported by photographic evidence or a site inspection report from the appointed Arboriculturist, shall be submitted to the LPA for approval. The approved tree protection measures shall be retained and maintained in full for the duration of the development. No fencing shall be moved, removed, or altered without the prior written agreement of the LPA.

### **Town/Parish Council**

#### **6.5 Lowdham Parish Council – Object, on the following grounds:-**

Overbearing and unacceptable impact on neighbours  
Flood risk  
Loss of trees removed from site

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

#### **6.6 29 comments have been received from local residents objecting to the application on the following grounds:-**

- Highway safety, narrow site entrance, increase in traffic, congestion and parking. Lack of adequate bin storage.
- Increase in surface water drainage and silt run-off from the site, lack of on-site attenuation, increase risk of properties flooding downstream.
- Impacts upon residential amenity, loss to quality of life, loss of privacy, overlooking, overbearing, overshadowing
- Out of character with the surrounding area, over development of the site, properties too tall
- Loss of trees and biodiversity
- Proposed scheme does not meet greatest housing needs
- Undermine land stability, impact on stability historic Coach House
- Land ownership, location of site boundaries

#### **7.0 Comments of the Business Manager**

##### **7.1. The key issues are:**

- Principle of development
- Impact on Visual Amenity and the Character of the Area
- Impact on Amenity

- Impact on the Highway
  - Flood Risk and Surface Water Drainage
  - Impact on Ecology, Trees and Biodiversity
- 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. 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.
- 7.4. 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.
- 7.5. 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.
- 7.6. 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.'*

- 7.7. Paragraph 73 of the NPPF states that small to medium sized sites can make an important contribution to meeting the housing requirement of an area. As such, when assessing such applications for residential developments in the District, great weight should be attached to the need for additional housing in the overall planning balance.
- 7.8. On 16<sup>th</sup> 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

- 7.9. The site is within the village of Lowdham, identified within Spatial Policy 1 (Settlement Hierarchy) of the Amended Core Strategy as a Principal Village. Principal Villages have a good range of day-to-day facilities – primary school, food shop, health facilities, employment or access to nearby employment and complement the role of Service Centres. Spatial Policy 2 (Spatial Distribution of Growth) identifies Lowdham for 1% of Principal Village Growth in terms of housing growth. In principle, residential development within Lowdham is acceptable.
- 7.10. Core Policy 3 (Housing Mix, Type and Density) seeks to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information. The most up to date needs assessment is the District Wide Housing Needs Assessment December 2020 carried out by Arc4.
- 7.11. The assessment identifies Lowdham as within the wider ‘Nottingham Fringe’ area. Table 5.10 below shows the market need for different types of dwellings in this area.

<b>Dwelling type and number of bedrooms</b>	<b>Current stock profile (%)</b>	<b>Market need profile (%)</b>	<b>Affordable rented need profile (%)</b>	<b>Intermediate need profile (%)</b>
1 to 2-bedroom house	6.3	9.1	0.0	6.0
3-bedroom house	32.7	46.7	79.0	35.8
4 or more-bedroom house	44.8	22.7	0.0	35.8
1-bedroom flat	0.7	0.0	0.0	0.0
2 or more-bedroom flat	2.8	3.3	0.0	0.4
1-bedroom bungalow	0.5	0.0	0.0	2.4
2-bedroom bungalow	4.8	7.5	12.2	7.9
3 or more-bedroom bungalow	6.5	9.2	8.8	11.7
Other	0.8	1.5	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

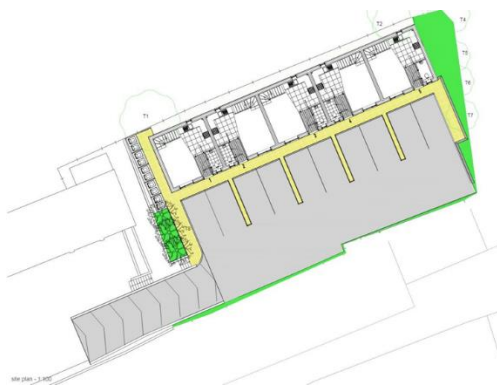
- 7.12. It is clear that the priority in this area is for 3 bedroom houses, followed by 4 bedroom houses. The market need profile for 1-2 bedroom houses, such as the ones proposed, is only 9.1%. Both proposed dwellings would have 2 bedrooms, and whilst the development would not meet the greatest need in terms of house size, it is

however acknowledged that 2 dwellings would meet a small identified housing need, and contribute towards the overall housing supply within the district.

- 7.13. The application is advanced as being for 2 self-build dwellings. The definition of '*self-build and custom housebuilding*' is contained within the Self-build and Custom Housebuilding Act 2015 Act (as amended by the 2016 Housing and Planning Act) means '*the building or completion by (a) individuals, (b) associates of individuals, or (c) persons working with or for individuals, of houses to be occupied as homes by those individuals.*'
- 7.14. The application has been submitted by Messrs Grant Wainwright & Drew Wainwright, and the agent has confirmed that the two dwellings would each be for the applicants who are brothers.
- 7.15. Officers are satisfied that the proposal complies with the definition of self-build and custom housebuilding set out at Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. However, in order to ensure that the development is suitably secured as two custom self-build dwellings, in the event that Members are minded to grant planning permission, the applicants have agreed to enter into a Unilateral Undertaking to that accord.

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

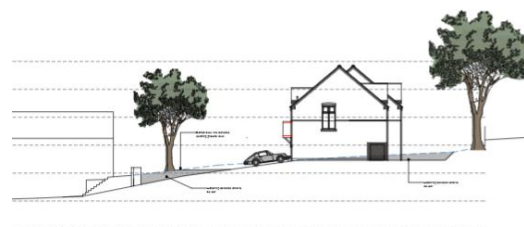
- 7.16. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.
- 7.17. Policy DM5 (Design) of the Allocations & Development Management Plan and Policy DM5(b) (Design) require 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.
- 7.18. Paragraph 135 of the NPPF states that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.19. The previously refused application on the site was for 5 terraced dwellings that would be orientated to face south, with each dwelling stepped up with the slope of the site. The current proposal would be for 2 semi-detached dwellings, which would be orientated to face west, towards Main Street, sited at the same ground level (see proposed site section below).



*Previously refused scheme*



*Proposed Scheme*



- 7.20. The proposed dwellings would be sited to the rear of 50A Main Street, on a higher ground level than Main Street. Policy DM5 states proposals creating back land development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate back land and other uncharacteristic forms of development will be resisted.
- 7.21. It is noted that along Main Street, existing development is relatively high density, with tightly knit development concentrated along the frontage of Main Street. To the rear, there are later infill dwellings which form an existing 'back land' character along this section of Main Street, however it is noted that the existing dwellings are either single or 1 ½ storey dwellings, resulting in low level dwellings with large footprints within spacious garden plots. There is also an historic Coach House immediately adjacent to the southeastern corner of the site.
- 7.22. The proposal is for a pair of two storey semi-detached dwellings in an elevated position to the rear of 50A Main Street. The submitted cross section demonstrates that the proposed dwellings would be taller than 50A Main Street, and it is likely that the southern most dwelling would be visible when viewed along the vehicular access from Main Street.

- 7.23. In terms of the impacts upon the character of the area, as detailed above, there is already an established form of back land development to the rear of properties along the eastern side of Main Street, in particular 48A and 48D Main Street and those accessed off Cranleigh Drive to the south, as shown on the site plan below:-



- 7.24. Backland development is therefore already a characteristic of the immediate area. In terms of density and house to plot ratio, it is acknowledged that the proposal for 2 two storey dwellings with smaller footprints would differ from the lower density of existing housing development immediately adjacent to the site. However, it is also acknowledged that following the previous refusal, the number of dwellings proposed has been reduced from 5 to 2, which has significantly reduced the total amount of development proposed on the site. Furthermore, the dwellings have been re-orientated by 90 degrees to face Main Street, thereby respecting the general pattern and grain of existing residential development. As a result, Officers are of the view that the two dwellings would not result in significant harm to the character or appearance of the surrounding area to warrant a refusal. Even if the dwellings would be partially visible from Main Street, they would not appear overly intrusive, given their degree of setback from the public realm.
- 7.25. In terms of the site layout, the vehicular circulation areas would remain to the front of the existing dwellings, due to the need to provide access to the two dwellings, and an internal turning area for a fire engine. Car parking for the two dwellings has been relocated to the side of each dwelling, and small pockets of landscaping have been introduced to the site frontage, thereby reducing the dominance of parked cars to the site frontage.
- 7.26. In terms of the design and appearance of the dwellings, they would be constructed in red brick and clay pantiles which would reflect the existing materials pallet of the local area. A number of design features have been incorporated into the proposed dwellings including small gables above the bedroom windows at first floor, a storm porch above the front door, window headers and cills, horizontal brick coursing and casement windows with horizontal bars. The addition of these details results in a development which would better reflect the historic buildings within the vicinity.

Subject to conditions controlling the external materials of the proposed dwellings, it is considered that the development would make a positive contribution to the character of the area.

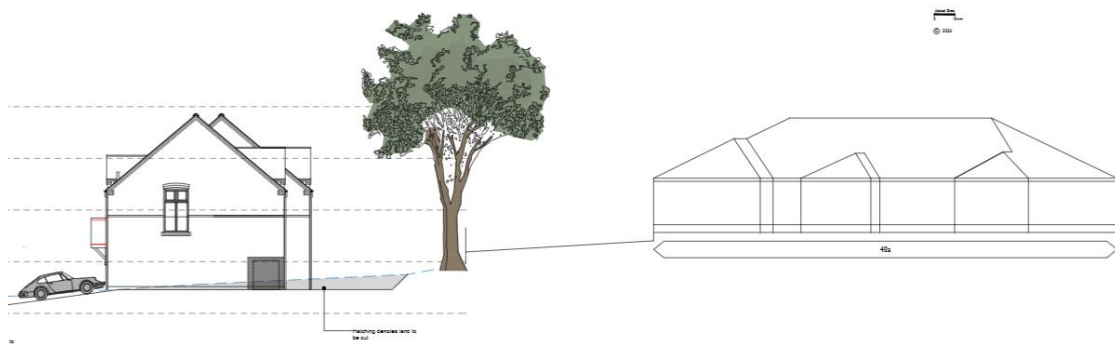
- 7.27. The revised proposal would no longer result in an inappropriate or uncharacteristic form of back land development, nor would it result in significant harm to the character or appearance of the area. The proposal would therefore accord with Core Policy 9 and DM5, and guidance contained within paragraph 139 of the NPPF, which is a material planning consideration.

#### Impact on Amenity

- 7.28. Policy DM5 states the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. 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. Proposals resulting in the loss of amenity space will require justification.
- 7.29. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.30. The proposal would result in the loss of existing undeveloped green space to the rear of 50A Main Street, however it is acknowledged that the building is home to businesses and therefore does not necessarily require associated outdoor amenity space.
- 7.31. Following the previously refused scheme, the number of dwellings has been reduced from 5 to 2, and the position and orientation of the dwellings has been revised. During the course of the application, further amendments were made to the siting of the dwellings and the window positions within the northern most dwelling.
- 7.32. To the south of the site, on the opposite side of a private driveway serving 5 dwellings, is 48 Main Street, a detached two storey dwelling, located approx. 16m from the application site. This dwelling is considered to be of a sufficient distance away from the application site, and separated by a private driveway, so as not to be unduly harmed as a result of the proposed development, either through overlooking, overshadowing or through overbearing impacts, or an increase in activity along the access.
- 7.33. To the northeast, at a higher level than the application site, is 48A Main Street, a detached single storey dwelling sited within a large plot, located approx. 6.5m from the application site, with some tree screening along boundary. This neighbouring property also has a detached outbuilding (historically associated with no.48 to the immediate south of the site, the northern elevation of which sits on the shared boundary). The rear elevations of the proposed dwellings would be located 9-10m from the shared boundary. A cross section has been provided with the application



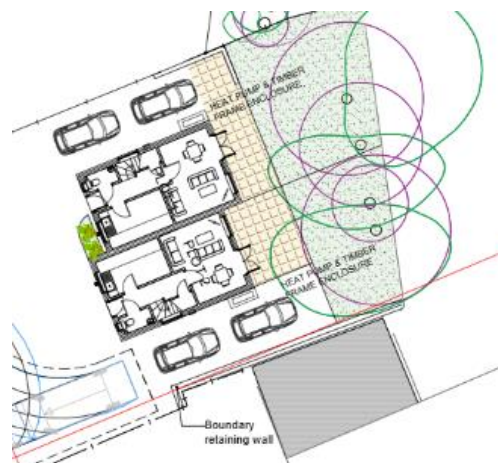
showing the relationship of the proposed dwellings in relation to no. 48A.



- 7.34. Given the separation distances involved, the changes in levels, the presence of trees along the boundary, and that this neighbouring dwelling is oriented 45 degrees in relation to the application site, it is not considered that the living conditions of its occupiers would be unduly harmed as a result of excessive overlooking, overshadowing or over dominance. A condition is proposed which would require the existing trees along the eastern boundary of the site to be protected during the construction phase.
- 7.35. In terms of the impacts upon the historic outbuilding associated with no 48A, this is an attractive former coach house located adjacent to the southern boundary of the application site. A tandem driveway is proposed adjacent to this outbuilding, with a retaining boundary wall proposed, details of which would be secured by condition. Concerns have been raised by the owners of the outbuilding in terms of the impacts of the development on the structure integrity of the building. Whilst such concerns are valid, such matters are not a material planning consideration, rather a civil matter between the two parties.



*Photos of historic outbuilding*



*Site plan with outbuilding in grey*

- 7.36. To the southeast of the site, on opposite side of a private shared driveway, is 48D Main Street, a detached single storey dwelling sited within a large plot, located approx. 21m from the site. This dwelling is considered to be of a sufficient distance away from the application site, and separated by a private driveway, so as not to be unduly harmed as a result of the proposed development, either through overlooking, overshadowing or through overbearing impacts, or an increase in activity along the access.



- 7.37. To the north of the site is no. 52, a two-storey detached dwelling fronting onto Main Street with a two-storey rear projection. The rear garden of no. 52 comprises of a small courtyard style area immediately adjacent to the rear elevation, with steps leading up to an extensive lawned garden which runs along the whole of the northern boundary of the application site.



*Rear elevation of no. 52 with site on the left      Rear garden of no.52 with site on the right*

- 7.38. As detailed above, during the course of the application the proposed dwellings were re-sited within the plot and located further away from the shared boundary with no. 52, with the northern most plot now separated by a 4m wide driveway. Given the separation distances between the two proposed dwellings and the house at no.52, the development would not result in overshadowing or appear overbearing in relation to the dwelling itself. In terms of the impacts upon the rear garden area, it is acknowledged that the proposed dwellings would be visible from the rear lawned garden area of no.52, and the outlook from would change. However, given the set back away from the shared boundary, it is not considered that the development would appear so overly dominant or result in unacceptable level of overshadowing that it would significantly harm the living conditions of its occupiers. No.52 benefits from a substantial garden area, with a more enclosed courtyard area to the immediate rear of the dwelling, and a substantial lawn area beyond. Even if a low level of shading to the garden did occur to the north of the proposed dwellings, there would be large areas of the garden not in shade which could be utilised for outdoor amenity.
- 7.39. In terms of overlooking, the northern most dwelling has been ‘handed’, resulting in the closest first floor window facing westwards towards no.52 comprising of a bathroom window, as opposed to a bedroom window. The side elevations of the dwellings would not have any windows serving habitable rooms, only one tall window serving the staircase. Ground floor windows would be screened by the existing close boarded timber boundary fencing. Conditions are proposed which would require the bathroom and landing windows to be fitted with obscure glazing prevent any unacceptable levels of overlooking towards no. 52. Whilst views from the bedroom windows may be possible towards no.52, given the separation distances and the oblique angles involved they would not result in significant harm. In urban areas such as this, there will usually be some level of mutual overlooking over garden areas from bedroom windows. It is common practice to ensure that the zone immediately to the rear of the dwelling is protected from direct overlooking, which would be the case

here.

- 7.40. In terms of the living conditions of future occupiers, each dwelling would have a reasonably sized rear garden area, comprising of part patio and part lawn. Whilst it is noted that the gardens are likely to be shaded during the earlier part of the day due to the trees along the eastern boundary, given the modest size of the dwellings proposed (3 person, 2 bedroom dwellings), the size and nature of the gardens would provide adequate opportunities for outdoor seating and clothes drying for future occupiers and are considered acceptable.
- 7.41. Although not formally adopted by the Council, it is noted that the minimum internal floor areas set out within the Government's *'Technical housing standards – nationally described space standard'* for two storey, two bedroom, 3 person dwellings is 70m<sup>2</sup>, which the proposed dwellings would meet, and all habitable rooms would have adequate natural light. The proposed dwellings would therefore provide an acceptable level of amenity for future occupiers.
- 7.42. For the reasons outlined above, the proposal would not result in harm to the amenities of neighbouring or future occupiers, having regards to Core Policy 9, DM5 and Paragraph 135 of the NPPF.

#### Impact upon Highway Safety

- 7.43. Spatial Policy 7 states that new development should provide safe, convenient and attractive accesses for all. Policy DM5 states that provision should be made for safe and inclusive access to new development.
- 7.44. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.45. The NSDC Residential Cycle and Car Parking Standards Design Guide SPD sets out the minimum car parking standards which requires 2 car parking spaces for 2 bedroom dwellings in this area, plus 2 secure cycle spaces. To accord with Spatial Policy 7 (bullet 5) of the Amended Core Strategy and the NPPF, the District Council will seek to encourage these minimum car parking standards for new residential development. These figures are considered as the recommended minimum standards as the starting point. Visitor parking will be encouraged where the site cannot deliver these recommended minimum space standards.
- 7.46. The development proposes to use the existing access to the site from Main Street, which currently leads to an area of commercial car parking serving 50A. This access is currently bound to one side by the two-storey elevation of 50A Main Street and a boundary wall, and to the other side by a wall and planting. The boundary wall adjacent to 50A is proposed to be removed, so too is an existing pedestrian door in the side elevation of no.50A facing the access. The plans show that the access would be widened to 5.9m, with a useable carriage way width of 4.9m which would allow two way traffic, and NCC Highways have confirmed that this which would be in

accordance with the Nottinghamshire Highways Design Guide (NHDG) for private accesses serving up to 5 dwellings.

### Access details

*Photo of wall and door to be removed*

acknowledged that bins would need to be wheeled down to the public highway on collection days, this is not an unusual arrangement for properties with long driveways.

- 7.53. Despite the concerns raised by NCC Highways in relation to pedestrian intervisibility splays at the site entrance, it is not considered that the proposed development would result in unacceptable impacts upon highway safety, nor would the residual cumulative impacts on the road network be severe. Furthermore, they would not significantly or demonstrably outweigh the benefits of two additional dwelling in the overall planning balance.
- 7.54. For all of the above reasons it is considered that the proposal would accord with the Local Plan and the guidance contained within the NPPF when taken as a whole.

#### Flood Risk and Surface Water Drainage

- 7.55. Core Policy 10 (Climate Change) aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. Policy DM5 (Design) supports this approach to new development in areas at risk of flooding.
- 7.56. Core Policy 10A (Local Drainage Designations) states that in order to ensure the appropriate management of flood risk, the District Council will work with partners to develop Local Drainage Designations in Lowdham and Southwell to ensure that development positively manages its surface water run-off through the design and layout of new development in order that there be no unacceptable impact from run-off on surrounding areas or the existing drainage regime.
- 7.57. DM5(b) (Design) and DM5(c) (Sequential Test) of the emerging Amended Allocations & Development Management DPD, aim to steer new development away from areas at high risk of flooding.
- 7.58. Paragraph 173 of the NPPF states when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere.
- 7.59. The majority of the site falls within Flood Zone 1 therefore is at low risk of flooding, however a very small part of the access (where it crosses the pavement) and Main Street are located within Flood Zone 2. The site itself is at low risk of surface water flooding.
- 7.60. Due to the dwellings being proposed on a high ground level within Flood Zone 1, and only a very small area of the site itself being within Flood Zone 2, it is not considered necessary for a district wide sequential test to be applied. It is clear, based on the site characteristics, that the dwellings would not be at risk of flooding (due to the higher ground level) and in any case would be well outside of the flood risk area (Flood Zone 2), and are therefore proposed within a sequentially preferable location within the site. As such, taking a pragmatic approach, it is considered that the sequential test is passed.

- 7.61. In terms of surface water, in accordance with Core Policies 9 and 10 and DM5, new development should positively manage its surface water run-off through the design and layout of development, to ensure that there would be no unacceptable impacts in terms of run-off into surrounding areas or the existing drainage regime. Development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.
- 7.62. The PPG explains that sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change.
- 7.63. The types of sustainable drainage system which it may be appropriate to consider, 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 multifunctional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:
- i. into the ground (infiltration);
  - ii. to a surface water body;
  - iii. to a surface water sewer, highway drain, or another drainage system;
  - iv. to a combined sewer.
- 7.64. This hierarchical approach is advocated by both the County Council as Lead Local Flood Authority and Severn Trent Water.
- 7.65. Many of the objections received raise concerns regarding flood risk, in particular an increase in surface water run-off. Main Street and the properties to the west of it, currently have issues with surface water flooding as well as fluvial flooding. The proposal would see the loss of a grassed area in which infiltration would occur naturally, to a large area of hard surfacing and buildings, which are likely to increase the levels of surface water run-off down to Main Street.
- 7.66. A Drainage Strategy Report has been submitted in support of the application. In terms of the hierarchy, the report concludes that due to the clay subsoil, the size of the site and the steep slope, the first preference for discharging of surface water drainage via soakaways, would be detrimental to ground stability and would not be viable. In terms of the second option, discharging to a surface water body, the closest watercourse, Cocker Beck, is located approx. 150m to the west. Due to its distance from the site and the need to cross third party land, this would not be viable on such a small-scale development. The applicant therefore proposes to connect into the existing surface water sewer in Main Street. Severn Trent Water have confirmed that a surface water connection can be accommodated, at a restricted flow rate of 2 litres per second, and any connection would be subject to a S106 application for direct connection. The report details a number of mitigation methods which the developer could adopt to ensure a 2 litre per second rate could be achieved, and these include; SUDS planters or rainwater harvesting; the use of channel drains, a sump, catchpits and an

attenuation tank. The report confirms that the drainage system will cater for all rainfall events up to a 100 year +40% climate change return period.

*Proposed drainage plan*

- 7.67. The applicants have followed the drainage hierarchy as set out above, and have discounted the first two options upon grounds which Officer's consider to be reasonable. Subject to limiting the surface water run-off rates from the site to 2 litres per second (i.e. greenfield run-off rates), it is not considered that this would exacerbate existing flooding issues downstream. It is not considered necessary for the Local Planning Authority to condition the approval of the proposed drainage strategy, as this would be dealt with under separate legislation. In any event the Local Planning Authority does not have any in house drainage specialists who could review and approve such a scheme. Any connection to the public sewer would be restricted to the aforementioned run-off rates by Severn Trent Water under a S106 Drainage agreement.
- 7.68. For the reasons outlined above, future occupiers of the site would not be at risk from flooding, and the applicant has demonstrated that the site could be developed without resulting in surface water run-off which would exacerbate existing flooding issues downstream. As such, the proposal would accord with Core Policies 9, 10 and 10A, Policies DM5, DM5(b) and DM5(c), and guidance contained within the NPPF.

## Impact upon Ecology, Trees and Biodiversity

- 7.69. Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

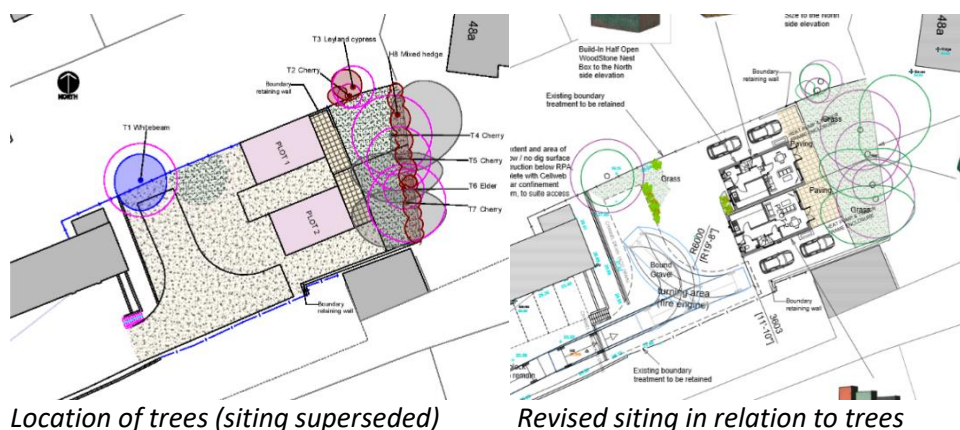
## Ecology



- 7.70. In terms of the impacts upon Ecology, a Preliminary Ecological Assessment has been submitted in support of the application. It concludes that there would be no loss of roosting opportunities for either bats or birds as a result of the development, and suggests the installation of bat and bird boxes on the site to provide roosting opportunities.
- 7.71. Details of proposed bat and bird boxes have been submitted as part of the application, and these include an integrated eco bat box to the southern side elevation of the dwelling, a nest box and swift box to the northern elevation, and a nest box on an existing Cherry Tree. Subject to a condition to secure the installation of these bat and bird boxes, the proposal development would secure bio-diversity enhancement measures.

### *Trees*

- 7.72. A Tree Survey, Arboricultural Impact Assessment and Method Statement, and a Tree Protection Plan have been submitted in support of the application. The Tree Survey assessed the quality of the remaining trees on site. T1 (Whitebeam) is categorised as B2 with a remaining contribution of 20+ years. All the other trees are either graded C or U which are of low value in terms of amenity.



- 7.73. The tree survey confirms that all trees would be retained, and the revised siting demonstrates that the proposed dwellings would no longer encroach into the root protection areas. The proposed tree protection plan includes the erection of protected fencing around the trees, and a no-dig, permeable geocell surface within the root protection area. Subject to a condition requiring the tree protection to be installed prior to development commencing, and retained throughout the construction period, the proposal would not result in harm to trees.
- 7.74. Objections have been raised on the grounds that trees have been previously felled on the site prior to the submission of this planning application, and the remaining tree stumps are visible on site. However, said trees were not protected by a Tree Preservation Order nor by a Conservation Area status, therefore their felling did not require the approval of the Local Planning Authority.

### *Biodiversity Net Gain*

- 7.75. Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for major developments from 12 February 2024 (developments over 1Ha in area) and for 'minor sites' on 2 April 2024. 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 such as self-build and custom build applications which are for <9 dwellings and on sites <0.5Ha in area (under Regulation 8 of the Exemption Regulations). To meet this exception there is a requirement for applications to consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.
- 7.76. The submitted application form states that the two dwellings would be a custom self-build project for the two applicants who are brothers. Officers are satisfied that the proposal complies with the definition of self-build and custom housebuilding set out at Section 1(A1) of the Self-Build and Custom Housebuilding Act 2015. However, in order to ensure that the development is a custom self-build dwelling, the applicant intends to enter into a Unilateral Undertaking to that accord.
- 7.77. As the proposed dwellings have been advanced as a self-builds, which will be secured by way of a Unilateral Undertaking, the development is exempt from the mandatory biodiversity net gain (BNG) requirement.

### Other Matters

- 7.78. **Community Infrastructure Levy (CIL)** - The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such new residential development in this area is rated at £70m<sup>2</sup> for CIL purposes. The proposed new total floor space of the two new dwellings would be 140m<sup>2</sup>, which would equate to a CIL contribution of £11,987.77. It would be the applicants' responsibility to apply for a CIL self-build exemption.
- 7.79. **Land Stability** - Comments have been received raising concern that the removal of the trees and potential development of the site could result in land instability and subsidence. The NPPF states at paragraph 190 that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. As such, if the development were to be approved, the developer would be responsible for ensuring that the appropriate measures were put in place to ensure the development does not create unstable land or damage to neighbouring properties.
- 7.80. **Landownership** – During the course of the application concerns were raised by local residents that the application red line boundary included land outside the applicants' ownership. The agent, on behalf of the applicant, has signed Certificate B on the



application form and served notice on a single landowner. The Local Planning Authority have no reason to dispute the signed certificate. If planning permission were to be granted, it would be the responsibility of the development to ensure that the permission could be lawfully implemented.

## **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 - LEG2526/278**

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

## **9.0 Conclusion**

9.1. The principle of residential development in this Principal Village location is considered acceptable, and the two proposed dwellings would make a small but important contribution to housing land supply in the District. The proposed development of the site, with a pair of two storey semi-detached dwellings, would be an acceptable form of back land development in this location, and the design and external appearance of the dwellings would make a positive contribution to the area, subject to securing high quality materials via condition. The proposal would not result in significant harm to the living conditions of neighbouring dwellings, nor result in unacceptable impacts on highway safety or severe harm to the road network. Furthermore, the development of the site would not put future occupiers at risk of flooding, nor exacerbate existing flooding downstream. The existing trees on the site would be suitably protected, and ecological enhancements would be secured.

9.2. For the reasons outlined above, the proposals are considered to accord with the aforementioned policies, and the guidance contained within the NPPF and the NPPG when taken as a whole.

## **10.0 Conditions**

### **01**

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

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

### **02**

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

- Location Plan 703\_2025

Received by the Local Planning Authority on 31<sup>st</sup> July 2025

- Proposed Site Block Plan 703\_2024\_02 Rev A
- Proposed Site Section 703\_2024\_03 Rev D
- Plans and Elevations 703\_2024\_04 Rev A

Received by the Local Planning Authority on 8<sup>th</sup> December 2025

Reason: So as to define this permission.

### **Pre-Commencement**

#### **03**

Prior to the commencement of any development on the site, including site clearance works, all tree protection measures, as detailed on the Tree Protection Plan Rev A and within the Arboricultural Impact Assessment and Method Statement dated 23<sup>rd</sup> July 2025, both received by the Local Planning Authority on 31<sup>st</sup> July 2025, shall be installed. The said tree protection measures shall be retained and maintained in full for the duration of the construction phase. No protective fencing shall be moved, removed, or altered without the prior written approval of the Local Planning Authority.

Reason: To ensure existing trees are suitably protected during the construction phase of the development.

### **Pre-Installation/Pre-Occupation Conditions**

#### **04**

No development above damp-proof course shall take place until details of the following external materials have been submitted to and approved in writing by the Local Planning Authority:-

- Bricks (including horizontal banding)
- Roof tiles
- Storm Porch Frame
- Headers and Cills
- Windows and Doors

The development shall thereafter be carried out in accordance with the approved details.

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

## 05

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

- a) full details of all soft landscaping to be provided on site, to include every tree, shrub, hedge to be planted (including its proposed location, species and size). The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- b) full details of all hard surfacing materials to be provided to car parking, pedestrian access and circulation areas on site;
- c) means of enclosure;
- d) retaining walls and structures.

Reason: To ensure the development preserves the character and appearance of the area.

## 06

Prior to first occupation of the development hereby approved, the site access improvements (including the demolition of the boundary wall and permanent closure of the doorway in the side elevation of 50A), the driveway, vehicular turning and car parking areas shall be provided in accordance with the details as shown on the Proposed Site Block Plan 703\_2024\_02 Rev A Received by the Local Planning Authority on 8<sup>th</sup> December 2025. The site access, driveway vehicular turning and parking areas shall thereafter be retained, and shall not be used for any purpose other than for the parking, turning, loading and unloading of vehicles.

Reason: In the interest of highway safety.

## 07

Prior to first occupation of the development hereby approved, provision shall be made within each plot for an electric vehicle charging facility and secure covered cycle parking, in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the life of the development.

Reason: In the interest of promoting sustainable modes of travel.

## 08

Prior to first occupation of the development hereby approved, the bat and bird boxes, as detailed on the Proposed Site Block Plan 703\_2024\_02 Rev A Received by the Local Planning Authority on 8<sup>th</sup> December 2025, shall be installed in accordance with the guidance set out in the Preliminary Ecological Appraisal dated 9<sup>th</sup> July 2025, received by the Local Planning Authority on 31<sup>st</sup> July 2026.

Reason: To secure bio-diversity enhancements measures on the site.

## 09

The first-floor bathroom window openings in the western elevation, and the landing window openings in the northern and southern elevations shall be fitted with obscure glazing to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is first occupied and shall thereafter be retained for the lifetime of the development.

Reason: To prevent harm through unacceptable level of overlooking on neighbouring properties.

### **Compliance Conditions**

## 10

The hard landscaping scheme approved under condition 05 of this permission (hard surfacing, means of enclosure and retaining structures) shall be completed prior to first occupation. The approved soft landscaping scheme approved under condition 07 of this permission (tree, shrub and hedge planting) shall be completed during the first planting season following the first occupation of the dwelling, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

### **Informatives**

## 01

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

## 02

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

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

## 03

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 \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

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

#### 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 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn – Senior Planner

Report Summary			
Application Number	25/00679/S73M		
Proposal	Removal of Condition 5 (Replacement Road Network) and to amend the wording of Conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM.		
Location	Lincoln Road Playing Field Lincoln Road Newark On Trent		
Applicant	Lovell Partnerships Ltd - Mr Matthew Devins	Agent	Pegasus Planning Group Ltd - Mr Alfie Gill-Hannan
Web Link	<a href="#">25/00679/S73M   Removal of Condition 5 (Replacement Road Network) and to amend the wording of Conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM.   Lincoln Road Playing Field Lincoln Road Newark On Trent</a>		
Registered	23/04/2025	Target Date	23/07/2025
Recommendation	Approve		

The application is referred to Planning Committee for determination as Newark and Sherwood District Council are the applicant and landowner.

## 1.0 The Site

- 1.1 The application relates to the regeneration scheme known as Yorke Drive, Newark, where consent was granted under 22/01528/RMAM for the construction of 207 dwellings, with new sports pitches and pavilion building. The site comprises the existing housing estate and the adjacent playing fields located within the urban area of Newark, approximately 1km north east of the town centre.

- 1.2 The estate has a single vehicular access from Lincoln Road and a number of public footpaths pass through the site. The site was previously assessed as being within flood zone 1 which has the lowest risk of fluvial flooding. The Environment Agency updated their flood maps last year, which means parts of the site now fall within Flood Zone 2.
- 1.3 The estate and the playing fields are allocated within the Allocations and Development Management Plan Document as being part of the Yorke Drive Policy Area (policy NUA/HO/4). This is an area allocated and granted permission for regeneration and redevelopment. The site remains allocated in the Amended Allocations and Development Management Plan Document under Policy NUA/HO/4, with no main modifications or objections raised by the examining Inspector.

## **2.0 Relevant Planning History**

**25/01642/DISCON** Request for confirmation of discharge of conditions 12 (Written Scheme of Investigation), 16 (CEMP), 17 (Contamination) and 27 (Construction Traffic Management Plan) attached to planning permission 22/00426/S73M; Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans. Awaiting determination.

**25/01643/DISCON** Request for confirmation of discharge of conditions 03 (External Materials), 17 (Surface Water Drainage) and 24 (Ecological Enhancements Plan) attached to planning permission 22/01528/RMAM; Application for reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate). Awaiting determination.

**22/01528/RMAM** Application for reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate). Granted.

**22/00426/S73M** Application to vary conditions 3, 4, 5, 6, 7, 12, 24 and 25 attached to outline planning permission 20/02484/S73M (redevelopment of parts of the Yorke Drive Estate) to amend the proposed site layout and associated parameter plans. Granted.

**20/02484/S73M** Application to vary conditions 8, 24 and 25 attached to planning permission 18/02279/OUTM to amend the timescale for completion of the conditions. Granted.



**18/02279/OUTM** Selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes. Granted.

### **3.0 The Proposal**

3.1 This application seeks permission for the removal of condition 5 (Replacement Road Network) and to amend the wording of conditions 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion). The changes sought are detailed further below.

3.2 Condition 5 currently reads as follows:

*No works to any public roads and no new roads shall be formed until such time as full technical details of the new and replacement road network has been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.*

3.3 It is proposed to remove the above condition as it repeats Condition 23 of the Outline application reference 22/00426/S73M: *"The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage on each phase pursuant to Condition 3 (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved."*

3.4 Condition 6 is proposed to be varied; the existing condition is below:

*The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.*

3.5 Proposed variation to the wording:

*The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway (excluding public rights of way) until an Order has been secured.*

3.6 Condition 12 is proposed to be varied; the existing wording is below:

*No dwellings shall be constructed until an application for measures to prevent parking at junctions along the future bus route has been made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.*

3.7 Proposed variation to the wording:

*No dwellings within Phases 3, 4 and 5 (as defined upon drawing numbers: E500127\_403\_Yorke Drive Indicative Construction Phasing Plan 3; E500127\_404\_Yorke Drive Indicative Construction Phasing Plan 4; and E500127\_405\_Yorke Drive Indicative Construction Phasing Plan 5) shall be constructed above DPC level until details have been submitted and agreed in writing by the Local Planning Authority, in consultation with Nottinghamshire County Council that show measures to prevent parking at junctions along the future bus route. Any measures subsequently approved shall be implemented within 12 months of the date of that approval.*

3.8 Condition 16 is proposed to be varied; the existing wording is below:

*The development will require the permanent diversion of the Public Rights of Way and no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.*

3.9 Proposed variation to the wording:

*The development will require the permanent diversion of the Public Rights of Way and no part of that development shall obstruct the Public Rights of Way until the order has been approved by the order making authority (DfT). Any temporary closure of the Rights of Way Network that may be required for any temporary works necessary prior to the permanent diversions being confirmed should be requested from the local highway authority.*

3.10 The proposed minor revisions to the wording of each of these conditions and the removal of condition 5 will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority control over the development, and will not amend the reasons for each of the conditions.

3.11 Documents assessed in this appraisal:

- Amended Application Form received 15/10/2025
- Revised Covering Letter received 30/12/2025

- NATTRAN EM S247 4535 Highway Plan received 04/08/2025
- Copy of Letter to National Transport Team received 04/08/2025
- Copy of Draft Stopping Up Order received 04/08/2025
- Public Note – Draft Stopping Up Order received 04/08/2025

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

- 4.1 Occupiers of 655 properties have been individually notified by letter.
- 4.2 Site notice was displayed at the site on 02/06/2025, expiring on 23/06/2025.
- 4.3 A press advert was printed on 09/05/2025, expiring on 06/06/2025.

#### **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 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
- Area Policies – NUA/HO/4 – Yorke Drive Policy Area

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

- Policy DM5 – Design Policy
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

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 next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

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](#)

#### 5.4 Other Material Planning Considerations

National Planning Policy Framework 2024  
Planning Practice Guidance (online resource)

### **6.0 Consultations and Representations**

#### 6.1 Newark Town Council – No objection raised.

NCC Highways – Highways confirm they have reviewed the amended covering letter and consider the rewording of the conditions now acceptable, no objections.

NCC Public Rights of Way – Satisfied with the re-worded conditions 6 and 16 in relation to rights of way, as shown in the amended covering letter, no objections.

#### 6.2 **Representations:**

Two public comments have been received, these are summarised below:

One comment neither supporting nor objecting:

- Queries regarding the redevelopment proposals and consented scheme

- Loss of open green space on the current playing fields
- Impacts on sunlight through consented scheme
- Not objecting but recognise the development will impact the area
- Disturbance from construction process

One letter of support received.

## **7.0 Appraisal**

### **7.1 The key issues are:**

- Principle of Development
- Impact on the Character of the Area
- Impact on Amenity
- Impact on the Highway

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 The application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the plans of an extant planning permission (22/01528/RMAM), therefore the principle of development has already been established and it is not necessary to revisit this.

### **7.5 Removal of Condition 5**

7.6 It is proposed to remove condition 5 from the approved reserved matters application. Condition 5 relates to the technical highway design details. It is proposed to remove this condition as it repeats condition 23 on the approved outline consent application (18/02279/OUTM and amended through 20/02484/S73M and 22/00426/S73M).

7.7 NCC Highways have advised that the applicant is already engaging with the County Highway Authority in the formal technical approval under the Highway Act and the condition is therefore no longer necessary. As such, NCC as the Highway Authority raise no objection to its removal.

- 7.8 The condition is considered to replicate condition 23 of the outline consent and is covered under separate highway legislation. As such, there is no objection to its removal.
- 7.9 **Rewording conditions 6, 12 and 16**
- 7.10 Condition 6 is regarding the public highway and requires a stopping up order prior to any works commencing on site. The variation to the wording would exclude public rights of ways from the condition. This would allow for the applicant to set up their construction yard and begin some works prior to the stopping up order being secured. The applicant has applied to the County Authority for a stopping up order regarding the footpaths on the site during the construction process, however this is ongoing. The proposed alterations to the condition wording facilitate the phasing and delivery of the scheme and allow some works to take place on site while the stopping up order is being finalised with County. The Public Rights of Way Team confirm they accept this and understand the reasoning, raising no objections.
- 7.11 Condition 12 is regarding measures to prevent parking at the junctions along the future bus route, prior to the construction of any dwellings. It then requires these measures be implemented within 6 months of the approval of details. However, this is a very restrictive time constraint for the applicant and does not work with the phasing and delivery of the scheme. The amended wording would allow greater flexibility and incorporate the phasing of the scheme, also allowing 12 months to implement the approved measures. This would allow the condition to be more focused to the phases around the bus route and allow the other phases to come forwards. It also gives a more practical time frame in which to implement the measures. NCC Highways confirm this amended wording is acceptable and have no objections.
- 7.12 Condition 16 is regarding the public rights of way and prevents any development taking place until the permanent diversion application is approved. As stated, this is a matter currently being dealt with at County level with the Public Rights of Way and Highways team. The amended wording would again allow greater flexibility and align with the phasing of the scheme. This will allow works to commence with temporary closures in place whilst the permanent diversion application is progressed and agreed with stakeholders and the Department for Transport (DfT). Again, both Highways and the Public Rights of Way Team are supportive of this amendment.
- 7.13 Overall, the proposed minor revisions to the wording of each of these conditions, and the removal of condition 5, will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority and County control over the development, and will not amend the reasons for each of the conditions.
- 7.14 The impacts of these changes on other material considerations are discussed below.
- 7.15 **Impact on Visual Amenity and the Character of the Area**

- 7.16 The changes sought are to the condition wording, and do not impact the overall design and appearance of the scheme, as approved.
- 7.17 The amendments would not result in an unacceptable visual impact, nor any impact over and above the approved development. The proposal would remain in accordance with Core Policy 9, amended policy DM5(a), and Part 12 of the NPPF.
- 7.18 **Impact on Amenity**
- 7.19 The amendments to the conditions, as listed above, would not generate new impacts on neighbouring amenity that would require re-assessment. The amenity for nearby residential properties would not be changed as there are no changes to the scale, use or layout of the proposal. Overall, amendments are in line with amended policy DM5(a), and Part 12 of the NPPF.
- 7.20 **Impact on Highways**
- 7.21 The amended condition wording would allow greater flexibility in the delivery of the scheme, incorporating the phased approach and allowing some temporary works to commence. Both the Highways Authority and Public Rights of Way team raise no objections and are satisfied the amendments would safeguard highways safety and public right of way considerations on the site. As such, there are no concerns in this regard and the proposal is acceptable on Highway and Public Rights of Way grounds.
- 7.22 **Flood Risk**
- 7.23 The alterations to the conditions would not alter the footprint or scale of the proposal, nor would they impact on the flood risk of the site. No impacts are identified as a result of this application. As such, the proposal is considered to accord with amended policy DM5(a), as well as Core Policy 9 and Core Policy 10 and the flood principles of the NPPF.
- 7.24 **Biodiversity Net Gain**
- 7.25 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 it is a variation application so does not require the need to demonstrate a 10% BNG as per the legislation. Also, the original application was submitted before 12 February 2024 so was exempt from providing 10% mandatory BNG.
- 7.26 **Community Infrastructure Levy (CIL)**
- 7.27 This application does not alter the scheme in terms of footprint or floorspace so is not CIL liable.
- 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 - LEG2526/3579**

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

**9.0 Conclusion**

9.1 In summary, the principle of development is established under the original application, which remains extant. The proposed revisions to the wording of each of these conditions, and the removal of condition 5, will assist the delivery of the scheme, noting its phased approach, whilst retaining Local Planning Authority and County control over the development, and will not amend the reasons for each of the conditions. The amendments would not impact other considerations including impact on the character of the area, neighbouring amenity, highways safety or flood risk. As such, it is recommended that this S73 application be approved.

9.2 It is noted that two discharge of condition applications, relating to the development of the site, submitted to the LPA and are under consideration. As these have not yet been determined, the conditions for 22/01528/RMAM shall be reattached, except for condition 5 which shall be removed and conditions 6, 12 and 16 which have amended wording shown. The conditions shall be renumbered accordingly. The revisions to conditions are shown below in section 10.

**10.0 Conditions**

01

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

Site Location Plan Plan Ref: 100 P1 received 15/10/2024

Existing Site Layout Plan Ref: 101 P1 received 15/10/2024

Proposed Site Layout Plan Ref: 102 P12 received 02/02/2025



Proposed Site Layout Sheet 1 of 2 103 P12 received 02/02/2025  
Proposed Site Layout Sheet 2 of 2 Plan Ref: 104 P12 received 02/02/2025  
External Finishes Layout Plan Ref: 105 P3 received 02/02/2025  
EV Charging and Parking Layout Plan Ref: 106 P2 received 02/02/2025  
Proposed Streetscenes Plan Ref: 108 P1 received 15/10/2024  
Proposed Pavillion Elevations Sheet 1 Plan Ref: 310 P1 received 02/02/2025  
Proposed Pavillion Elevations Sheet 2 Plan Ref: 311 P1 received 02/02/2025  
Proposed Pavillion Ground Floor Plan - Plan Ref: 312 P1 received 02/02/2025  
Housetype Booklet House type Booklet Sep-24 received 15/10/2024  
Soft Landscaping Plan 01 of 17Plan Ref: N0717(96)001nP01 received 02/02/2025  
Soft Landscaping Plan 02 of 17Plan Ref: N0717(96)002 P01 received 02/02/2025 Soft  
Landscaping Plan 03 of 17Plan Ref: N0717(96)003 P01 received 02/02/2025  
Soft Landscaping Plan 04 of 17Plan Ref: N0717(96)004 P01 received 02/02/2025  
Soft Landscaping Plan 05 of 17Plan Ref: N0717(96)005 P01 received 02/02/2025  
Soft Landscaping Plan 06 of 17Plan Ref: N0717(96)006 P01 received 02/02/2025  
Soft Landscaping Plan 07 of 17Plan Ref: N0717(96)007 P01 received 02/02/2025  
Soft Landscaping Plan 08 of 17Plan Ref: N0717(96)008 P01 received 02/02/2025  
Soft Landscaping Plan 09 of 17Plan Ref: N0717(96)009 P01 received 02/02/2025  
Soft Landscaping Plan 10 of 17Plan Ref: N0717(96)010 P01 received 02/02/2025  
Soft Landscaping Plan 11 of 17Plan Ref: N0717(96)011 P01 received 02/02/2025  
Soft Landscaping Plan 12 of 17Plan Ref: N0717(96)012 P01 received 02/02/2025  
Soft Landscaping Plan 13 of 17Plan Ref: N0717(96)013 P01 received 02/02/2025  
Soft Landscaping Plan 14 of 17Plan Ref: N0717(96)014 P01 received 02/02/2025  
Soft Landscaping Plan 15 of 17Plan Ref: N0717(96)015 P01 received 02/02/2025  
Soft Landscaping Plan 16 of 17Plan Ref: N0717(96)016 P01 received 02/02/2025  
Soft Landscaping Plan 17 of 17Plan Ref: N0717(96)017 P01 received 02/02/2025  
Hard Landscaping Plan 01 of 17 Plan Ref: N0717(90)001 P01 received 02/02/2025  
Hard Landscaping Plan 02 of 17 Plan Ref: N0717(90)002 P01 received 02/02/2025  
Hard Landscaping Plan 03 of 17 Plan Ref: N0717(90)003 P01 received 02/02/2025  
Hard Landscaping Plan 04 of 17 Plan Ref: N0717(90)004 P01 received 02/02/2025  
Hard Landscaping Plan 05 of 17 Plan Ref: N0717(90)005 P01 received 02/02/2025  
Hard Landscaping Plan 06 of 17 Plan Ref: N0717(90)006 P01 received 02/02/2025  
Hard Landscaping Plan 07 of 17 Plan Ref: N0717(90)007 P01 received 02/02/2025  
Hard Landscaping Plan 08 of 17 Plan Ref: N0717(90)008 P01 received 02/02/2025  
Hard Landscaping Plan 09 of 17 Plan Ref: N0717(90)009 P01 received 02/02/2025  
Hard Landscaping Plan 10 of 17 Plan Ref: N0717(90)010 P01 received 02/02/2025  
Hard Landscaping Plan 11 of 17 Plan Ref: N0717(90)011 P01 received 02/02/2025  
Hard Landscaping Plan 12 of 17 Plan Ref: N0717(90)012 P01 received 02/02/2025  
Hard Landscaping Plan 13 of 17 Plan Ref: N0717(90)013 P01 received 02/02/2025  
Hard Landscaping Plan 14 of 17 Plan Ref: N0717(90)014 P01 received 02/02/2025  
Hard Landscaping Plan 15 of 17 Plan Ref: N0717(90)015 P01 received 02/02/2025

Hard Landscaping Plan 16 of 17 Plan Ref: N0717(90)016 P01 received 02/02/2025  
 Hard Landscaping Plan 17 of 17 Plan Ref: N0717(90)017 P01 received 02/02/2025  
 Landscape Masterplan Plan Ref: N0717(08)200 P02 received 03/02/2025  
 Pitch Improvement Strategy Plan Ref: 240906\_STRI Pitch Improvement Strategy 1 received 15/10/2024  
 Pitch Maintenance Guidelines Plan Ref: 240906\_STRI  
 Pitch Maintenance Guidelines received 15/10/2024  
 Yorke Drive-Existing Levels Plan Ref: J007203 001 0 received 15/10/2024  
 Yorke Drive-Proposed General Arrangement Plan Ref: J007203 002 1 received 15/10/2024  
 Yorke Drive-Proposed Earthworks Plan Ref: J007203 003 0 received 15/10/2024  
 Yorke Drive-Proposed Cross Section Plan Ref: J007203 004 0 received 15/10/2024  
 Visibility Splays Drawing Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0101 P02 02/02/2025  
 Opposing Large Car Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0190-01 P09 received 02/02/2025  
 Refuse Vehicle Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0191-01 P08 received 02/02/2025  
 Bus Route Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0192-01 P10 received 02/02/2025  
 Delivery Vehicle Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0194-01 P04 received 02/02/2025  
 Residential Parking Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0196 P03 received 02/02/2025  
 Parking Heat Map Tracking Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0197 P03 received 02/02/2025  
 Private Levels Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0210-01 P09 received 03/02/2025  
 Drainage Strategy Plan Ref: YDRN-BSP-ZZ-ZZ-DR-C-0140-01 P09 received 03/02/2025  
 Flood Risk Assessment Plan Ref: YDRN-BSP-ZZ-XX-RP-C-0001 P07 received 03/02/2025  
 Residential Travel Plan Plan Ref: YDRN-BSP-ZZ-XX-RP-D-0001 P05 received 02/02/2025  
 Parking Technical Note Plan Ref: YDRN-BSP-ZZ-XX-RP-D-0002 P02 received 15/10/2024  
 Yorke Drive Construction Phasing Plan 1 Plan Ref: E500127\_401 E received 02/02/2025  
 Yorke Drive Construction Phasing Plan 2 Plan Ref: E500127\_402 D received 02/02/2025  
 Yorke Drive Construction Phasing Plan 3 Plan Ref: E500127\_403 D received 02/02/2025  
 Yorke Drive Construction Phasing Plan 4 Plan Ref: E500127\_404 D received 02/02/2025  
 Yorke Drive Construction Phasing Plan 5 Plan Ref: E500127\_405 D received 02/02/2025  
 Noise Assessment for Reserved Matters Application Plan Ref: 70078739-001 Rev 3 received 15/10/2024  
 Tree Constraints Plan Plan Ref: RSE\_4052\_TCP Rev2 received 15/10/2024  
 Tree Protection Plan Plan Ref: RSE\_4052\_TPP Rev3 received 15/10/2024  
 Arboricultural Impact Assessment, Method Statement and Tree Protection Plan - Plan Ref: RSE\_4052\_2024\_R1 Rev3 received 15/10/2024  
 Bat Mitigation Plan Plan Ref: YDN-BWB-ZZ-XX-T-EE-0001\_BMP P01 received 15/10/2024  
 Ecological Enhancement Plan - Plan Ref: YDN-BWB-ZZ-XX-T-EE-0001\_EEP P01 received 15/10/2024

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

02

Prior to first occupation of any dwelling hereby approved, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority:

- street furniture such as benches;
- litter bins, dog foul bins;
- signage (for example those warning of danger for attenuation ponds and rules of play at play area etc);
- any means of enclosure (e.g. for safety etc) within the public open areas;
- external lighting (that is not street lighting);
- lifebuoys to be provided at each attenuation pond; o any other minor artefact and structure to be located in the public areas of the site.

The details approved shall be provided on site prior to first occupation or to an alternative timescale to be approved in writing.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety. The play equipment is controlled via the s.106 agreement and this condition is necessary to capture all other artefacts that would need to be located within the public areas.

03

Notwithstanding details of the external materials shown on drawing Proposed External Finishes (Plan Ref - no. N81:3096:105 Rev P3) or in relation to the pavilion building hereby approved, the bricks and roof tiles are not approved. Prior to the laying of any facing bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the development.

Reason: Insufficient details have been provided.

04

Prior to first occupation, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and elevation

details and materials. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling or in accordance with an alternative timetable embedded within the scheme and shall also comply with Appendix 3: Enhancement Plan of the Landscape and Ecology Management Plan in terms of the provision of the hedgehog highway.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with the ecological mitigation and enhancement measures recommended as part of the submission.

~~05~~-(removed)

~~No works to any public roads and no new roads shall be formed until such time as full technical details of the new and replacement road network has been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works.~~

~~The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.~~

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

~~06~~-05 (amended)

~~The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway until an Order has been secured.~~

The proposed development requires a Stopping-Up Order. No part of the development hereby permitted or any temporary works shall obstruct the public highway (excluding public rights of way) until an Order has been secured.

Reason: In the interests of highway safety.

~~07~~-06

No part of the development hereby permitted shall be occupied or brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel), with measures to prevent the discharge of surface water to the public highway. The surfaced

drives, parking areas and drainage shall then be maintained such for the life of the development.

Reason: To reduce the possibility of deleterious material and surface water being deposited on the public highway, in the general interests of highway safety.

~~08-07~~

No dwelling hereby approved shall be occupied until details of the proposed arrangements and plan for future management / maintenance of the proposed private drives (including associated drainage) have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details.

Reason: In the interests of general highway safety.

~~09 08~~

The pedestrian visibility splays on the route from Lincoln Road to the sports ground shall be undertaken in accordance with plan reference YDRN-BSP-ZZ-ZZ-DR-C-0101-P02-Visibility\_Splays. The approved splays shall be kept clear of all obstructions above 0.6m in height for the lifetime of the development.

Reason: In the interests of pedestrian safety.

~~010 09~~

Notwithstanding the submitted landscaping drawings, no hedges shall be planted within 1 metre of the rear of any junction or forward visibility splays.

Reason: In the interests of highway safety.

~~011 010~~

Plots 141 and 150 shall not be occupied until details of the management and maintenance of the land within the forward visibility splays as shown on drawing number YDRN-BSP-ZZ-ZZ-DR-C-0101, rev P02 has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

~~012~~ 011 (amended)

~~No dwellings shall be constructed until an application for measures to prevent parking at junctions along the future bus route has been made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.~~

No dwellings within Phases 3, 4 and 5 (as defined upon drawing numbers: E500127\_403\_Yorke Drive Indicative Construction Phasing Plan 3; E500127\_404\_Yorke Drive Indicative Construction Phasing Plan 4; and E500127\_405\_Yorke Drive Indicative Construction Phasing Plan 5) shall be constructed above Damp Proof Course level until details have been submitted and agreed in writing by the Local Planning Authority, in consultation with Nottinghamshire County Council, that show measures to prevent parking at junctions along the future bus route. Any measures subsequently approved shall be implemented within 12 months of the date of that approval.

Reason: In the interests of highway safety.

~~013~~-012

Notwithstanding the details submitted, prior to occupation of any dwelling in a phase or sub phase, details of all planting in road-side verges on that phase or sub phase shall be firstly submitted to and agreed in writing by the LPA. The approved details shall be implemented in accordance with an agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

~~014~~ 013

Within 3 to 6 months of the occupation of the 74th dwelling within Phase 1 of the development and the Sports Grounds being first brought into use, parking surveys shall be undertaken in accordance with a methodology to be first submitted and approved in writing by the LPA. A report with the results of the survey and any measures proposed to address any issues (if present), along with a timetable for implementation shall be subsequently submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development does not lead to excessive on street parking in the interest of highway safety and the amenity of residents.

~~015~~ 014

Approval of the details of the surface treatment, maintenance, and width of the public rights of way shall be obtained from the LPA in writing before the development commences and is implemented in accordance with the agreed plans.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives.

~~016~~ 015 (amended)

~~The development will require the permanent diversion of the Public Rights of Way and no part of that development or temporary works shall obstruct or stop up the Public Rights of Way until approval has been secured and the diversion application has been received by the Local Planning Authority.~~

The development will require the permanent diversion of the Public Rights of Way and no part of that development shall obstruct the Public Rights of Way until the order has been approved by the order making authority (DfT). Any temporary closure of the Rights of Way Network that may be required for any temporary works necessary prior to the permanent diversions being confirmed should be requested from the local highway authority.

Reason: To ensure that the Public Rights of Way are retained in such a state that it achieves continuity with the wider rights of way and highway networks, and meets sustainable transport needs.

~~017~~ 016

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 BSP Flood Risk Assessment (FRA) and Drainage Strategy (Plan Ref. YDRN-BSP-ZZ-XX-RP-C-0001-P07\_FRA\_&\_DS received 2nd February 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:

- 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 175.
- 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.
- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Planning Application: 22/01528/RMAM
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

~~018~~ 017

The playing fields, pavilion and all associated parking shall be provided in accordance with the approved specifications and made available for use in accordance with approved Development Phasing Plans.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory playing field provision which secures a continuity of use.

~~019~~ 018

All playing pitches hereby approved shall be formed in accordance with the submitted Pitch Improvement Strategy dated 06.09.2024 (Ref: J007203) and shall be thereafter retained in accordance with the provision of the submitted Pitch Maintenance Guidelines.



Reason: To ensure that the playing pitches hereby approved are provided to a suitable standard and are thereafter appropriately maintained.

~~020~~ 019

No use shall be made of any playing pitch hereby approved until such time as the associated ball stop fencing is erected in its entirety. It shall remain in place for the lifetime of the development and be appropriately maintained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of local residents and road users.

~~021~~ 020

The development hereby approved shall accord with the provisions of the submitted noise assessment dated September 2024 (Ref: 70078739-001), and no affected dwelling hereby approved shall be occupied until such time as the respective noise mitigation measures as detailed within section 6.3 of the noise assessment are installed and are operational. All noise mitigation measures shall remain in place for the lifetime of the development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of future residential from noise and disturbance.

~~022~~ 021

No development shall commence in respect of the pumping station until a Noise Assessment (and associated Mitigation Strategy as necessary) relating to the on-site pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of public amenity.

~~023~~ 022

Prior to the formation of any biodiversity improvement required as part of the Ecological Enhancement Plan or in relation to the Bat Mitigation Strategy, a report shall be submitted to and approved by the Local Planning Authority detailing how all biodiversity improvements would be appropriately monitored after construction and who will be responsible for their maintenance and monitoring.

Reason: To ensure that all biodiversity improvements are appropriately monitored.

024 023

No development shall be commenced in respect of each phase pursuant to Condition 3 of the associated outline consent (Ref: 22/00426/S73M) until a scheme for ecological enhancements in respect of that particular phase has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented and retained in accordance with the approved scheme.

Reason: To ensure that protected species are appropriately managed during construction and to ensure that all biodiversity enhancements align with the approved layout plan.

#### **Notes to Applicant**

01

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

02

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

03

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

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website [www.eastmidlandsbc](http://www.eastmidlandsbc).

04

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

05

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

06

Planning Application: 22/01528/RMAM 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 with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

07

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. The applicant should email [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) to commence the technical approval process, prior to submitting any related discharge of conditions application. The Highway Authority is

unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

08

The grant of planning permission for this development does not authorise the obstruction or the stopping up of highway. An unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. The applicant should apply to stop up the highway using the following website address:  
<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

09

The development requires an application/s for traffic regulation orders. Please email [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) in the first instance, with details of the proposals and stating this planning application number.

010

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

011

For the avoidance of doubt, despite the information provided as part of the reserved matters application, the requirements of condition 17 - contamination land of the associated outline application (Ref: 22/00426/S73M) is still required to be discharged as the information submitted does not relate to the entirety of the site.

012

Biodiversity Net Gain

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

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

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

OR

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

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

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

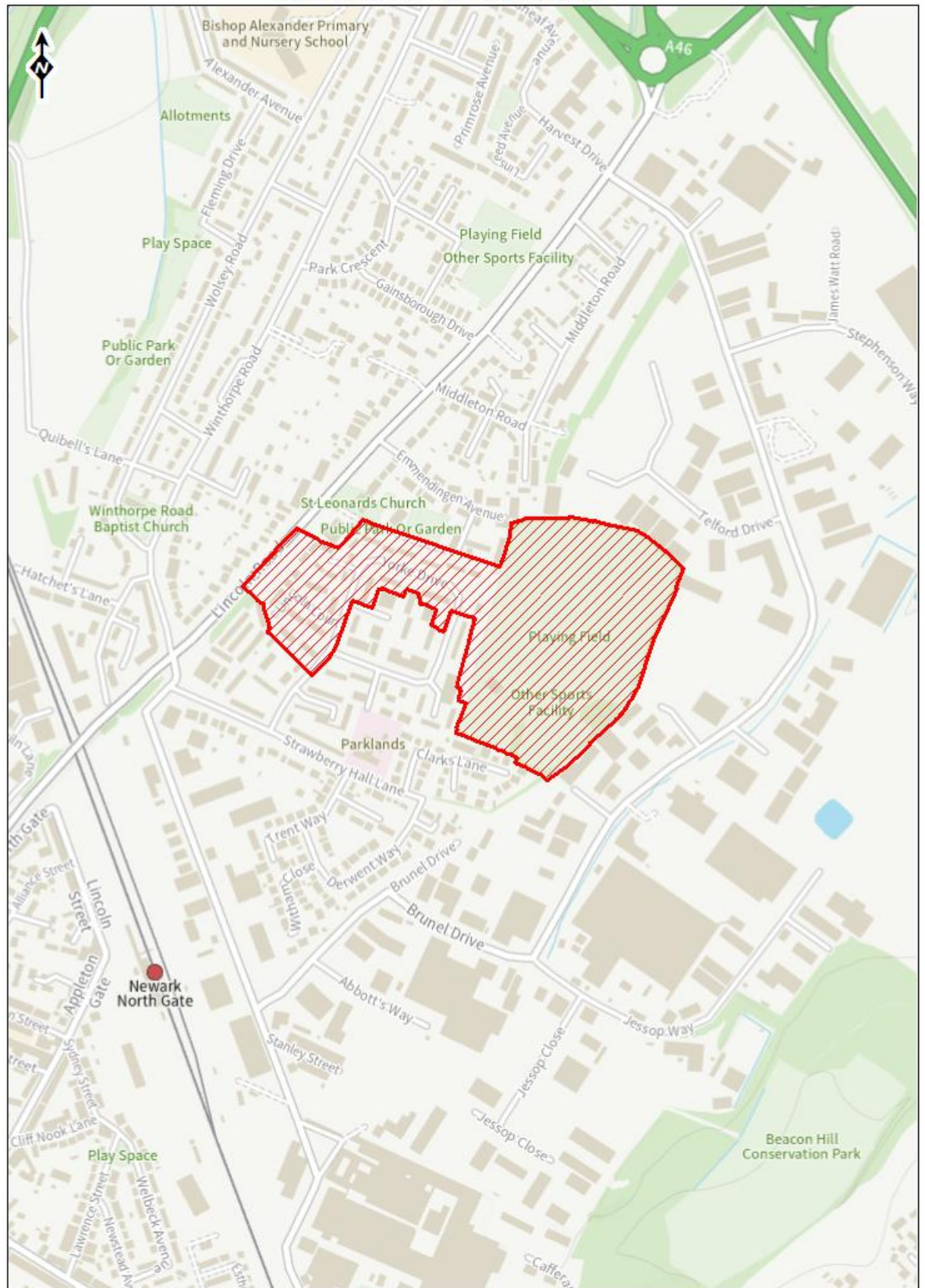
This is a S73 application and the original application was a major development for an application made before 12 February 2024.

#### 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 - 25/00679/S73M



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Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne – Planning Development Officer

Report Summary			
Application Number	25/02047/HOUSE		
Proposal	Retention of garage (as constructed)		
Location	Holly House 5 East Lane Edwinstowe NG21 9QN		
Applicant	Mark Atherton and Carol Watson	Agent	IBA Planning Ltd - Mr Nick Baseley
Registered	07.05.2025	Target Date	26.12.2025
		Extension of time	18.02.2026
Web Link	<a href="#">25/02047/HOUSE - Retention of garage (as constructed) at Holly House 5 East Lane Edwinstowe NG21 9QN</a>		
Recommendation	Refuse as reason set out in section 10		

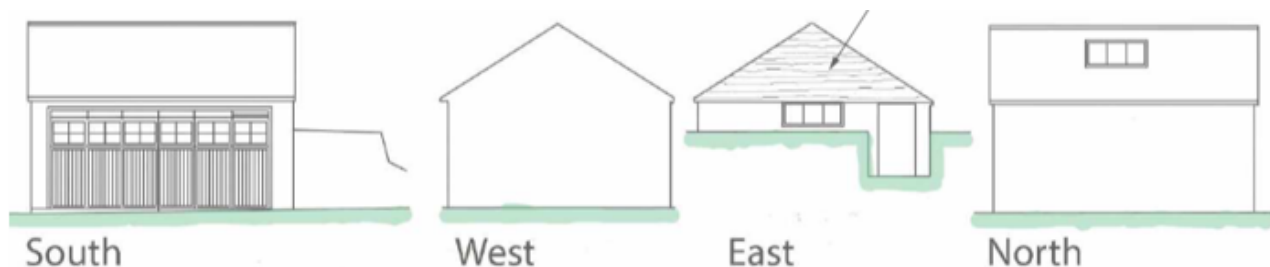
This application is being referred to the Planning Committee by the Business Manager due to the contentious nature of the development within Edwinstowe Conservation Area and its public interest.

## 1.0 The Site

- 1.1 The site lies within the principal village of Edwinstowe, adjacent to the south of the district centre as defined by the Newark and Sherwood Allocations and Development Management DPD (adopted March 2019).
- 1.2 No. 5 East Lane is identified in the Conservation Appraisal as a period property that makes a positive contribution to the character and appearance of the Conservation Area (CA). The building appears to form part of a terrace of 19th century cottages, and incorporates a 2 storey bookend which sits perpendicular to the road (this being no 5). This part of the building range is red brick in Flemish bond with stone plinth, casement windows under segmental headers, with a hipped pantile roof, dentil course and ridge stacks.



- 1.3 The property obtained planning permission for front and side extensions with alterations to the dwelling and a new garage in 2021. The extensions and the alterations to the dwelling have been carried out. The garage is in the process of being completed; however, the conditions and details for the original approved development were never discharged. Furthermore, the sections of the garage that have been built are not in accordance with the approved drawings under planning permission ref.21/00238/FUL. The previously approved single storey garage would measure 6.0m in depth and 7.0m in width, standing at eaves and ridge height of 3.0m and 5.0m approximately, with a small set of rooflights to be located to the rear elevation.



**Elevations of the garage approved under planning permission 21/00238/FUL.**

- 1.4 According to Environment Agency Flood Maps, the site is in Flood Zone 1 therefore at very low risk of fluvial flooding, and is also at very low risk of surface water flooding.

## **2.0 Relevant Planning History**

- 2.1 A pre-application advice was sort in December 2024 with the current scheme (*Other than the wood cladding as built and altered colour of the front elevation of the garage, replace some lower part of cladding, replace existing tiles with rosemary tile*).
- 2.2 21/00238/FUL - Demolition of existing porch, existing garage and lean-to outhouse, construction of new front and side extension, and new garage. Approved on 06.12.2021.
- 2.3 Pre-application advice was sought prior to the householder application approved in 2021 being submitted.
- 2.4 67860233 – Extend dwelling by conversion of outbuildings at rear. Approved 22.04.1986.

## **3.0 The Proposal**

- 3.1 The application seeks retrospective planning permission to retain the garage building as constructed.





- 3.2 The constructed two storey garage measures at 4.2m in depth and 7.22m in width, standing at eaves and ridge height of 3.0m and 5.25m approximately with three small rooflights located on the rear elevation (north). The garage door on the current proposed scheme measures c.2.8m in width and at c.1.76m in height when measure from ground level.



- 3.3 The external materials of the garage building consist of multi colour bricks with vertical timber cladding/boarding in black, the roofing material is pantile as showed on the street view photo above.
- 3.4 The garage door is yet to be installed. A genuine timber door is proposed, which would be sliding on a rail to be routed in the garage along the side wall without opening onto the highway.
- 3.5 Documents assessed in this appraisal:
- Application Form received 04 December 2025
  - Site Location Plan ref: 001 received 04 December 2025
  - Proposed block plan, ref: 002 received 04 December 2025
  - Proposed floor plans and elevations ref: 003 received 04 December 2025
  - Planning and Heritage Statement received 04 December 2025

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

- 4.1 Occupiers of twelve properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site on 29 December 2025.
- 4.2 Site visit undertaken 29 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

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

- DM5 – Design
- DM6 – Householder Development
- 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. 5.1. 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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

## 5.5 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (with amendment - February 2025)
- Planning Practice Guidance
- Householder Development SPD (2014)
- Residential cycle and car parking standards SPD

## 6.0 **Consultations**

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

### **Statutory Consultations**

6.1 **None**

## **Parish Council**

- 6.2 **Edwinstowe Parish Council** – has no material objections to this application.

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

- 6.3 **NSDC conservation team** – provided detail comments summarised as follow:
- The mix of materials is unconventional within the CA, fails to preserve the vernacular character of the Edwinstowe CA.
  - The mismatch of green and cream windows and doors, along with the presence of trickle vents on the building are inharmonious appearance within the CA.
  - The eaves height of the garage building is higher than those at 1 East Lane (a dwellinghouse), which is at odds with the hierarchy of the street scene coupled with the substantial width makes the building read as a new dwellinghouse, not a subservient feature as an outbuilding should normally be, and certainly does not read as belonging to 5 East Lane.
  - The large French doors providing a Juliet balcony at first floor level is highly atypical of an outbuilding.
  - The Velux windows used on the rear elevation are with bulky outer frame and top bar, and centre pivot opening is unacceptable.
  - The large French doors providing a Juliet balcony at first floor level is highly atypical of an outbuilding.
  - The use of overly stained black and white bricks provide a prominent contrast to the local vernacular which does not preserve its special character and appearance.
  - The presence of date stones is discordant with the architectural of an outbuilding, which would typically be associated with civic buildings and would not normally be found on vernacular and domestic outbuildings.

Overall, the scale of the garage building is considered to be harmful to the setting of 1 East Lane as a non-designated heritage asset, as well as to the street scene of the CA. The development, as built, is considered to cause less than substantial harm to the character and appearance of the Edwinstowe Conservation Area.

Full copy of the [conservation comment](#) is available through public access.

- 6.4 **Four letters of representations have been received from local residents**, support the application with the following grounds:
- The constructed garage in question is a vast improvement, both structurally and visually to what it was previously.
  - The garage is a fine addition to Edwinstowe and hopefully a positive guide for future building within the village environment.
  - This is a great addition to the road and far better than the ramshackle lean to that was there before.
  - The roof line and cladding fits in nicely with the new build properties across the road and ties the two together aesthetically.
  - The current appearance of the building is far better than the run-down, weed ridden construction that was previously there, even in its current half-finished state.

- The wooden cladding echoes that of the houses on the opposite side of the High Street.
- The completion of this building will enhance East Lane further.

## **7.0 Appraisal**

7.1 The key issues are:

- Principle of Development
- Impact on Visual Amenity and Character of Area
- Impact upon Residential Amenity
- Impact upon Highway Safety

### **Principle of Development**

- 7.2 Householder developments are accepted in principle subject to an assessment of a number of criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. It also states that there should be no adverse impact on the amenities of neighbouring users including loss of privacy, light and over-bearing impact.
- 7.3 Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.4 As the application concerns a designated heritage asset, in the form of a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. 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.
- 7.5 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.

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

- 7.6 Core Policy 14 states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals.
- 7.7 Policy DM9 (Protecting and Enhancing the Historic Environment) states development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and

appearance of Conservation Areas will require justification in accordance with the aims of Core Policy 14.

- 7.8 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 DM6 reflects this and states that proposals should respect the design, materials and detailing of the host dwelling.
- 7.9 Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 203 states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.10 Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 135 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.11 The Council's adopted Householder Development Supplementary Planning Document (SPD, 2014) includes the following guidance on garages and outbuildings:
- 8.14 Poorly designed and sited garage and outbuildings can give rise to detrimental impacts on the appearance of the host dwelling and the character of the surrounding area, as well as a reduction in the standards of amenity to neighbouring properties and occupiers of the host dwelling. As a result the design and assessment of such development should make reference to general guidance provided in Section 7 of this document and consider the following:*
- i. Whether the proposal is domestically proportioned and would not introduce a feature that would be overly dominant in comparison to the main dwelling house.*
  - ii. The impact of how the proposal is sited in relation the dwelling and surrounding area.*
  - iii. Whether the form and angle of pitch to the roof is sympathetic to that of the host dwelling and that external facing materials have been chosen which respect those of the existing property.*
  - iv. Ensuring that sufficient amenity space to the host dwelling has been retained.*
  - v. In the case of garages, safe access and egress to the highway can be achieved.*
- 7.12 The new garage is positioned adjacent to no.1 East Lane to its west, adjacent and fronting onto East Lane on its south; despite the ridge height being the same as no.1 East Lane, the eaves of the building on the front elevation are higher than no.1 East Lane. The gable end on the eastern elevation which is highly visible when travelling from east to west on East Lane has a set of full-height balcony style French doors at first floor level. It is understood that the doors would be opening inward and there is no external balcony.



- 7.13 Conditions imposed on the former application (21/00238/FUL) required details and specification of bricks to be submitted and approved prior to construction above damp proof course, and details of timber garage doors to be submitted, no details were submitted by the applicant since the grant of planning permission. The garage is constructed in a mix of brick and timber weatherboarding walling, with clay pantiles to the roof. A green uPVC window has been installed, and a cream composite door installed. No garage door has been installed to date. It is proposed to use a timber garage door on rails, which would be side opening.
- 7.14 The proposed site is within the Edwinstowe Conservation Area (CA). Traditional outbuildings within a village location like this would typically be brick with pantiles or a slate roof. Timber would have been used for traditional joinery such as doors and windows. The currently used of mix materials for the building is unconventional within the CA. NSDC conservation team commented the constructed hybrid of timber and brick fails to preserve the vernacular character of the Edwinstowe CA, the mix of the two materials provides a discordant feature within the CA, which fails to either preserve or enhance its special character and appearance.
- 7.15 While it is acknowledged that timber weatherboarding can be seen within agricultural type buildings, and is used within the residential development west of High Street, over the road at Tattersall Close, which is located outside the conservation area, the mix of materials used on this garage building is not typical on this section of East Lane which is within Edwinstowe Conservation Area.
- 7.16 The eaves height of the garage building is higher than those at 1 East Lane, which is a dwellinghouse. This is at odds with the hierarchy of the street scene. The garage building in its current state reads as a new dwellinghouse not a subservient outbuilding and it certainly does not read as belonging to 5 East Lane. The introduction of a building of similar proportions as 1 East Lane, a standalone dwelling does not achieve a sense of subservience to the host dwelling and is considered to be harmful to the setting of 1 East Lane as a non-designated heritage asset, as well as to the street scene of the CA. These issues cannot be resolved or mitigated by minor alteration(s) to the already constructed building.
- 7.17 The large Juliet balcony style/French doors at first floor level is highly atypical of an outbuilding. Furthermore, the mismatch of green and cream windows and doors, as well as the presence of trickle vents result in an inharmonious appearance of the building within the CA. While the Velux windows are on the rear elevation, not readily seen from public domain, they all have bulky outer frame and top bar, and centre pivot opening which is unacceptable with CA.

- 7.18 Last but not least, the choice of brickwork incorporates a great variety of colours, which is not consistent with the local vernacular. Overly stained black and white bricks provide a prominent contrast to the local vernacular which, does not preserve its special character and appearance. The presence of date stones is also considered discordant with the architectural simplicity one would associate with an outbuilding.
- 7.19 It is considered the two storey garage building is overly-prominent when compared to the host dwelling and the adjacent dwelling to the west. It therefore represents an incongruous and dominating feature, which would fail to achieve the high design standards required by the NPPF and Core Policy 9. Furthermore, the form of development would be inappropriate in scale and context.
- 7.20 The proposed site is readily visible from a vantage point, adjacent to East Lane, with scale and mass similar to the adjacent dwelling known as no.1 East Lane. The garage building, when viewed alongside the existing structure, is not subservient to the host dwelling, the development as built, is considered to cause less than substantial harm to the character and appearance of the Edwinstowe Conservation Area, to which there is no public benefit, which is contrary to s16 and 72 of the Act, as well as policy and advice contained within Policies CP9 and CP14 of the Amended Core Strategy DPD, Policies DM5, DM6 and DM9 of the Council's ADMDPDs. The proposal is also contrary to Parts 12 and 16 of the NPPF, a material planning consideration.

#### Impact on Residential Amenity

- 7.21 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. Criterion 2 and 3 of Policy DM6 relate to neighbouring amenity for householder developments and state that new householder developments should not have an adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact and that the layout of development within the site and separation distances from neighbouring development is sufficient to ensure that neither suffers from an unacceptable reduction in amenity by virtue of overlooking and loss of light or overbearing impacts.
- 7.22 Section 7 of the SPD states that new developments have the potential to give rise to significant impacts on the amenity of neighbouring properties through overlooking, overbearing and overshadowing effects. The SPD advises that when considering the potential amenity issues, regard should be given to the separation distance involved. The level of separation from neighbouring properties consideration should be given to the positioning of the proposal in relation to the principal windows of habitable rooms in neighbouring properties. Furthermore, the NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.23 The only neighbouring dwelling that would be adjacent to the garage building would be no.1 East Lane, which is situated to the west of the new building. The building is 4.2m in depth and 7.22m in width, which would have similar depth as the neighbouring dwelling to the west. The proposed garage building would not project beyond the front or the rear of the elevations beyond this neighbouring dwelling to the west. The proposed block plan below



shows the relationship between the garage and the adjacent neighbouring dwelling to the west known as no.1 East Lane.



- 7.24 There is no window on the eastern elevation on the neighbouring dwelling, taking into account the current arrangement, it is not considered the garage building would have detrimental impact to this adjacent dwelling to the west. The proposal is considered to be complied with Policy DM6 and DM5 of the DPD in this regard.

#### Impact on Highways

- 7.25 Paragraph 116 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.26 NCC Highways provided standing advice on the original application in 2021; given there is already an existing vehicular access serving the site; the proposed garage will be utilizing the existing access. With the above in mind, it is not considered the proposal would impact upon the parking provision of the site due to the addition of the proposed structure.
- 7.27 The previously approved garage had the dimensions of 6m by 7m approximately. The currently proposed garage would measure at 4.2m in depth by 7.22m in width externally. The proposed garage door width would be c.2.8m and at c.1.76m in height when measured from ground level.
- 7.28 The Newark and Sherwood Residential cycle and car parking standards SPD and the Nottinghamshire highway design guide specified that *'if garages are to be counted as a car parking space they will be required to have clear internal dimensions of at least 3.3m x 6m per single garage space (including integral garages) with a minimum door width of 2.4m or 6m x 6m per double garage space with a minimum door width of 4.2m.'*
- 7.29 While the current building could potentially accommodate one vehicle, it is unclear how the applicant would manoeuvre the vehicle into and out of the garage building with its orientation, existing arrangement and relation with the adopted road known as East Lane. Further information on the parking arrangement was encouraged at the pre-application stage in December 2024, but no further information has been put forward on the current

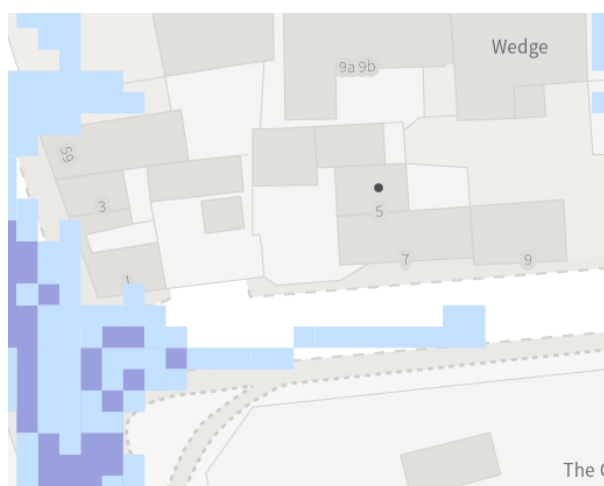


application. Due to the harmful impacts of the building, outlined above, resulting in it being considered unacceptable; neither the application nor agent were contacted to provide further detail. It was considered not expedient to put the applicant to further unnecessary expense and potentially given a false sense of hope that the proposal to retain the garage building as constructed would be supported.

- 7.30 The previously approved garage would measure 6.0m in depth and 7.0m in width, with the garage door at c.6.0m in width, which would be sufficient to accommodate two cars potentially. The current proposed scheme has reduced the depth of the garage from 6.0m to c.4.2m; along with the reduction of the width of the garage door. It is unclear how the garage building could accommodate a vehicle and manoeuvre safely into and out of the garage building onto East Lane.
- 7.31 Therefore, due to the lack of sufficient information and detail as stated above, the applicant has failed to adequately demonstrate that the proposed development would have no harmful impact upon highway safety.
- 7.32 Nevertheless, while the proposal fails to accord with the NPPF, Spatial Policy 7 of the ACS as well as Policy DM5 of the ADMDPD, this building could easily be used as an outbuilding and the existing parking arrangement on East Lane would not alter. Existing double yellow lines are already positioned outside the proposed building, the number of parking spaces available on the street would not be varied from the current proposal. Therefore, it is not considered sufficient to refuse this application on highway grounds.

#### Flooding/surface water run-off

- 7.33 The emerging Policy DM5(b) 'Design-10 (Flood Risk and Water Management)' of the Allocations & Development Management DPD requires new development proposals to proactively manage surface water.



- 7.34 The site is located within an area at low risk from surface water flooding. Prior to the construction of the existing garage, subject to this application, the proposal contained an existing structure. It is not considered the proposal would have a harmful impact upon surface water run-off to the application and nearby sites. The site contains other areas of porous surfacing which is considered would be sufficient.

### Community Infrastructure Levy (CIL)

- 7.35 The proposed development would result in less than 100m<sup>2</sup> of net additional floorspace/Gross Internal Area and is therefore not CIL liable. A more detailed CIL information paragraph has been recommended to be attached to the decision notice accordingly.

### Biodiversity Net Gain (BNG)

- 7.36 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, this is a householder application and is exempted from the BNG rules (under Regulation 5). BNG is therefore not applicable in this case. A more detailed BNG information paragraph has been recommended to be attached to the decision notice accordingly.

## **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 – LEG2526/105**

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

## **9.0 Conclusion**

- 9.1 Harm has been identified in respect of visual impact; the proposed development would not be of a reasonable size and scale relative to the existing property and would adversely affect the appearance of the Blidworth Conservation Area (less than substantial harm). There are no public benefits to outweigh the demonstrable harm, and a recommendation of refusal is offered.
- 9.2 The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Amended Core Strategy and policies DM5 (Design). DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD adopted 2013, Section 72 Act as well as the NPPF.

## 10.0 Reason for refusal

In the opinion of the Local Planning Authority, the garage building as constructed would result in harm to the character and appearance of Edwinstowe Conservation Area. The proposed detached garage with room above, by virtue of its scale, massing and the use of the external materials, results in an incongruous and dominating addition to the streetscene on East Lane, detrimental to the character and appearance the Edwinstowe conservation area, as well as a disproportionate form of development which could not reasonably be considered subservient or ancillary to the host dwelling, given the relative size. Whilst amounting to less than substantial harm, in line with the NPPF, this harm is not outweighed by any public benefit.

The proposal therefore fails to accord with Core Policies 9 and 14 of the Amended Core Strategy (2019) and policies DM5, DM6 and DM9 of the Allocations and Development Management DPD (2013), as well as sections 12 and 16 of the NPPF. The proposal also contrary to the objective of preservation required under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

### Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision 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/](http://www.newark-sherwooddc.gov.uk/cil/)

03

### Biodiversity Net Gain

From the information provided as part of the application, the development refused 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](http://www.gov.uk))).

Based on the information available, this development is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun (if it had been approved), because the following reason or exemption is considered to apply - Householder development.

04

List of drawings and document:

- Application Form received 04 December 2025
- Site Location Plan ref: 001 received 04 December 2025
- Proposed block plan, ref: 002 received 04 December 2025
- Proposed floor plans and elevations ref: 003 received 04 December 2025
- Planning and Heritage Statement received 04 December 2025

#### 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 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

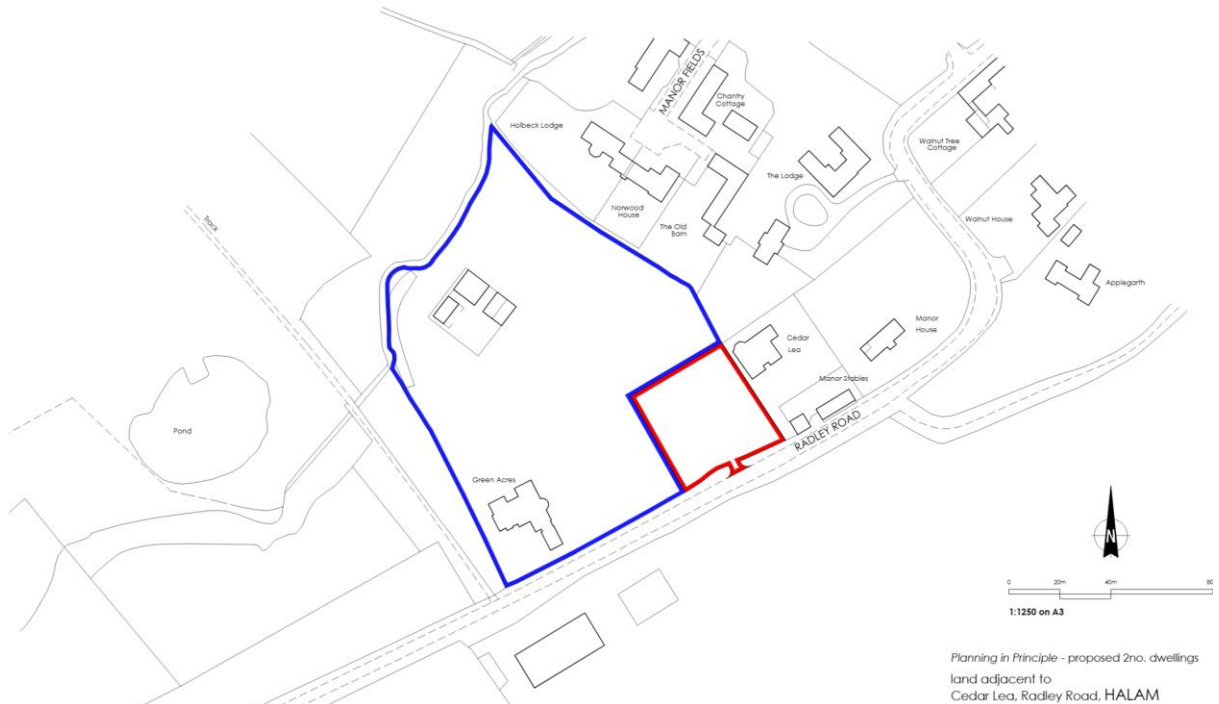
Lead Officer: Christine Beresford – Planning Development Officer

Report Summary			
Application Number	25/01853/PIP		
Proposal	Application for permission in principle for construction of a minimum and maximum of 2 dwellings		
Location	Land At Radley Road, Halam		
Applicant	Mr And Mrs N Dutton	Agent	IBA Planning Ltd - Mr Nick Baseley
Registered	04.08.2025	Target Date	09.09.2025
Recommendation	That Permission in Principle is Approved		

**This application is being referred to the Planning Committee for determination as the application represents a departure from the development plan. In addition, the application has been called in to Planning Committee by Cllr Harris on the grounds that it is contrary to the Development Plan and located outside the designated village envelope.**

## **1.0    The Site**

- 1.1    The site comprises undeveloped land classed as open countryside. The proposed dwellings would be situated between existing dwellings, including Green Acres, Cedar Lea, Manor Stables, and Manor House, all of which front Radley Road within Halam. The land currently forms part of Green Acres and is accessed via their existing access, leading through the field that constitutes the majority of the site.
- 1.2    The site is not located within a Conservation Area; however, there are several listed buildings in close vicinity. It lies within Flood Zone 1 and is considered to be at low risk of surface water flooding.



## 2.0 Relevant Planning History

17/00760/FUL – Erection of 2 bungalows and creation of highway access – Refused

Appeal was submitted - Appeal Ref: APP/B3030/W/17/3187500 - Dismissed

### *Reason for Appeal dismissal:*

The appeal was dismissed because the site was considered to lie outside the main built-up area of Halam, and therefore within the open countryside for policy purposes. The proposal did not meet any exceptions under Core Strategy Policy SP3 or Policy DM8, which strictly limit development in the countryside.

Although the design impact was not deemed harmful, the scheme represented ribbon development and encroachment into open countryside, conflicting with the spatial strategy. The Council could demonstrate a five-year housing land supply, so the presumption in favour of sustainable development did not apply. The limited benefits of two dwellings were insufficient to outweigh the clear conflict with the development plan.

## 3.0 The Proposal

- 3.1 The application seeks Permission in Principle, the first stage of a two-stage process. This is for the residential development of two dwellings. No detailed design information is required at this stage.
- 3.2 Permission in Principle considers only the location, land use, and scale of development. For residential proposals, as in this case, the description must specify the minimum and maximum number of dwellings proposed.

- 3.3 The second stage of the process, Technical Details Consent, involves the assessment of all detailed matters. This application must be submitted within three years of the Permission in Principle decision.
- 3.4 The proposed dwellings would use the proposed access off Radley Road, the main road through the village. While the proposal is for permission in principle, elevation, floor plans and layout have been submitted at this stage. However, these submitted details would be considered at stage 2, the Technical Details Consent stage, if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Planning Statement received 04.08.2025
  - Application Form received 04.08.2025
  - Site Location Plan received 04.08.2025

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

- 4.1 Occupiers of 24 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 06.09.2025.
- 4.2 Site visit undertaken 13<sup>th</sup> November 2025.
- 4.3 Site notice was displayed on 13<sup>th</sup> November 2025.
- 4.4 Advert was published on 13<sup>th</sup> 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

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 next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

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](#)

### 5.3. **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (updated 2025)
- Planning Practice Guidance (online resource)

## 6.0 **Consultations and Representations**

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

## **Statutory Consultations**

- 6.2. **NCC Highways** – Referred back to their standing advice document dated January 2025.
- 6.3. **Conservation Officer** - The proposal for two dwellings at Radley Road, Halam, is located within a setting of several listed buildings, including the Manor House and its Pigeoncote, despite the absence of conservation area designation. The site's historic character is therefore highly sensitive. The indicative design shows single-storey dwellings set back from the roadside, which helps reduce visual intrusion; however, the proposed footprints are significantly larger than adjacent heritage assets, resulting in moderate "less than substantial harm" as defined by NPPF paragraph 215. While the material palette of red brick and pantile roofs is contextually appropriate, certain details, such as the belcote, are considered unnecessary and introduce an element of pastiche. The Conservation Officer advises that harm could be mitigated through design revisions, including reducing building footprints, increasing separation from Manor Stables, and removing non-contextual features. Subject to these changes, the scheme may safeguard the character and setting of nearby listed buildings, but as currently proposed, it risks overwhelming the historic environment due to its scale and density.

In summary, it is felt the harm to the adjacent listed buildings could be mitigated through good design. Notwithstanding this, the footprint as it stands is considerably larger than the adjacent listed buildings and there is potential to overwhelm their setting by an overly dense and intensive scheme. Subject to the detailed design, the works have the possibility of safeguarding the character, appearance and setting of the adjacent listed buildings, but there is potential for harm if the scheme was implemented based on the current footprint proposed.

## **Town/Parish Council**

- 6.4. **Halam Parish Council** – Halam Parish Council expressed support for the proposal for Permission in Principle, noting that the site is considered suitable for development. The vote outcome was four members in favour and two against. The Council emphasised that they would need to review detailed technical and design plans at the next stage before approving the development. They also clarified that they did not assess the attached plans because the application is for Permission in Principle only and the submitted plans are dated 2017.

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

- 6.5. **Neighbour & Public consultations** – A total of 23 representations were received: 14 objections, 8 in support, and 1 neutral comment.
- 6.6. Supporters highlighted that the development would provide modest, well-designed bungalows meeting local housing needs, particularly for older residents wishing to downsize, thereby freeing up larger homes for families. They considered the site visually contained and adjacent to existing development, forming a logical continuation of the village without harming its character. Comments also referred to the district's housing shortfall and suggested that small-scale schemes such as this

make a positive contribution to supply and sustainability. The proposed design was described as low in height and sympathetic to the surrounding built form, avoiding overbearing impacts. Some respondents felt that villages require carefully considered growth to remain vibrant and avoid stagnation.

- 6.7. Objectors key concerns include the location of the site, which is considered to be open countryside outside the main built-up area of Halam, and therefore contrary to Core Strategy Policy SP3 and Policy DM8. Many objectors raised strong concerns that approval would set a precedent for further encroachment into greenfield land, undermining the Council's spatial strategy. Sustainability was also cited as a major issue, with Halam offering limited services, no shop, and poor public transport, resulting in increased reliance on private cars. The lack of footpaths and street lighting was highlighted as making access unsafe and unsuitable for vulnerable residents. Objectors also considered that the development would result in urbanising encroachment, loss of open green space, and harm to rural character, with additional concerns about hedgerow removal and biodiversity impacts. Flood risk was raised by several respondents, noting existing surface water issues on Radley Road and the potential for increased runoff. Some felt the proposed footprint was large and out of keeping with the village's grain and form. Many referenced the previous refusal of planning permission in 2017 and the subsequent appeal dismissal in 2018, stating that no material changes justify a different outcome. Overall, objectors stressed that two dwellings would make an insignificant contribution to housing supply compared to the harm caused.
- 6.8. One neutral comment was received noting ownership of a strip of land within the site and requesting this be considered in decision-making.

## **7.0 Appraisal**

- 7.1. The key issues are:
- Location
  - Land Use
  - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent - Stage 2. An application which would be required if permission in principle - Stage 1 is approved.
- 7.3. The National Planning Policy Framework promotes a presumption in favour of sustainable development and reaffirms the statutory duty under the Planning Acts for applications to be determined in accordance with the development plan unless material considerations indicate otherwise, in line 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 approach is reflected at the local level through Policy DM12 of the Allocations and Development Management Development Plan Document (DPD),

which confirms the presumption in favour of sustainable development within the district.

### Principle of Development

#### Location

- 7.4. This type of application requires consideration only of the principle of development against the Council's Development Plan and the NPPF. The assessment at this stage is limited to three matters: location, land use, and amount of development. Issues relevant to these in-principal considerations should be addressed under the Permission in Principle stage. All other detailed matters, including design, layout, access, and technical requirements, are reserved for the second stage of the process, Technical Details Consent, which must be submitted within three years of the Permission in Principle decision if granted.
- 7.5. The adopted Development Plan for the district comprises the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy establishes a settlement hierarchy to deliver sustainable growth and development (Spatial Policy 1). This hierarchy seeks to direct new residential development to the Sub-Regional Centre, Service Centres, and Principal Villages, which benefit from good infrastructure and services. Spatial Policy 2 sets out the settlements where the Council will focus growth across the district. Proposals for new development beyond Principal Villages, as identified in Spatial Policy 1, are assessed against the five criteria set out in Spatial Policy 3 (Rural Areas).
- 7.6. Spatial policy 3 emphasises that new development in rural areas should be directed to sustainable villages with access to services, and must be appropriate in terms of location, scale, need, impact, and character. Proposals are expected to support local housing needs, rural services, employment, and tourism while safeguarding landscape, infrastructure, and local distinctiveness. Although some redevelopment and environmental enhancement within villages may be supported, the policy is clear that development outside settlements or within open countryside does not meet the locational requirements and must instead be assessed the criteria of DM8. As the application site is located outside the village envelope, it is considered to fall within the open countryside, and the proposal must therefore be treated as open-countryside development for policy purposes.
- 7.7. DM8 strictly limits development in the open countryside to specific, justified forms. These include agricultural and forestry proposals, rural workers' dwellings where a functional and financial need is proven, and new or replacement dwellings only where they are of exceptional quality or replace an existing non-historic dwelling of similar scale. The policy prioritises the reuse or conversion of existing buildings over new-build development and allows certain forms of rural diversification, small-scale employment, equestrian uses, community facilities, and appropriate tourism uses where they support the rural economy and minimise landscape impact. Overall, DM8 permits only narrowly defined categories of rural development and resists unrestricted new housing or development lacking a clear countryside justification.

- 7.8. As such, the location of the proposal is considered contrary to policy DM8.
- 7.9. The NPPF (December 2024) introduced changes to the way local authorities calculate housing requirements, resulting in a significant increase in the number of homes needed within the district. Consequently, the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land and can currently only evidence a supply of 3.84 years. This shortfall means that the most important policies for housing delivery in the Development Plan are considered out of date, and the presumption in favour of sustainable development commonly referred to as the tilted balance applies when determining this application.
- 7.10. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development set out in the NPPF, planning permission should be granted unless policies protecting areas or assets of particular importance provide a clear reason for refusal, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This assessment must have particular regard to the policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and delivering affordable homes. In these circumstances, the presumption operates as a tilted balance, giving substantial weight to the benefits of sustainable development and housing provision.
- 7.11. The NPPF sets out that certain areas and assets of particular importance can provide a clear reason for refusing development, even where the presumption in favour of sustainable development applies. These include habitat sites, Sites of Special Scientific Interest (SSSIs), designated heritage assets, and land at high risk of flooding. Where such designations exist, they override the presumption and outweigh the benefits of housing provision. In this case, there are no protected areas or assets that would provide a clear reason for refusing development on the application site.
- 7.12. Although the site lies within the open countryside and conflicts with Policy DM8, the presumption in favour of sustainable development is engaged. This means that the provision of two dwellings carries additional weight in the planning balance. Smaller, unallocated sites such as this will play an important role in helping the district meet its housing targets and address identified housing needs.
- 7.13. The proposal seeks to deliver two bungalows on land at the edge of the village, which is currently designated as open countryside. While the submitted plans indicate bungalows, the detailed design and layout will be assessed at the Technical Details Consent stage. The site lies within the wider setting of several listed buildings along Radley Road, including the Manor House and the Pigeon Cote, and therefore any future design will need to demonstrate that the scale, form and positioning of the dwellings preserve the setting of these heritage assets and maintain the rural character of the village edge. These matters will be carefully assessed at the Technical Details stage to ensure an appropriate and sensitive response to the site's historic context.

- 7.14. As highlighted above, the district faces a significant shortfall in housing land supply. The proposal would deliver two dwellings, contributing to meeting an identified need, and this carries additional weight in the planning balance. Under the NPPF, the presumption in favour of sustainable development applies. This means planning permission should be granted unless policies protecting areas or assets of particular importance provide a clear reason for refusal, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. In this context, the provision of housing weighs strongly in favour of the scheme, as per the tilted balance.

#### Land use

- 7.15. Residential use is considered suitable for this site given its proximity to the village and the surrounding grain of residential development. The site is directly adjacent to the settlement and would therefore represent a logical expansion rather than fragmentation. The Highway Authority has referred to its standing advice in regard to the creation of access, and this will be addressed at Stage 2 (Technical Details Consent). Therefore, the proposal cannot be refused on technical matters at this stage, and will be subject to assessment during the technical stage.

#### Amount of Development

- 7.16. The application proposes two dwellings on a site of approximately 0.19 hectares. While the district's indicative density is around 30 dwellings per hectare, the rural, edge-of-settlement context means that a lower density is appropriate and would not introduce an excessive or harmful level of development. It is deemed that the proposed development at Radley Road would not overwhelm the village, as sufficient services are available within an appropriate distance, supported by established transport links, such as the Stagecoach Service 28, which provides a direct bus connection to Newark's buses and railway stations, and road access via the nearby A614 and A1 corridors. The addition of two dwellings is unlikely to result in a significant or unsustainable increase in population and is therefore unlikely to cause unacceptable impacts relating to traffic generation, drainage, sewerage or other local infrastructure.
- 7.17. This reflects the Inspector's conclusions in Appeal Ref: APP/H1840/W/23/3316576, which confirmed that while rural locations may involve some reliance on private cars, such effects are typically modest and do not amount to significant harm where development is small in scale and some sustainable transport opportunities exist.
- 7.18. In heritage terms, although Halam is not a Conservation Area, the site lies in close proximity to several listed buildings, including the Manor House and its listed pigeon cote. The limited number of dwellings ensures that development at this scale would not overwhelm these assets or their setting. This is consistent with the Inspector's findings in Appeal Ref: APP/R3030/W/17/3187500, where development outside the built-up area could still sit comfortably within the loose rural grain, particularly where boundary vegetation and a set-back layout assist in reducing visual prominence. While precise design matters are reserved for Stage 2, two dwellings reduces the risk of

excessive massing relative to neighbouring listed buildings, as highlighted in the conservation assessment.

- 7.19. Given the small scale of the proposal and the availability of services within the village such as the school, church and public house, the development would not place unreasonable pressure on local facilities. Nor is it expected to generate wider adverse effects related to landscape character, visual impact or village capacity. Detailed design, layout and heritage mitigation will be addressed at the Technical Details Consent stage. Overall, the proposed amount of development is proportionate, contextually appropriate and capable of being accommodated without unacceptable harm, including to nearby heritage assets.

#### Planning Balance and Conclusion

- 7.20. In this instance, the location is considered to be within the open countryside adjacent to the built form of Halam. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with the NPPF, which favours the provision of housing unless there are strong reasons to refuse. Whilst Halam is classified as an 'other village' with some but not all essential amenities, it benefits from transport connections to Southwell, a designated Service Centre with a wide range of facilities. Considering the Council's lack of a five-year housing land supply and the age of the local plan, the provision of housing carries significant weight in the planning balance. At this stage, there are no identified impacts that would significantly or demonstrably outweigh the benefits of housing provision. The proposal is therefore considered acceptable in principle when applying the tilted balance in accordance with the NPPF.

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

- 7.21. If approved, a Technical Details Consent (TDC) application must be submitted within three years of the decision date. Policy DM5(b) of the amended Allocations and Development Management DPD sets out the criteria against which all new development will be assessed. These include, but are not limited to, safe and inclusive access, appropriate parking provision, impact on residential amenity, local distinctiveness and character, and biodiversity and green infrastructure. The TDC application will need to carefully address these requirements to ensure compliance with policy.

#### Impact on visual amenities and Heritage assets

- 7.22. Core Policy 9 seeks to secure a high standard of sustainable design that is appropriate in scale and form to its context, complementing local built character and the wider landscape. Policy DM5(b) similarly requires development to reflect the district's local distinctiveness through careful attention to massing, layout, materials and detailing. Core Policy 13 further expects development to protect and reinforce landscape character, particularly within sensitive rural settings.
- 7.23. While Halam does not benefit from Conservation Area status, the application site lies in close proximity to a significant cluster of listed buildings, including the Manor House

(242154), its associated Pigeon Cote (242155), Ashdene, and several historic barns. Mapping from the Nottinghamshire HER confirms that these buildings have formed part of the village's historic landscape since at least the early nineteenth century, and the immediate area around Radley Road possesses a strong traditional character defined by mature boundary planting, rural plot patterns, and historic brick forms. As such, the site lies within a visually sensitive historic setting in which development must be carefully managed to avoid harm to listed buildings and their wider environment.

- 7.24. The NPPF requires development to be visually attractive, sympathetic to local character and history, and to establish or maintain a strong sense of place. Paragraphs 202–214 (particularly 202–203 and 207) relating to design and heritage emphasise that great weight must be given to the conservation of designated heritage assets, and that development affecting the setting of listed buildings must preserve or enhance their significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a statutory duty on the decision-maker to have special regard to the desirability of preserving a listed building or its setting.
- 7.25. As this application seeks permission in principle only, matters relating to detailed design, appearance, layout and landscaping will be addressed at the Technical Details Consent stage. However, an assessment of the site context, indicative plans and relevant heritage considerations can be made at this stage. The introduction of two dwellings would constitute a modest level of development that would not overwhelm the village or materially alter its settlement pattern. The site benefits from existing public transport connections to Halam, Southwell and Newark, and in line with Inspector reasoning in Appeal Ref: APP/H1840/W/23/3316576, small-scale residential development in rural areas is not typically associated with significant transport or infrastructure impacts where such links are available.
- 7.26. The site occupies a visually sensitive position on the fringes of Radley Road, where the settlement edge transitions to open countryside. The surrounding area contains a notable concentration of listed buildings, including the Manor House and the Pigeon Cote, which contribute to a well-established historic character defined by traditional red-brick architecture, mature boundary planting and a loose rural grain. The conservation assessment identifies the need to ensure that new development does not dominate or detract from the setting of these heritage assets. Although the indicative plans show a simple H-plan form with a traditional material palette, the footprint of the units as illustrated would exceed that of neighbouring listed buildings and could appear visually prominent if not reduced or more sensitively positioned within the plot.
- 7.27. Material considerations also include the need to avoid architectural features that introduce an artificial or incongruous aesthetic, as highlighted in the conservation assessment. Elements such as the belcote or roof cowl shown on the indicative elevations may risk introducing an inappropriate pastiche and would require reconsideration at the detailed stage. Mitigation through reduced footprints, increased set-back and strengthened landscaping would assist in ensuring an appropriate visual relationship with the Manor House, Manor Stables and Pigeon Cote and would support a more sensitive response to the local context.



- 7.28. In summary, the principle of two dwellings is capable of being accommodated on the site without resulting in unacceptable harm to visual amenity, landscape character or heritage significance. However, the heritage context introduces a requirement for heightened design sensitivity. Acceptable development is achievable, but it will be essential at the Technical Details Consent stage to ensure that the scale, massing, siting and materials preserve the setting of nearby listed buildings and maintain the rural character of Radley Road.

#### Impact on Residential Amenity

- 7.29. Policy DM5(b) of the amended Development Plan Document requires that development proposals consider their impact on the amenity of surrounding land uses and neighbouring properties, ensuring that these are not detrimentally affected. In line with the NPPF, proposals should secure high-quality design and deliver a high standard of amenity for all existing and future occupants of land and buildings.
- 7.30. The NPPF seeks to ensure that developments deliver a high standard of amenity for both existing and future users. The closest dwellings to the site are Green Acres, Cedar Lea, Manor Stables, and Manor House, which front Radley Road. Access to the site would be taken from the main village road, Radley Road, which also serves the wider settlement. Given the size of the land, it is considered that appropriate spacing and amenity can be achieved at the Technical Details stage, enabling a scheme that avoids unacceptable impacts on neighbouring properties in terms of overbearing effects, loss of light, or loss of privacy. This will be subject to detailed design and further assessment at the next stage.

#### Impact on Highways

- 7.31. Spatial Policy 7 requires new development to provide appropriate and effective parking provision, while Policy DM5(b) states that parking should be proportionate to the scale and specific location of the development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) offers detailed guidance on car and cycle parking requirements. Table 2 of the SPD sets out recommended parking provision based on the number of bedrooms and the dwelling's location.
- 7.32. 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.
- 7.33. The creation of the vehicular access to the site would be taken from Radley Road, which functions as the main road through the village. The access must comply with the requirements set out in the Nottinghamshire County Council Highways Design Guide and standing advice. In accordance with the Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021), dwellings with up to 2–3 bedrooms should provide a minimum of two parking spaces, while dwellings with four or more bedrooms should provide three spaces.

- 7.34. Overall, it is considered that the scheme has the potential to accord with relevant policy; however, this will be subject to a separate and detailed assessment at the Technical Details stage.

#### Trees, Landscaping and Ecology

- 7.35. Core Policy 12 of the Core Strategy seeks to secure development that maximises opportunities to conserve, enhance, and restore biodiversity. Policy DM5(b) of the Development Plan Document requires that natural features of importance within or adjacent to development sites are protected and, wherever possible, enhanced. The NPPF also encourages opportunities to incorporate biodiversity in and around developments to deliver net gains.
- 7.36. It is currently unclear whether the proposal would involve the removal of any trees within the site; however, it is likely to include clearance of overgrown vegetation. A Preliminary Ecological Appraisal (PEA), together with any recommended follow-up surveys, will therefore be required to support the Technical Details Consent application
- 7.37. Ultimately it is essential that development does not unnecessarily harm the natural environment or surrounding character, and that construction is undertaken proactively to protect existing ecological features. Where development is proposed close to established trees or hedgerows, or where removal of such features is anticipated, a Tree Survey, Arboricultural Impact Assessment, and Tree Protection Plan will be required. These should identify any trees or hedgerows affected, including those on adjacent land or highways, and must comply with BS 5837:2012 (or any subsequent updates). Further guidance is available within the NSDC Local Validation Checklist.
- 7.38. Landscaping and green infrastructure should be incorporated into the proposal in accordance with Policy DM7. It is strongly recommended that any trees requiring removal are replaced with trees of a similar species as part of a comprehensive landscaping plan, ensuring the development integrates positively with its surrounding

#### Flood risk

The site is located within Flood Zone 1, representing land at the lowest probability of fluvial flooding, and there are no identified areas of surface water flood risk affecting the site. There are no flood-related constraints, and the proposal would be acceptable in principle in flood-risk terms. However, at this stage it is not a consideration under the Permission in Principle process and will be addressed at the Technical Details Consent stage.

#### Contamination Risk

- 7.39. Policy DM10 of the Development Plan Document requires that where a site is likely to have been contaminated by a previous use, appropriate investigation and proposals for any necessary mitigation should form part of the redevelopment process.
- 7.40. The NPPF states that planning decisions should ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability or contamination. This includes risks from natural hazards or former activities such as mining, and any proposals for mitigation, including land remediation. Following remediation, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990.
- 7.41. Furthermore, if there is potential for contamination, a Phase 1 Contamination Survey will be required as part of the Technical Details Consent application. The Council's Environmental Health team will be consulted at the technical details stage for comments.

#### Community Infrastructure Levy (CIL)

- 7.42. The site falls within the Housing High Zone 3 of the Council's approved Community Infrastructure Levy (CIL) Charging Schedule. Residential development in this zone is charged at £45 per m<sup>2</sup>. The development would therefore be subject to CIL at the Technical Details Consent stage. As the proposed floorspace is currently unknown, the precise CIL liability cannot be calculated at this stage.

#### Biodiversity Net Gain (BNG)

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

### **8.0 Implications**

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

#### Legal Implication – LEG2526/1101

- 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 in principle, specifically in relation to the location, land use, and amount of development. All other detailed matters will be considered at the Technical Details stage. Based on the assessment above, the location and land use are considered suitable for two dwellings, and the proposed amount of development is acceptable for the site. The principle of development is therefore supported, subject to detailed design, mitigation measures, access arrangements, and site-specific impacts, which will be addressed at the Technical Details Consent stage.
- 9.2. It is therefore recommended that Permission in Principle is granted.
- 9.3. It should be noted that conditions cannot be attached to a Permission in Principle. Conditions will be applied at the Technical Details Consent stage. Together, the Permission in Principle and Technical Details Consent form the full planning permission, and 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 (where relevant)
  - Details of BNG

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

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

### BACKGROUND PAPERS

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

Application case file.



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Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
Application Number	25/01914/PIP		
Proposal	Application for permission in principle for residential development for two dwellings.		
Location	Land Off Swinderby Road South Scarle		
Web Link	<a href="#">25/01914/PIP   Application for permission in principle for residential development for two dwellings   Land Off Swinderby Road South Scarle</a>		
Applicant	Ms/Mr V And S Trevethick And Dove	Agent	IBA Planning Ltd - Mr Nick Baseley
Registered	04.11.2025	Target Date	10.12.2025 EOT 13.02.2026
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 development plan.**

## 1.0 The Site

- 1.1 The site is a field on the northern side of Swinderby Road in South Scarle. The field is located outside but adjacent to South Scarle Conservation Area with nearby Grade II Listed Buildings both to the east and south of the site. The Grade I St Helena's Church is the focal point to the conservation area, limited views of it are visible from Swinderby Road due to other built form and trees intercepting views.
- 1.2 The site is within Flood Zone 1 and at low risk of surface water flooding. There is a small part of the site that is at a higher risk of surface water flooding.





electricity poles. (Permitted Development 03.08.2020)

### **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, an indicative plan has however been provided showing the potential layout of the housing. The scheme has been clarified with the agent and is just for the 2 dwellings, therefore the plans and description have been updated and further consultation has been carried out to cover this for the avoidance of doubt.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would create a new residential access off Swinderby Road which connects to Main Street which is the main road through the village. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Site Location Plan received 25/527-01
  - Site Layout Plan 25/527-02A

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

- 4.1 Occupiers of 20 properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site expiring 03.12.2025 and a press notice has been published expiring 11.12.2025.
- 4.3 Site visit undertaken 19<sup>th</sup> 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 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)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- 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

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 next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

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](#)

5.3. Relevant policies in the Draft Amended Allocations & Development Management DPD:

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5(a): The Design Process
- Policy DM5(b): Design
- Policy DM12: Presumption in Favour of Sustainable Development

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2025
- Planning Practice Guidance (online resource)

6.0 **Consultations and Representations**

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

**Statutory Consultations**

6.2. **NCC Highways** – The highways authority has no objection to the residential use as it would not give rise to material impacts on highway capacity or safety, provided that the site access parking arrangements accord in the main with the indicative layout. Drivers' visibility splays are to be conditioned at the technical details stage which are shown at 2.4m x 43m in both directions. Objection by the highways authority was raised in respect of the play park and proposed carpark due to lack of visibility from the private access track and additional foot traffic generated on the road due to narrow pavements and limited space for safe crossing. It should be noted that following highways comments the car park and play park have been omitted from the proposal.

**Town/Parish Council**

6.3. **South Scarle Parish Council** – Object to the proposal based on proposed buildings being within open countryside, vehicular access onto Swinderby road being hazardous, question over why a play park is needed and consideration that the advantages of the scheme presented in the application aren't considered advantages. There were also questions over whether the car park is also proposed as it is shown on the plans.

6.4. Following re-consultation, the parish maintains objection with the omission of original comments regarding the playpark and carpark.

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

- 6.5. **NCC Public Rights of Way** – Footpath 9 is a public footpath, carrying pedestrians' rights only, and is not an adopted highway. Vehicular use is limited solely to those with established private rights or for agricultural access. The introduction of a public carpark and associated intensification of vehicle movements cannot lawfully be accommodated on a public footpath without evidence of existing lawful vehicular rights; or a successful diversion, extinguishment, or other legal process under the appropriate legislation. Further points of clarification have been included within ROW comments to overcome the objection. It should be noted since comments were received the play park and carpark have been omitted from the scheme and therefore the scheme no longer impacts the public right of way.
- 6.6. **Conservation** – The works in their outline stage are considered to safeguard the street scene of the conservation area and thus accord with the parameters of Para 215 and 219 of the NPPF, as well as S.72 of the Listed Building and Conservation Areas Act (1990) and the submission for permission in principle is acceptable for approval.
- 6.7. **Neighbour & Public consultations** – 15 comments were received with concerns, with 1 photo also received. The concerns are highways safety, flooding, concern over a policy from the 70s and 80s which restricted building in South Scarle, heritage harm and the lack of need for an additional play park, concerns over the carpark, lack of public services, location within the Green Belt, concerns over flooding and concerns the dwelling would be out of place with the existing village. Re-consultation was carried out following amendments to the scheme and 8 objections have been received with concerns to highway safety, impacts on nature and continued building in the village also questions raised regarding who is going to manage BNG land and concerns regarding character and use of the land for residential.

## **7.0 Appraisal**

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

under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD).

#### Principle of Development

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

#### Location

- 7.6. The site is located within the open countryside, outside of any main built-up settlement. SP3 states that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD, however adjacent to housing within the village.
- 7.7. 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. In the absence of detailed design drawings, the proposal does not comply with DM8 and is in conflict with this policy.
- 7.8. Following the publication of the NPPF on 12th December 2024 and amended on 01<sup>st</sup> April 2025, 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.
- 7.9. The NPPF (2025) 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.

- 7.10. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at NPPF 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*

- 7.11. Footnote 7 of the NPPF sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.
- 7.12. As such, whilst the site is located within the open countryside, contrary to the settlement hierarchy and policy SP3 and policy DM8, the tilted balance is engaged, and the provision of housing (for 2 dwellings) 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.
- 7.13. The site will provide 2 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 two storey houses, these details would come at the technical detail stage. It is considered that 2 bungalows / one and half storey dwellings are likely to be most appropriate, however this will be dealt with at the technical details stage.
- 7.14. The village of South Scarle is defined as an 'other village', and the site is directly adjacent to the village, but on what is considered open countryside. The village has some facilities, such as a church, farm shop and play park, as well as bus service which goes to the nearby principal village Collingham, where there are schools, medical facilities and shops, as well as the Main Subregional centre Newark. Therefore essential services are accessible, albeit they do require some travel by bus or car. Therefore, the village itself does not provide main services, contrary to the requirements of SP3, however when considering the tilted balance, the need for housing and the short distance to these services, the proposal is considered acceptable in principle with the tilted balance being engaged.

#### Land use

- 7.15. Residential is a suitable use of the land considering the proximity to the village. The site is directly adjacent the village therefore would expand the village rather than fragment it by using land that is not directly adjacent. Highways have raised no objection to the residential element of this proposal in principle, subject to technical details having appropriate visibility splays. The site is opposite listed buildings and just outside the Conservation Area. The use of the land for residential would not be harmful to heritage or nearby listed building, subject to appropriate design. At this stage full details of the dwelling aren't required, however they would be best suited as 1 or 1.5 storey dwellings in an agricultural layout/arrangement, like that shown on the indicative plan. A full heritage assessment would be undertaken at technical details stage.

#### Loss of Agricultural Land

- 7.16. 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'.
- 7.17. 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.
- 7.18. 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.
- 7.19. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 3 land (Good to Moderate). 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 South Scarle that would not be included as best and most versatile land. Regardless, the Council can only demonstrate a 3.84 year housing land supply, which is a significant shortfall. As such, the provision of 2 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.

- 7.20. The loss of this 'Good to Moderate' agricultural land measuring a up to 0.37 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance

#### Amount of Development

- 7.21. The application proposes 2 dwellings. The site covers approximately 0.5 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 2, which equates to an approximate density of 5.4 per hectare. Given the rural, edge of settlement location, this 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 (this would be a matter for the TDC stage).
- 7.22. The minimum and maximum number of dwellings proposed here would be 2 units which would not overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages, there would be sufficient services to serve the additional dwellings at an appropriate distance. The site at the proposed density is considered compatible with the historic layout of the village. The density being low is also appropriate given that this is outside but adjacent to the edge of the village, where development would typically thin out into open countryside. Therefore it is not considered at this density that the proposal would be harmful to heritage subject to technical details and design.

#### Planning Balance

- 7.23. In this instance, the location is considered to be within the open countryside adjacent the built village of South Scarle. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst South Scarle is an 'other village', with some but not all the essential amenities, South Scarle has transport connections to Collingham which is a principal village with plenty of amenities and Newark which is a regional centre. 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**

- 7.24. 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.

- 7.25. It should be noted that the proposal is adjacent listed buildings and is sited within the Conservation Area and therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF which is a material planning consideration and Section 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990 is relevant to this case.

*Impact on Visual Amenity and the Character of the Area and Heritage*

- 7.26. 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(b) of the Amended ADMDPD 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.
- 7.27. 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.
- 7.28. 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.
- 7.29. The site is located in Landscape Policy Zone ES PZ 04, which has a moderate landscape condition and moderate sensitivity. The policy seeks to create new hedgerows, conserve existing hedgerows and conserve and enhance tree cover and landscape planting to create visual unity and habitat across the policy zone and conserve ecological density and biodiversity. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements and create new development which reflect the local built vernacular.
- 7.30. Policy DM5(b) 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. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.
- 7.31. As part of the Development Plan, Core Policy 14: Historic Environment and DM9: Protecting and Enhancing the Historic Environment amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.
- 7.32. Section 16 of the NPPF states that heritage assets are an irreplaceable resource and should be preserved in a manner appropriate to their significance, so that they can be

appreciated for their contribution to the quality of life of existing and future generations.

- 7.33. Indicative plans were submitted which show an appropriate arrangement which would reflect an agricultural style layout, however definitive design drawings are not required for approval at this stage. These plans have been superseded by a redline plan to remove the carpark and playground from the scheme, the indicative house layout is still present. 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 Conservation Area. The construction of 2 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to village open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design. Conservation also concurs that an acceptable scheme which respects the character of the Conservation Area and setting of nearby listed buildings is achievable here subject to acceptable design and layout. The agricultural indicative layout at 1 – 1.5 storeys is likely the ideal arrangement of built form, however this is subject to change and full details will be required at technical details stage.

#### Impact on Residential Amenity

- 7.34. Policy DM5(a) of the Amended ADMDPD 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.
- 7.35. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. There are dwellings to the south of the site, however with these being across the road they are of an acceptable distance for acceptable amenity to be achieved. The proposed site is substantial in size, and it is considered that two dwellings with sufficient amenity garden space and parking would be achievable. The proposal could be located an acceptable distance from neighbours to avoid overbearing, overshadowing or privacy impacts. At this stage it is not possible to fully assess amenity due to their only being indicative layout plans provided which is subject to change at technical details stage, however sufficient spacing from neighbouring dwellings can be achieved given the scale of the site. This would be subject to technical details and further assessment.

#### Impact on Highways

- 7.36. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Amended Policy DM5(b) 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.

- 7.37. 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.
- 7.38. A new access would be created onto Swinderby Road. The highways authority have commented and have no objection to the residential access in principle, they did raise concern to the play park and carpark, however these have since been omitted from the plans and therefore the highways authority would have no objection to the residential element of this scheme which is all that is being proposed now.
- 7.39. The rights of way team also originally raised concerns due to the access to the carpark and play park being off footpath 9. However, since these have now been omitted there would be no impact upon the footpath or private road to the west of the site.
- 7.40. Provided appropriate visibility splays are provided at the technical stage, the proposal can be achieved without impacting on highway safety. Overall, it is considered that the scheme could accord with policy, however this would be subject to a separate assessment of technical details.

#### Trees, Landscaping and Ecology

- 7.41. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the Amended ADMDPD 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. Whilst some already fragmented hedge would be removed, the scheme does not appear to be proposing to remove any trees within the site or around the access. If this is the case; in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended would be required to support the Technical Details Consent application.
- 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/hedgerows or would result in the removal of such features, you would be required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.

- 7.44. 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

- 7.45. The site lies within flood zone 1 and at very low risk of surface water flooding according to the Environment Agency Flood Data. Core Policy 9 expects development proposals to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk.
- 7.46. Given that the development is within flood zone 1 and at a very low risk of surface water flooding and the site is less than 1ha, a flood risk assessment is not required. It is noted there is a small section of land that is at a higher risk of surface water flooding at medium to high risk. However, the indicative plan shows that development can be facilitated outside of this area, therefore it is possible to navigate any build to avoid this area of the site. Given the siting on land which is at lowest risk, it is not considered that the proposal would increase the risk of flooding both on site or elsewhere and the proposal is therefore considered acceptable in regard to flood risk in accordance with Policy DM5(b) of the Allocations and Development Management DPD as well as Core Policy 9 Sustainable Design and Core Policy 10 Climate Change of the Amended Core Strategy and the NPPF and PPG which are material planning considerations.

#### Contamination Risk

- 7.47. 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.
- 7.48. 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
- 7.49. 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)

- 7.50. The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m2 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)

- 7.51. 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.

#### Other Matters

- 7.52. It is noted that concerns have been raised by residents as to who manages land for biodiversity, whilst this is not relevant to the stage 1 of this process, it is worth addressing these concerns, advising that biodiversity net gain will be assessed at the technical matters stage. If the proposal provides on-site BNG this will be secured by a unilateral undertaking for the land to be monitored. If the dwellings are self or custom build, then a unilateral undertaking will also be required to ensure the dwellings are built out as self-build/custom build dwellings. The management of the land in general would not require a S106 or Unilateral undertaking, as is the responsibility of the landowner to maintain.

### **8.0 Implications**

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

#### Legal Implication – LEG2526/671

- 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 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

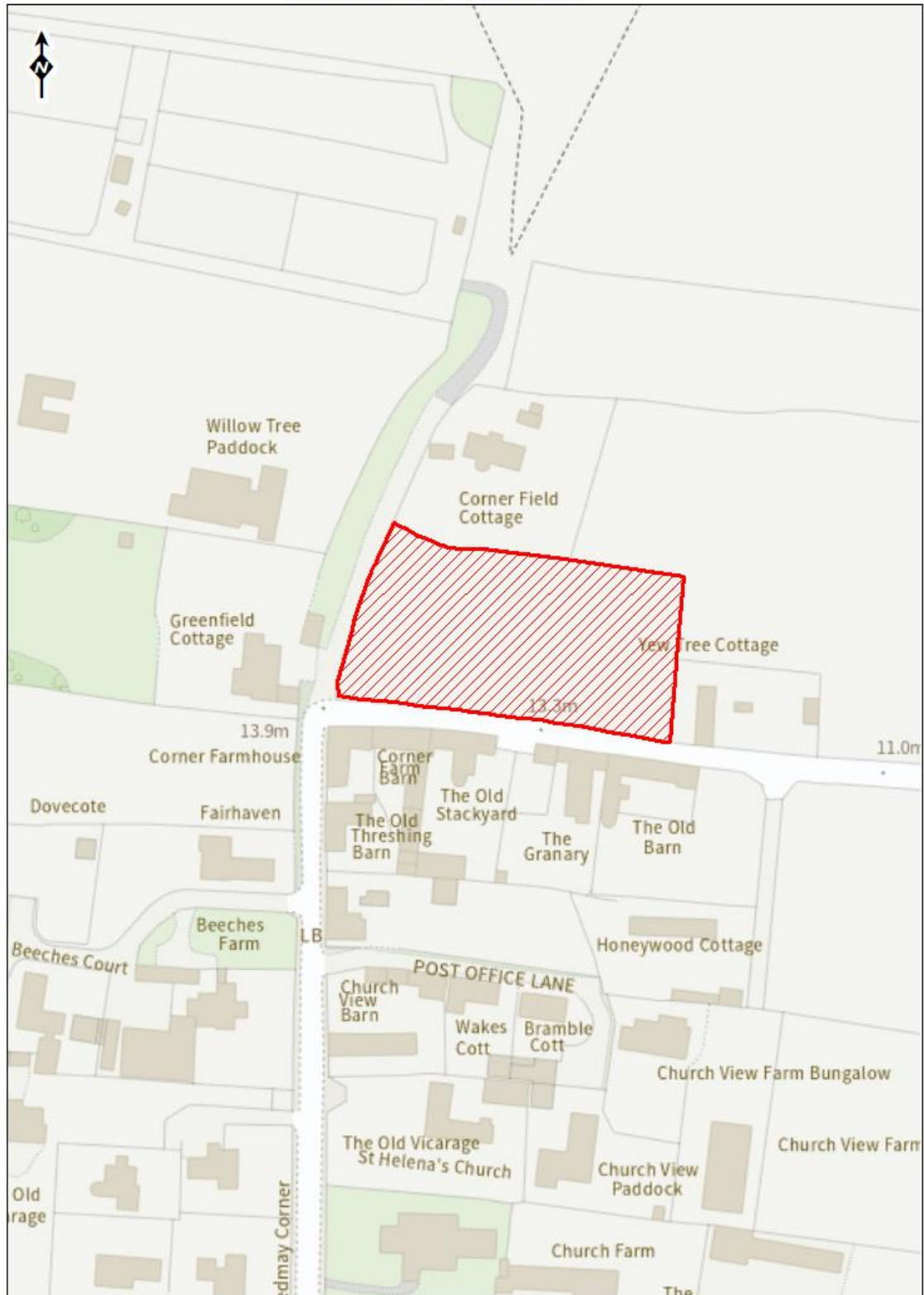
## **10.0 Informative Notes to the Applicant**

- 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.

### **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 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne – Planning Development Officer

Report Summary			
<b>Application Number</b>	25/01974/PIP		
<b>Proposal</b>	Application for permission in principle for residential development for a minimum of four dwellings and a maximum of four dwellings.		
<b>Location</b>	Land Adjacent The Brushes Retford Road Walesby		
<b>Applicant</b>	Mr D Fury	<b>Agent</b>	IBA Planning Ltd - Mr Nick Baseley
<b>Registered</b>	07.05.2025	<b>Target Date</b>	26.12.2025
		<b>Extension of time</b>	18.02.2026
<b>Web Link</b>	<a href="#">25/01974/PIP - Application for permission in principle for residential development of minimum of 4 and a maximum of 4 dwellings - Land Adjacent The Brushes Retford Road Walesby</a>		
<b>Recommendation</b>	That Permission in Principle is Approved		

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

## 1.0 The Site

- 1.1 The site is located at the west of Retford Road at the village of Walesby, opposite of the defined built-up area of Walesby. The proposed site consists of two parcels of land, positioned either side (north and south) of the dwelling on east of Retford Road known as The Brushes; as well as north of The Firs, a boarding cattery, south of the southern parcel of the proposed site.



Aerial view of the proposed site



Proposed block plan



- 1.2 The northern parcel of land appears to be used for horses grazing as it is noted that some horses were within the section of land on the site visit. The southern parcel of land appears to be overgrown and was vacant on the day of the site visit.
- 1.3 The parcels of land have gated access directly onto Retford Road, as shown on the proposed block plan. No trees are visible within the proposed site (both parcel of lands), some mature hedges separate the dwelling in between the parcels of land.
- 1.4 According to Environment Agency Flood Maps, the site is in Flood Zone 1 therefore at very low risk of fluvial flooding, and also at very low risk of surface water flooding.
- 1.5 The site is not within a conservation area and there are no nearby listed buildings. The site is considered to fall within open countryside.

## **2.0 Relevant Planning History**

- 2.1 Pre-application advice was sought in August 2025.

## **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 4 dwellings on the site (two dwellings on each parcel of land). No specific details are required at this stage.



- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would each have their own detached garage, utilising the existing vehicular accesses from Retford Road. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Planning Statement received 20 November 2025
  - Application Form received 20 November 2025
  - Site Location Plan ref: 25/537/01 received 20 November 2025
  - Feasibility plan ref: 25 537 03 received 20 November 2025

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

- 4.1 Occupiers of two properties have been individually notified by letter. A site notice has also been displayed near to the site on 26 November 2025.
- 4.2 Site visit undertaken 26 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
  - 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
- 5.2 **Allocations & Development Management DPD (adopted 2013)**
- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
  - DM5 – Design
  - DM7 – Biodiversity and Green Infrastructure
  - DM8 – Development in the Open Countryside
  - DM12 – Presumption in Favour of Sustainable Development

5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

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;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

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 (with amendment - February 2025)
- Planning Practice Guidance

#### 6.0 **Consultations**

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

##### **Statutory Consultations**

6.1 **NCC Highway** – confirmed that the scale of development proposed would not be expected to result in any significant increase in traffic. However, the suitability of the site would be contingent on the ability to provide safe access, which would require adequate visibility splays based on the operating speed of the road.

##### **Parish Council**

- 6.2 **Walesby Parish Council** – has concerns regarding this application mainly due to the location of the plots in relation to the blind brow on Retford Road and this area has been known as an accident blackspot. Furthermore, the extra strain on the services, such as drainage, sewage and electric as these are currently considered to be at capacity or beyond.

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

- 6.3 **Eight letters of representations have been received from local residents**, raising the following concerns:

- Retford Road is busy with commercial, farming and emergency response vehicles and the proposed accesses are also close to the junction off New Hill and there has been several accidents in the recent years.
- Brick wall and iron gates of property on west of Retford Road have been smashed down from speeding vehicle, which the Police were called out.
- Accidents at the New Hill and Retford Road junction are a reoccurring theme. Damages happened to the boundary wall and hedge at the Local Garage on Retford Road, as well as the Cattery and other properties on Retford due to overtaking vehicles speeding.
- A local primary school is located on New Hill, the drop off and pick up time causes chaos on Retford Road.
- The road is constantly suffering from speeding motorists and has had a high volume of Road Traffic Collision (RTC) coming from the New Hill junction onto Retford Road.
- While the highway authority stated that there were 4 personal injury collision between Jan 2022 to June 2025, there were other RTCs on this stretch of Retford Road which involved all three Emergency Services, some also involved the use of the air ambulance.
- The land should continue to be used as pasture for horses or other similar animals as it has been for many years.
- The fields should remain as grazing fields for animals as well as for drainage of the village. Currently, the fields act as a large soak away for the village. 4 additional houses would have impact on the existing services, such as drainage and future flooding implication.
- Lane further west of the proposed site is not part of the current application, would the land beyond the proposed site be let to get overgrown or would there be further application for new dwellings, which should not be permitted as it is open countryside.
- The proposed new dwelling could impact on the cattery business south of the proposed site
- Land fault through the field north of the Brushes may require extensive building work to the foundations.
- Trees on the southern boundary and may be too close to buildings.
- The proposed would take away valuable green space within the area.

## **7.0 Appraisal**

- 7.1 The key issues are:

- Principle of Development
- Location

- Land Use
- Amount of Development

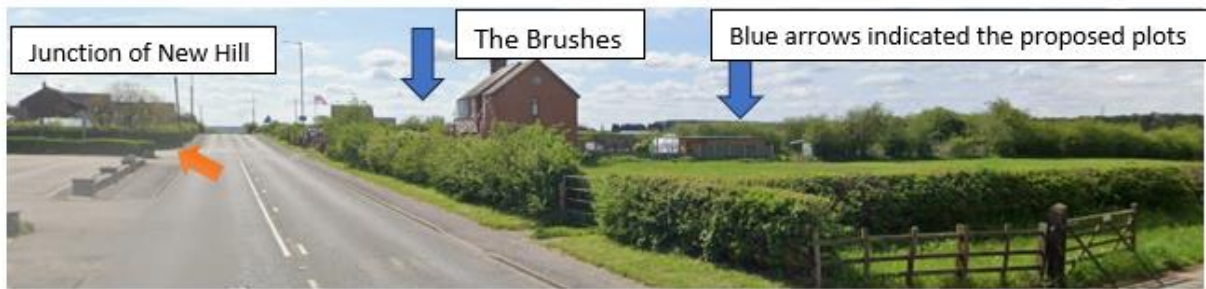
- 7.2 All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3 The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable 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).

#### 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).

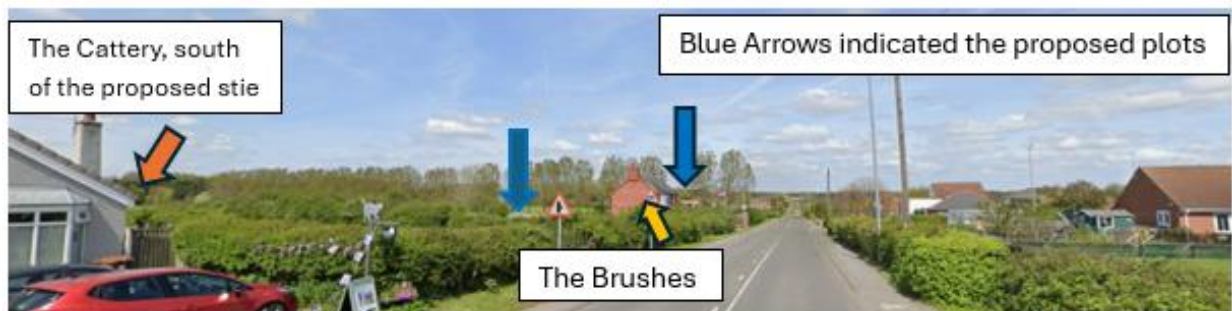
#### Location and Land Use

- 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 Walesby 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.



**View from north to south on Retford Road**

- 7.7 Walesby, 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 west of Retford Road to the established 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 the connection to the wider agricultural landscape which ties this site as an open countryside location. As such, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).



**View from south to north on Retford Road**

- 7.8 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.'
- 7.9 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'.
- 7.10 Walesby has certain local amenities including a primary school, a community centre, a church, and two public houses. There is also a bus service to Newark, Mansfield, Ollerton and Retford (in another district). 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 Retford Road and buses. The historic core of Ollerton is also

roughly 1.85 miles away, itself with certain local amenities. As such, the village is considered a sustainable location.

- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.’
- 7.15 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and policy SP3, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance where the site is considered sustainable. 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. Given the site’s location close to an existing settlement, this is considered sustainable and therefore acceptable in terms of both the location and the land use.
- 7.16 The site would provide 4 additional housing units on the edge of the village but into land 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.

### Amount of Development

- 7.26 The application proposes 4 dwellings over two plots. The site covers approximately 4295sqm. This equates to 0.43 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 4, which equates to an approximate density of 9 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable, as any higher density would likely result in an unacceptable visual impact, traffic generation, drainage, sewerage or local infrastructure (these would be matters for the TDC stage).
- 7.27 Given the size of Walesby, it is not considered the additional 4 dwellings would overwhelm the existing village. Furthermore, given the proximity of the site to the service centre of Ollerton and Boughton, 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 10 dwellings.
- 7.28 In this instance, the proposed site is considered to be within the open countryside adjacent to the built-up village of Walesby. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are convincing issues which would warrant refusal. Whilst Walesby is an 'other village', with some but not all the essential amenities, the site is located within 1.3 mile of the Service Centre of Ollerton and Boughton, 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**

- 7.29 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(b) Design of the emerging amended 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, public realm, biodiversity and green & blue infrastructure, ecology, crime & disorder, unstable land etc. The technical details consent application would need to carefully consider these criteria.

### 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 within the Sherwood Policy Zone (S PZ 27): Ollerton Estate Farmlands as defined within the Landscape Character Assessment SPD. This states the condition of the landscape is moderate and the sensitivity is moderate with an outcome to conserve and create the landscape. The policy zone justification states with regards to built features, these should conserve the character and setting of Walesby. New development should respect the scale, design and materials used in the Policy Zone and be contained near to the existing settlement of Walesby in addition to containing new development within existing field boundaries.
- 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 Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 4 new dwellings would likely be more prominent than the existing structures. The design should aim to minimise the visual impact due to the edge of settlement location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

#### Impact on Residential Amenity

- 7.35 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 immediate neighbouring property to the proposed site would be The Brushes (between the two parcels of land) and The Firs to the south. Providing the detached dwellings would have sufficient space apart from each other on their side elevations; and subject to openings on the side elevations (if any) are design/considered carefully and would not have any direct view to each other's internal areas. 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 There are existing accesses onto Retford Road directly from both parcels of land. The Highway authority (HA) was consulted on this application, and stated that this section of the B6387 Retford Road is a single carriageway subject to a 40mph speed limit. It runs relatively straight along the western edge of the village of Walesby and is rural in character, with only a scattering of mainly residential dwellings accessed from it. Footways are present on both sides, and the route accommodates a bus service. There is some adverse vertical alignment observed adjacent to the site subject to these proposals.
- 7.40 The HA also specified that although traffic flows along this section of Retford Road are not heavy, vehicle speeds have been observed in excess of the posted 40mph limit. Additionally, four Personal Injury Collisions have been recorded along the section between Houghton Way and Brake Lane during the latest three-year period (plus the current year to date), January 2022 – June 2025.



**Existing accesses showing on the site location plan**



**Feasibility/Indicative Plan**

- 7.41 The HA further concluded that the scale of development proposed would not be expected to result in any significant increase in traffic. The layout shown on drawing reference 25/537-03 “Feasibility Plan” appears to provide parking and turning facilities, which would need to comply with local standards. Given the scale of development relative to the size of the site, this would seem achievable. Visibility splay details will need to be provided at the Technical Details Consent Stage, the suitability of the site would be contingent on the ability to provide safe access, which would require adequate visibility splays based on the operating speed of the road.

#### Trees, Landscaping and Ecology

- 7.42 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.
- 7.43 It is not clear whether the proposal would result in the removal of any trees within the site or around the access. In the event that this is the case, in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and the PEA would be required to support the Technical Details Consent application.
- 7.44 Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, you would be

required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.

- 7.45 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 and Drainage

- 7.46 The site has a very low risk of flooding from rivers and from surface water. At present the site is undeveloped therefore any development on site would potentially increase the risk of surface water flooding. Paragraph 173 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 7.47 In terms of surface water, in accordance with Core Policy 10, and Policy DM5, new development should positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime. Development proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems. The PPG explains that sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change.
- 7.48 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.
- 7.49 Nevertheless, the proposal would result in the development of an existing greenfield site, which has the potential to increase surface water. 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.

#### Community Infrastructure Levy (CIL)

- 7.50 The site is located within the Housing Low 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.

#### Biodiversity Net Gain (BNG)

- 7.51 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 - LEG2526/2058**

- 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, despite the edge of village location, when applying the titled balance set out in paragraph 11 of the NPPF, the location and land use is suitable for 4 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.
- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.
- 9.4 Technical Consent Submission Requirements:
- Completed Technical Details Consent Application Form
  - Site Location Plan
  - Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
  - Existing and Proposed Plans and Elevations
  - Preliminary Ecology Assessment (and any follow-up surveys as recommended)
  - Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
  - Details of BNG

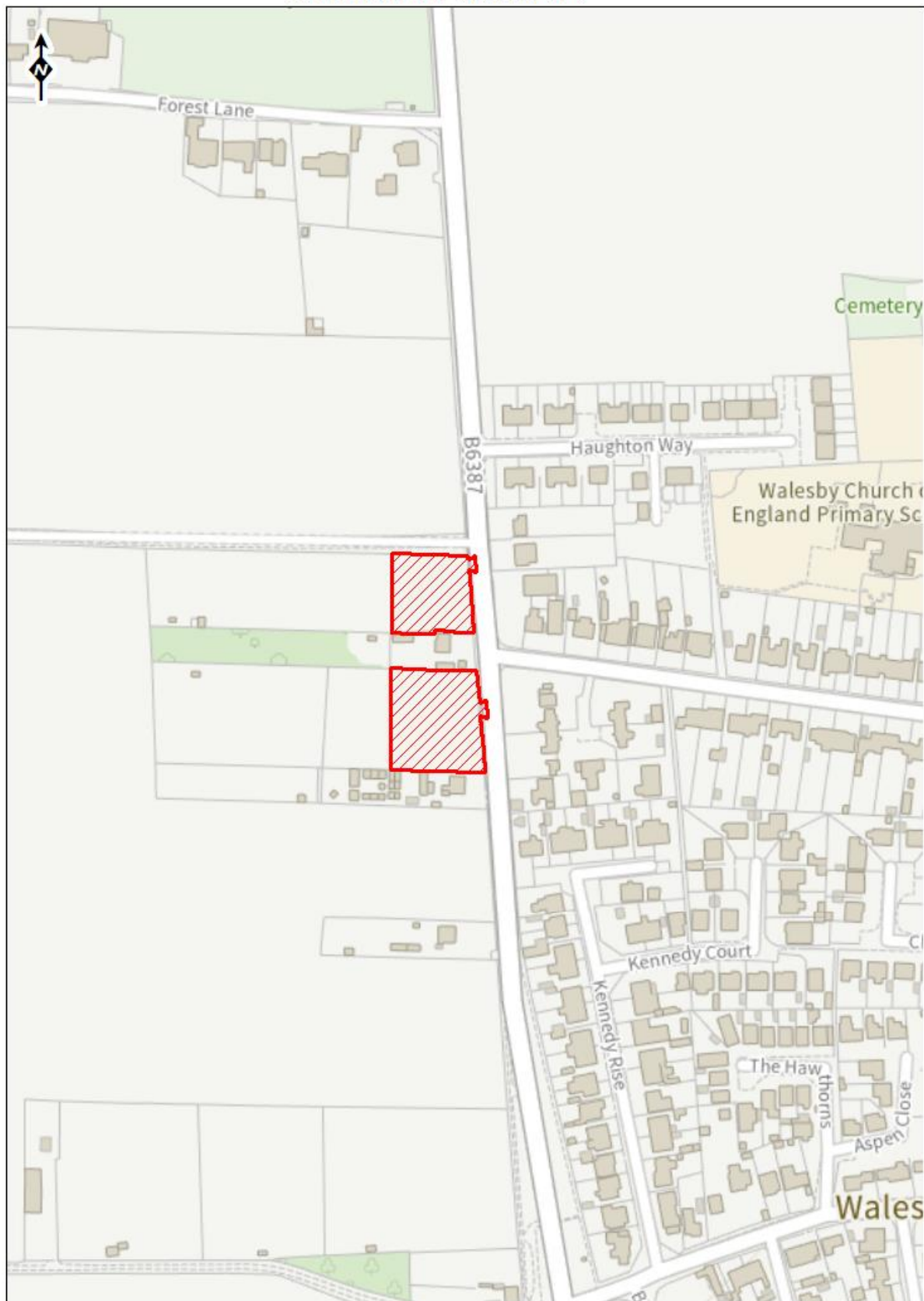
## **10.0 Informative Notes to the Applicant**

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





Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
<b>Application Number</b>	25/01918/PIP		
<b>Proposal</b>	Application for permission in principle for residential development for a minimum of two and up to four dwellings.		
<b>Location</b>	Field Reference Number 7919 Caunton Road Hockerton		
<b>Web Link</b>	<a href="#">25/01918/PIP   Application for permission in principle for residential development for up to four dwellings   Field Reference Number 7919 Caunton Road Hockerton</a>		
<b>Applicant</b>	Mr Richard Craven	<b>Agent</b>	Mr George Machin
<b>Registered</b>	06.11.2025	<b>Target Date</b>	12.12.2025
		<b>Extension of Time</b>	13.02.2026
<b>Recommendation</b>	That Permission in Principle is Approved		

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

## 1.0 The Site

- 1.1 The site is located on Caunton Road just beyond the main built-up area of the village. The field is situated adjacent to a two-storey dwelling known as Norwood with a single storey dwelling the other side known as The Bungalow when heading away from Hockerton.
- 1.2 The site is within Flood Zone 1 and has no identified risk of surface water flooding.





## 2.0 Relevant Planning History

20/00042/DEC - Outline application for two detached dwellings (access only) (Dismissed 30.12.2020)

20/00225/OUT - Outline application for two detached dwellings (access only) (Refused 26.03.2020)

19/00661/OUT - Outline application for three affordable shared ownership dwellings (access only) (Refused 29.05.2019)

18/00016/DEC - Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use (Dismissed 27.03.2019)

17/02139/OUT - Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use (Refused 07.03.2018)

43891594 – Residential Development for Two Dwellings (Refused 30.01.1990)

### **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 and up to 4 dwellings. No specific details are required at this stage.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.
- 3.4 The proposed dwellings would create a new residential access off Caunton Road which connects to Main Street which is the main road through the village. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Application Form received 11.11.2025
  - Site Location Plan Drawing 01 received 11.11.2025
  - Letter from Agent Received 11.11.2025

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

- 4.1 Occupiers of 6 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 09.12.2025, and a press advert has been posted expiring 17.01.2026
- 4.2 Site visit undertaken 25<sup>th</sup> 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
- Core Policy 14 – Historic Environment

## 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
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

*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 next stage in the Examination process will be the Inspector issuing their draft report.*

*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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;*

- *Not subject to a proposed main modification;*
- *The modifications/clarifications identified are very minor in nature; or*
- *No objection has been raised against a proposed main modification*

*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](#)

## 5.3. **Other Material Planning Considerations**

- National Planning Policy Framework 2025
- Planning Practice Guidance (online resource)

## **6.0 Consultations and Representations**

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

### **Statutory Consultations**

- 6.2. **NCC Highways** – Caunton Road adjacent the site is subject to a 30mph speed limit. There are no formal footways along both sides of Caunton Road, although an adopted grass verge does front the site. The application site/land in question is an undeveloped field.

An application for technical details consent would be required for four dwellings and is expected to provide details of standard driver's visibility splays of 2.4m x 43m in both directions given the posted speed for any proposed new vehicular access onto Caunton Road. The proposed new vehicle access should be located mid-way along the site frontage to cater for maximum visibility in both directions.

It is considered that in terms of traffic impact the proposed development will have a negligible effect on the surrounding highway network subject to the appraisal of the technical details' submission with particular regard to the visibility requirements as discussed. In principle a shared private driveway would be acceptable for up to four dwellings in this location. It is expected that the vehicle access in terms of its geometry including driveway surfacing and parking provision will be appraised upon technical details being submitted which must be in accordance with Nottinghamshire Highway Design Guide (HDG).

### **Town/Parish Council**

- 6.3. **Hockerton Parish Council** – Object, we have concerns regarding any future development this may give way to. For example, the development of the next field between ourselves and neighbour and even possibly behind our house. All land owned by the same person. As well as concerns over danger to the road and increased traffic especially during construction.

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

- 6.4. Neighbour & Public consultations – 1 public comment received which neither objects nor supports, however raising a concern that this land had been refused for housing in the past and concerns that applicants are attempting to build housing anywhere they can to make money.

## **7.0 Appraisal**

- 7.1. The key issues are:

- Location
- Land Use
- Amount of Development

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

#### Principle of Development

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

#### Location

- 7.6. The site is located within the open countryside outside of the main built-up settlement, however adjacent to housing within the village. The village itself is an 'other village' as set out within the Settlement Hierarchy, therefore would fall to be assessed against SP3. Policy SP3 states Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.7. 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. The proposal is for permission in principle, therefore the design and architectural merit of the proposal is unknown at this stage. Therefore, the proposal is in conflict with Policy DM8.

- 7.8. 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.
- 7.9. The NPPF 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.
- 7.10. 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’
- 7.11. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.
- 7.12. As such, whilst the site is located within the open countryside, contrary to the settlement hierarchy and policy SP3 and policy DM8, the tilted balance is engaged, and the provision of housing (for 2 dwellings) 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.
- 7.13. The site will provide a minimum of 2 and up to 4 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.

#### Land use

- 7.14. Residential is a suitable use of the land considering the proximity to the village. The site is directly adjacent the village therefore would expand the village rather than fragment it by using land that is not directly adjacent. Highways have raised no objection to the residential element of this proposal in principle subject to technical details having appropriate visibility splays. The site is not located within the conservation area and whilst there is a grade II\* church within the village there are no intervisible views from the site, with this in mind the land use proposed is considered appropriate.

#### Loss of Agricultural Land

- 7.15. 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'.
- 7.16. 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.
- 7.17. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmlands 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.
- 7.18. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (Good to Moderate). 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 Hockerton that would not be included as best and most versatile land. Regardless, the Council can only demonstrate a 3.84-year housing land supply, which is a significant shortfall. As such, the provision of 2-4 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.
- 7.19. The loss of this 'Good to Moderate' agricultural land measuring a up to 0.39 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance

### Amount of Development

- 7.20. The application proposes between 2 and 4 dwellings. The site covers approximately 0.39 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 4, which equates to an approximate density of 10.2 per hectare. Given the rural, edge of settlement location, this is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).
- 7.21. The maximum number of dwellings proposed here would be up to 4 units which would not overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages, there would be sufficient services to serve the additional dwelling at an appropriate distance. Furthermore 4 dwellings would not overwhelm services and facilities within the village such as the church and transports services, nor public house and schools within the catchment.

### Planning Balance

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

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

- 7.23. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5(b) 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.
- 7.24. It should be noted that the proposal is sited within a historic landscape and therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF which is a material planning consideration, the site is located within historic landscape and has the potential for archaeological findings therefore a heritage assessment will be



required at technical details stage and it may be appropriate for archaeological findings to be provided.

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

- 7.25. 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(b) 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.
- 7.26. 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.
- 7.27. 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.
- 7.28. In relation to landscape impacts, the proposed site is within the Mid Nottinghamshire Farmlands Policy Zone (MN PZ 34) 'Hockerton Village Farmlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is very gently undulating. Visual features tend to be medium distance views to frequently wooded skylines, although often enclosed by vegetation, and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as good with a few detracting features including the A617, and landscape sensitivity is defined as moderate. The policy action for the zone is to 'Conserve and Reinforce' with policy actions to conserve the rural character of the landscape.
- 7.29. Policy DM5(b) 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. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.
- 7.30. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage. The proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 2 to 4 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to village open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

*Impact on Residential Amenity*

- 7.31. Policy DM5(b) 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.
- 7.32. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. There is a dwelling located directly south and north of the land, however the land is of substantial size whereby acceptable amenity and separation distances could be achieved. The proposed site is substantial in size, and it is considered that up to 4 dwellings with sufficient amenity garden space and parking would be achievable. The proposal could be located an acceptable distance from neighbours to avoid overbearing, overshadowing or privacy impacts. At this stage it is not possible to fully assess amenity due to there only being a site location plan provided, however sufficient spacing from neighbouring dwellings can be achieved given the scale of the site. This would be subject to technical details and further assessment.

#### Impact on Highways

- 7.33. 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.
- 7.34. 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.
- 7.35. A new access would be created onto Caunton Road. The highways authority have commented and have no objection to the residential access in principle, provided appropriate visibility splays are provided at technical stage, the proposal can be achieved without impacting on highway safety.
- 7.36. Overall, it is considered that the scheme could accord with policy however this would be subject to a separate assessment of technical details.

#### Trees, Landscaping and Ecology

- 7.37. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) 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

- 7.38. An access can be created without impacting on any trees or hedges, the scheme does not appear to be proposing to remove any trees within the site or around the access. The site frontage does have overgrown foliage, but this is long grass and other species of wild shrubs, rather than a hedge. In order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended would be required to support the Technical Details Consent application.
- 7.39. 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, the following would be required: a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.40. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

#### Contamination Risk

- 7.41. 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.
- 7.42. 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
- 7.43. 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)

- 7.44. 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)

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

### **8.0 Implications**

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

#### Legal Implication – LEG2526/678

- 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 2 – 4 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
- Heritage Assessment (Archaeological surveys would be welcomed)
- Details of BNG

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

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

#### **BACKGROUND PAPERS**

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

Application case file.



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Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
Application Number	25/02147/PIP		
Proposal	Application for permission in principle for construction of between 1 (minimum) and 2 (maximum) dwellings		
Location	Land To The Rear Of 59 Beacon Hill Road Newark On Trent NG24 2JH		
Web Link	<a href="#">25/02147/PIP   Application for permission in principle for construction of between 1 and 2 dwellings   Land To The Rear Of 59 Beacon Hill Road Newark On Trent NG24 2JH</a>		
Applicant	Mr Andrew Ellis & Mr Chris Burton	Agent	JF Planning Associates - Mr Jamie Foot
Registered	19.12.2025	Target Date	26.01.2026
		Extension of Time	12.02.2026
Recommendation	That Permission in Principle is Approved		

This application is being referred to the Planning Committee for determination as the application has been called in by Cllr David Moore for the following reasons, back land development, street scene / character, over intensive.

## 1.0 The Site

1.1 The application site relates a rectangular parcel of land approximately 0.10 hectares in area within the defined Newark Urban Area. The site is approximately 117m in length and 13.2m in width including the potential access to the site down the side of 59 which is approximately 5.5m wide. To the front (south) of the site is an existing semi-detached two storey dwelling set back approximately 15m from the highway edge. The site is bounded to the east and west by existing residential development and by Beacon Hill Road to the south.

1.2 The site is within Flood Zone 1 and at low risk of surface water flooding.

- 1.3 The rear of the site is bounded by existing overgrown hedgerows/shrubbery to the boundaries with some domestic hedgerow trees within, and to the rear (north) boundary by mature trees.



## 2.0 **Relevant Planning History**

23/01125/FUL - Demolition of Garage/Outbuildings, Erection of One Single Storey Dwelling, Widen Existing Access to Form Shared Private Drive and Create New Parking for Existing Dwelling (resubmission) - Refused 21.10.2022 due to character

22/01517/FUL - Demolition of garage and outbuildings. Erection of one single storey dwelling. Widen existing access to form shared private drive. Create new parking for existing dwelling – Refused 22.08.2023 due to character, amenity and ecology impacts.

## 3.0 **The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of between 1 and 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 The proposed dwellings would create a new residential access drive off Beacon Hill Road. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.5 Documents assessed in this appraisal:

- Application Form received 24.12.2025
- Site Location Plan Drawing 001 Received 24.12.2025
- Panning Statement Received 24.12.2025

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

4.1 Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 27.01.2026.

4.2 Site visit undertaken 13<sup>th</sup> January 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 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

##### **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
- 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 next stage in the Examination process will be the Inspector issuing their draft report.

- 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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
  - The modifications/clarifications identified are very minor in nature; or
  - No objection has been raised against a proposed main modification
- 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. Relevant policies in the Draft Amended Allocations & Development Management DPD:

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5(a): The Design Process
- Policy DM5(b): Design
- Policy DM12: Presumption in Favour of Sustainable Development

- 5.6. **Other Material Planning Considerations**

- National Planning Policy Framework 2025
- Planning Practice Guidance (online resource)
- Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide (2021)

## **6.0 Consultations and Representations**

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

### **Statutory Consultations**

- 6.2. **NCC Highways** – Access for two additional dwellings at this location would appear achievable. Detailed matters will need to be provided at technical details stage,

including but not limited to:

- Provision of a shared access compliant with geometrical requirements set out in the Nottinghamshire Highways Design Guide (NHGD)
- Provision of a turning head capable of accommodating a 3.5t long-wheelbase van, delivery vehicles can enter, turn and exit in a forward gear.
- Parking Provision for all dwellings (including the existing dwelling) in accordance with the Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide.

### **Town/Parish Council**

6.3. **Newark Town Council** – No Comments Received.

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

- 6.4. Environmental Health Contaminated Land – The site of this application lies within the zone of influence (250m) of the former Beacon Hill Landfill Site. Whilst a condition cannot be requested to consider this feature as part of a PIP application and subsequent full application is likely to require this to be investigated and remediated (if required) by use of condition.
- 6.5. Neighbour & Public consultations – 4 public objections have been received with concerns regarding suitability of the land for development, ecology, highway safety and amenity impacts.

## **7.0 Appraisal**

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

### **Principle of Development**

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

#### Location

- 7.6. The starting point for considering development is against the Development Plan. Spatial Policy 1 and 2 of the Core Strategy outlines the settlement hierarchy for the district identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the district. As such residential development within the Newark Urban Area is acceptable in principle given the site is located within a sustainable settlement.
- 7.7. Following the publication of the NPPF on 12th December 2024 these changes carry over to the updated 2025 document, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.8. The NPPF (2025) 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.
- 7.9. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to '...grant permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes'
- 7.10. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. There are no protected assets or areas that would provide a strong reason for refusing development on this site.
- 7.11. In this case the site is located within a sustainable location with services and facilities as well as a focus for housing and therefore is a suitable location for the proposed development.
- 7.12. Policy DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character. It is noted that the proposal is seeking permission in principle for dwellings in a backland position where currently development is predominantly ribbon development of houses with large, long gardens. Therefore, backland development would be out of character with the area. However it is noted that an appeal for 25/00512/PIP (which was refused at committee) on a site just to the north west of this current application (Land to the rear of 55 Beacon Hill Road), was recently allowed due to the lack of 5-year housing land supply, despite not only being backland development but also being located outside of the urban boundary. Therefore, when considering the tilted balance and the lack of 5-year housing land supply it is considered that the development here would not be demonstrably harmful to refuse on its backland character alone. In addition, subject to the design and scale of the dwellings, there may be limited impact on character. This cannot be fully assessed at this stage.

#### Land use

- 7.13. Residential is a suitable use of the land considering the surrounding residential context and nearby services and facilities being located within a sub-regional centre. Highways have raised no objection and consider that safe access is achievable for up to 2 dwellings provided that turning heads and appropriate parking is provided at technical details stage. The site is not located within the conservation area or within the setting of any listed buildings with this in mind the land use is considered appropriate.

#### Amount of Development

- 7.14. The application proposes between 1 and 2 dwellings. The site covers approximately 0.10 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 2, which equates to an approximate density of 20 per hectare. Given the settlement location, this 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 SP2 (this would be a matter for the TDC stage).

- 7.15. The maximum number of dwellings proposed here would be up to 2 units which would not overwhelm the sub-regional centre, given the transport links and employment opportunities, facilities and services available which would be sufficient services to serve the additional dwellings at an appropriate distance. Furthermore 2 dwellings would not overwhelm services and facilities within the area such as the church, schools, doctor or transport services, whilst it is noted that the dwellings would be in a backland location given the shortfall of 5 year land supply and weighing in the tilted balance at this stage there are no demonstrable harms that would warrant refusal.

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

- 7.16. 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. It is noted that the environmental health officer has mentioned contamination due to being within the buffer zone of the now decommissioned Beacon Hill Landfill however PIPs do not allow for conditions to be attached at technical matters stage it is likely if approved that a phased contamination condition would be necessary.

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

- 7.17. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. 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.
- 7.18. 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.
- 7.19. Policy DM5 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.
- 7.20. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 1 to 2 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact through its design a scale of dwellings, to ensure there is no harm, or limited

harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised where possible to achieve an acceptable design.

#### Impact on Residential Amenity

- 7.21. 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.
- 7.22. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. There is a dwelling located directly south of the land however the land is of substantial size whereby acceptable amenity and separation distances could be achieved. The proposed site is substantial in size, and it is considered that up to 2 dwellings with sufficient amenity garden space and parking could be achievable. The proposal could be located an acceptable distance from neighbours to avoid overbearing, overshadowing or privacy impacts. At this stage it is not possible to fully assess amenity due to their only being a site location plan provided, however sufficient spacing from neighbouring dwellings can be achieved given the scale of the site. This would be subject to technical details and further assessment.

#### Impact on Highways

- 7.23. 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.
- 7.24. 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.
- 7.25. An new access would be created onto Beacon Hill Road the highways authority have commented and have no objection to the residential access in principle and have advised that an achievable access is achievable subject to appropriate visibility splays, parking including the existing dwelling, turning heads being provided at technical stage the proposal can be achieved without impacting on highway safety.
- 7.26. Overall, it is considered that the scheme could accord with policy however this would be subject to a separate assessment of technical details.

#### Trees, Landscaping and Ecology

- 7.27. 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.
- 7.28. An access can be created without impacting on any trees or hedges, the scheme does not appear to be proposing to remove any trees within the site or around the access. In the event that this is the case; in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and the PEA would be required to support the Technical Details Consent application.
- 7.29. 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, the following would be required: a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.30. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

#### Contamination Risk

- 7.31. 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.
- 7.32. 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
- 7.33. Due to being within the 250m buffer zone of the former Beacon Hill landfill 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)

- 7.34. The site is located within the Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £45m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

#### Biodiversity Net Gain (BNG)

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

### **8.0 Implications**

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

#### Legal Implication – LEG2526/ 9022

- 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 2 dwellings and is an acceptable amount of development for the site. It is noted that the proposal would be backland development which could be considered as out of character with the area, however this not considered a strong reason to refuse the application, especially given the design and scale details are not provided at this stage,

therefore the full impact on the character of the area cannot be assessed. 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

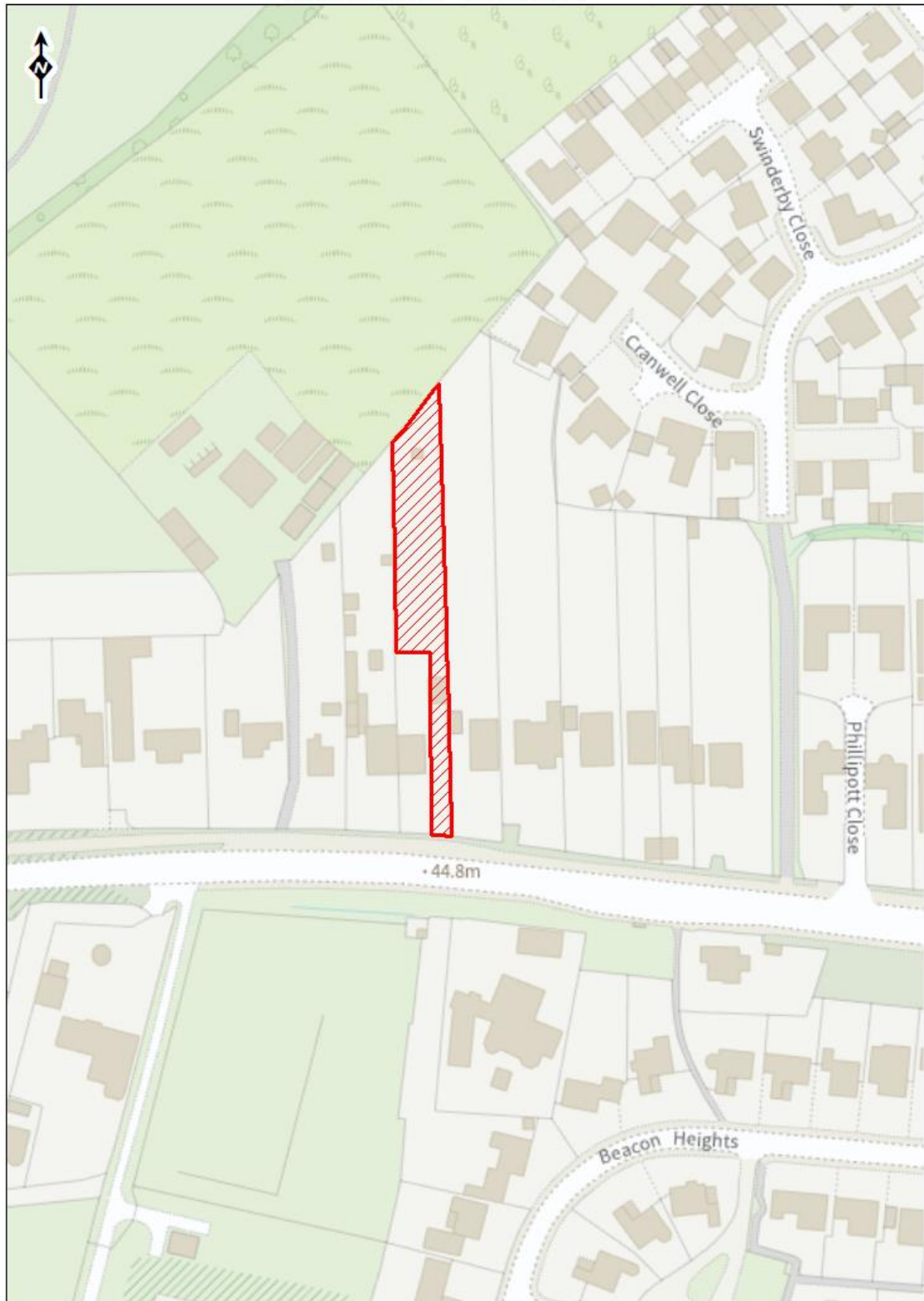
## **10.0 Informative Notes to the Applicant**

- 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.

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Application case file.



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Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jared Pailing – Planning Development Officer

Report Summary			
<b>Application Number</b>	25/02146/PIP		
<b>Proposal</b>	Application for permission in principle for a residential development of up to a maximum of 2 dwellings and a minimum of one		
<b>Location</b>	Land Off Sand Lane Spalford		
<b>Applicant</b>	MC2 London Ltd - Mr M Chennells	<b>Agent</b>	Fytche-Taylor Planning Ltd - Mr Daniel Evans
<b>Registered</b>	05.01.2026	<b>Target Date</b>	09.02.2026
<b>Recommendation</b>	That Permission in Principle is Approved		

**This application is being referred to the Planning Committee for determination as the local ward member has expressed concerns that the site is unsuitable for development.**

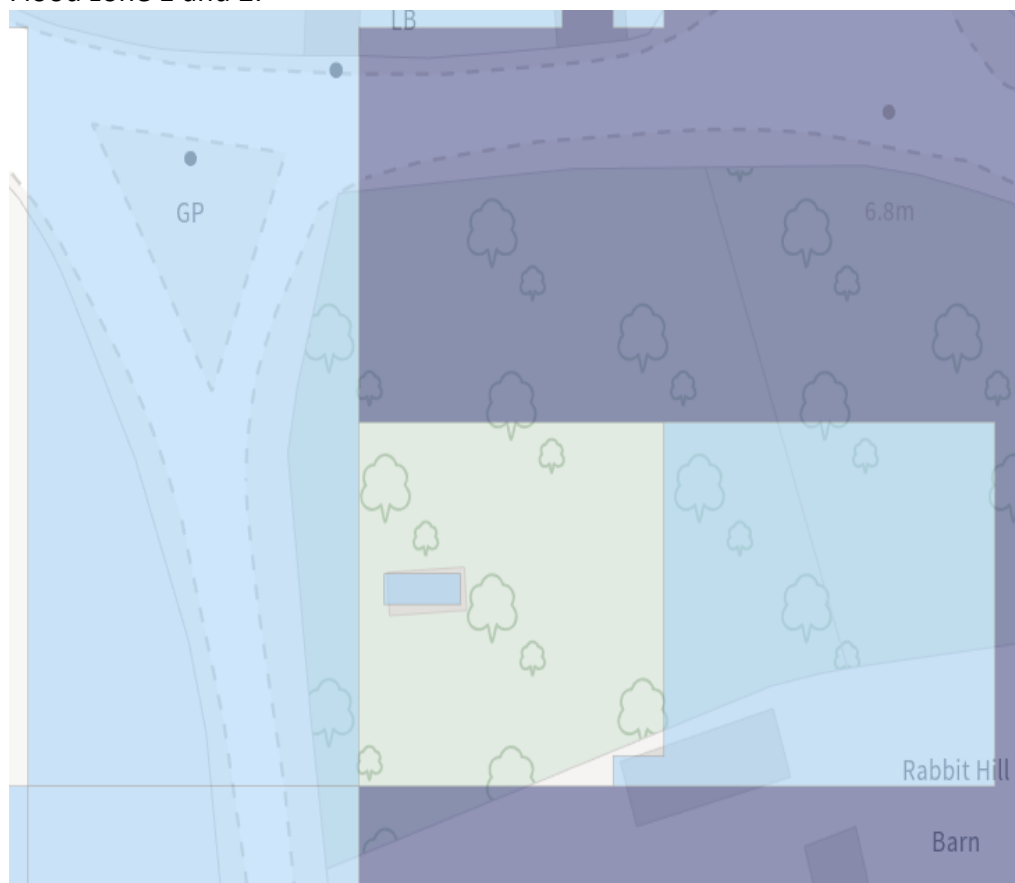
## 1.0 The Site

- 1.1 The site (outlined in red) comprises of a square parcel of undeveloped land measuring 0.1 hectares in area, fronting onto Sand Lane and running along Rabbit Hill Lane and Chapel Lane. The site is enclosed by a level of foliage and hedging; however, it is noted that trees within the site boundary have been removed. Chapel Lane to the east has a strong residential character that is fairly densely populated, relative to the overall sparse nature of the village and area. Farm buildings are located to the north and west. The proposal relates only to part of the enclosed land as shown below.



1.2 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 flooding at varying levels ranging from medium to high risk with predominantly high risk at the site entrance and medium flood risk to the east and west with high risk to the south. It is noted that the proposed redline does not encompass the areas of flood zone 3 (except a sliver to the south) and predominantly encompasses Flood zone 1 and 2.



## **2.0 Relevant Planning History**

- 2.1 21/01907/FUL- Provision of Two New Live/Work Dwellings including a building containing garage, car port and detached workspace. – Refused on grounds of inappropriate location for new development and refused on grounds of flood zones 2 and 3.
- 2.2 22/02430/FUL - Provision of two new Live/work Dwellings including a separate building containing detached workspaces and under cover parking. – Refused on grounds of inappropriate location for development, unsuitable loss of open/green space and loss of trees and hedgerows. The proposal was also considered to fail the sequential test.

## **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of up to 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, no details of this have been submitted. To the north is the existing functional access, however, this is not included within the red line boundary and therefore does not form part of the development. It is assumed as a consequence a new access will be created to the western boundary. 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 Documents assessed in this appraisal:
- Application form – Submitted 24<sup>th</sup> December 2025;
  - Site Location Plan – Submitted 24<sup>th</sup> December 2025;
  - Flood Risk Assessment – Submitted 24<sup>th</sup> December 2025;
  - Planning Statement – Submitted 24<sup>th</sup> December 2025.

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

- 4.1 Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 30.1.26

4.2 Site visit undertaken 9<sup>th</sup> January 2026.

## **5.0 Planning Policy Framework**

### **The Development Plan**

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

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

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- 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 next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- 5.5. Not subject to a proposed main modification; The modifications/clarifications identified are very minor in nature; or No objection has been raised against a proposed main modification 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. [Submission Amended Allocations & Development Management DPD](#)

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

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** – Have stated that the application site appears to abut Rabbit Hill Lane only and that the red line boundary does not appear to have front/access to Sand Lane and it is assumed that vehicular access would be taken from Rabbit Hill Lane. They have considered that vehicular access to serve up to two dwellings would be acceptable in principle.

- 6.3. **NCC Flood Team** – standing advice

- 6.4. **Environmental Agency** – Have requested they be reconsulted during the technical details stage. Have stated that in the event of flooding the roads surrounding the property would be flooded in the case of a breach and it is the remit of the LPA to determine adequacy of emergency plans. They have also advised a condition is required for compliance with the NPPF.

**Town/Parish Council**

- 6.5. **Spalford Parish Council** – no comments received at this stage

- 6.6. **NSDC Environmental Health** – The application is for the construction of two new residential dwellings on land which appears, from aerial photography to have been used as domestic allotments. There is the potential for contamination to be present from this former use. The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on



(01636) 650000.

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

- 6.7. Two Neighbours have commented to object to the proposal. One objection has reiterated their previous comments under a similar app of 22/01110/FUL which objects to the app on grounds of strain on infrastructure, dangerous access onto Sand Lane and the site is within a flood zone.
- 6.8. A second neighbour has objected on grounds of highway safety on the Sand Lane bend, the cumulative impact of an additional two properties alongside recently approved housing and caravan applications and flood grounds. They have also expressed concerns that two properties in this area would cause their house to feel overlooked and hemmed in. The loss of land is also a concern due to the potential impact on wildlife on site as well as the site location plan only encompassing part of the wider site which may open up the possibility of additional applications.
- 6.9. The local ward member has also raised concerns over the suitability of the site and the sustainability of the area.

### **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 16<sup>th</sup> 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. Spalford 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. It is acknowledged that the village is located 5.4 miles from Collingham, a principal village meaning private car owners would have easy access. The aims of Spatial Policy 3 state that for locations which do not meet the locational criteria, but are well related to villages that do, consideration should be given to the infilling of small gaps with one or two dwellings. The site is located between Rosemary Pike to the south, with Sand Lane to the north with further built form north Sand Lane. A single bus service runs through the village connecting the village with Newark itself. Therefore, although the village itself has limited services, it has clear and easy access to other areas such as Collingham and Newark which are higher up in the settlement hierarchy to provide required services.

- 7.9. Spalford, along with many other villages in the district, does not have an established village envelope. Considering the built form to the south and east, and the separation from open countryside to the west by Rabbit Hill Lane, the site is considered to be located within the village and therefore does not need to be considered against policy DM8: Development in the Open Countryside.
- 7.10. As such, the location could be considered an infill development and therefore acceptable under the locational criterion of SP3. The other criteria within SP3 are discussed below.

#### Scale

- 7.11. The proposal is for a minimum of one dwelling and a maximum of two at this early stage and as such, 1-2 dwellings is considered an appropriate scale for the location. A maximum of two two storey dwellings would be acceptable subject to further details at the technical stage. Indicative plans have not been provided as of yet so it is unclear as to what the scale in terms of height and design but considering the surrounding area is characterised by two storey dwellings, two storeys would likely be acceptable.

#### Need

- 7.12. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. As a result additional weight should be given to consideration of new housing supply within the district. Two additional dwellings would help contribute to this shortfall. 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. As such, the proposal would meet a need.

#### Impact

- 7.13. SP3 states new development should not result in an increase in carborne traffic nor should it impact residential amenity or infrastructure detrimentally. The proposal is for a minimum of 1 dwelling and a maximum of 2. It is not considered that two additional dwellings within the area would be of detrimental impact to local neighbours or infrastructure, nor create a significant increase in traffic. Further details at any technical stage would be reviewed for any potential impact, nonetheless.

#### Character

- 7.14. No information has been submitted at this stage in terms of what the design of the development may be, therefore it is hard to judge what impact it may have on the local character of the area. This would need to be carefully considered at the technical stage if approval were to be given to appraise any harm that may be a result of development. Nonetheless, it is not considered a maximum of two dwellings (subject to details) would have a significant impact on the character of the area.

#### Summary of SP3 Assessment

- 7.15. With the above considered, the proposal is considered to comply with the criteria set out in Spatial Policy 3 in principle. Some elements will require further details at the

technical stage for further consideration but in principle the location is considered acceptable in terms of location, scale, need, impact and character.

### Flood Risk

- 7.16. The site and indeed the village itself is located within an area of varying levels of flooding ranging from flood zone 1 to flood zone 2 and 3 therefore flood risk falls to be assessed as part of the location assessment. The site itself lies within a plot of land that has a square within flood zone 1 whilst the rest of the site is FZ2&3. Paragraphs 174 and 175 of the NPPF seek to steer development to areas with the lowest risk of flooding from any source. Paragraph 175 explains how the sequential test should be applied to areas known to be at risk now or in the future of flooding except where site specific flood risk assessments demonstrate that no built development within the site boundary would be located on an area that would be at risk of flooding from any source. In this application, the wider site as a whole encompasses flood zone 2 and, although not part of the red line boundary, the existing functional access to the site is within flood zone 3.
- 7.17. The application has been supported by a flood risk assessment conducted by RMA and a planning statement outlining the sequential test provided by the agent, Fyche Taylor. The submitted information, namely the sequential test has reviewed sites within the area including Collingham and Harby for suitability. The PPG states that for any non-major development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city which the proposal is located or beyond an individual village and its immediate neighbouring settlements.
- 7.18. Harby and Collingham are both located within 5 miles of the village of Spalford and therefore the scope of the sequential test is acceptable. The sequential test states that the wider area of Spalford is predominantly Flood Zones 2 and 3, resulting in limited areas for residential development. Accordingly, they conclude that the site is the area of lowest flooding available for new development within the village. Alternative sites have been identified from the December 2023 Strategic Housing and Employment Land Availability Assessment (SHELAA) including 3 in Collingham and 1 in Harby. The following extract is taken from the submitted Sequential Test:

The Council's December 2023 *Strategic Housing and Employment Land Availability Assessment* (SHELAA), Appendix B, does not identify any sites within Spalford as being available or suitable for residential development. Sites submitted within the Collingham sub-market area are set out below (extract from the SHELAA):

*Table 3: Potential Housing Sites in the Collingham Sub Area (NEW2)*

SHELAA Ref	Parish	Address	Source	Planning Status (at 31/03/2023)	Site Status	Suitability Conclusion	Site Area (Ha)	Capacity Estimate	Availability Timescale
COL0082	Collingham	High Street	SHLAA 2008	No Permission		May be Suitable	1.76	37	5-10 years
COL0203	Collingham	Station Close & Dykes End	Site Submission	No Permission		May be Suitable	3.15	56	5-10 years
COL0208	Collingham	High Street	SHLAA 2008	No Permission		Not Suitable	0.56	0	n/a
HAR0211	Harby	Wigsley Road	SHLAA 2008	No Permission		Not Suitable	2.74	0	n/a

Furthermore, a review of the Council's planning records confirms that there are no pending or recent planning applications (within five years) for residential development on land within Flood Zone 1 within the village.

7.19.

- 7.20. Considering that the site is largely within Flood Zone 1 and the only area at risk triggering the application of the sequential test would be the access (which would be located in Flood Zone 2), Officers are in agreement with the sequential assessment and consider the sequential test to be passed. After reviewing the submission and reviewing the flood maps of the Environmental Agency and NSDC Flood maps, it is clear that the surrounding area and the village itself is almost entirely Flood Zone 2&3 (medium-high risk). As a result, there is limited space within the built-up area of Spalford for development to occur. Within the site there is an area of Flood zone 1 of sufficient size to allow the development of 1-2 dwellings outside of the areas at risk of flooding, it is noted however that any proposed entrance would be within Flood Zone 2 and any further proposal would need to demonstrate how this can be safely accommodated.

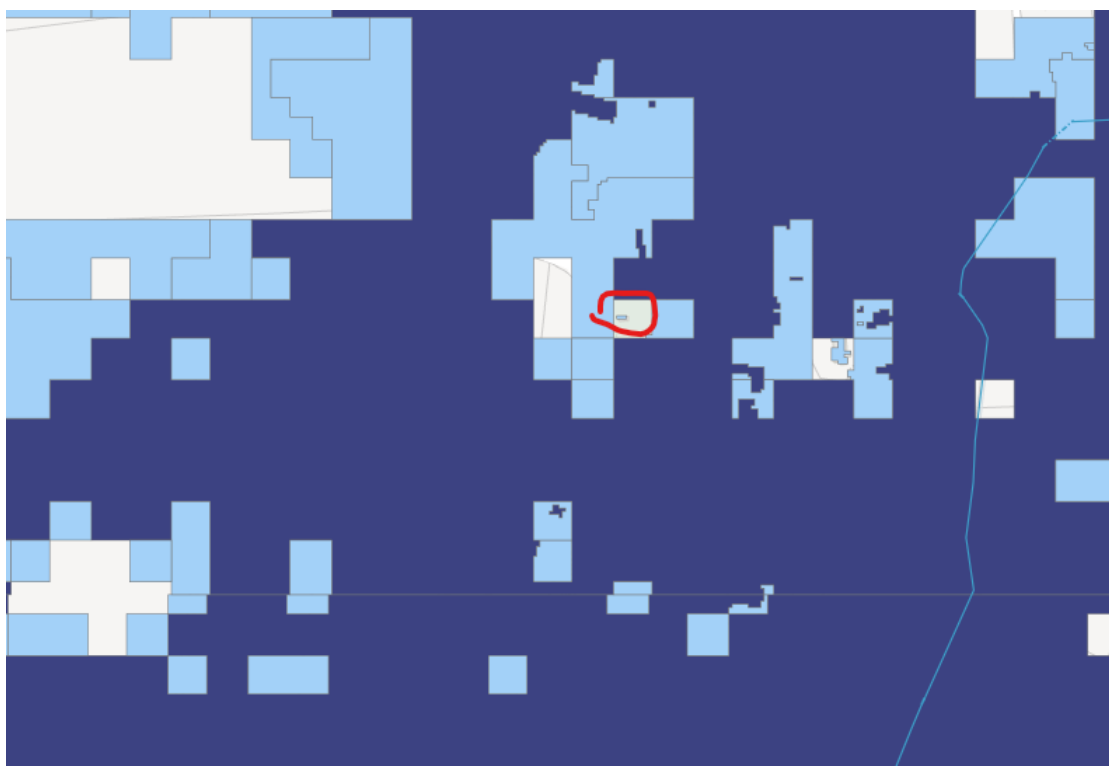


Figure 1 - Flood Maps showing the surrounding flood risk

- 7.21. In terms of an exception test, the planning statements has referred to the PPG vulnerability classifications of development and identified the proposal as “more vulnerable”. The PPG states that more vulnerable development is exempt from the exception test if build within Zones 1&2 of flooding, in Flood Zone 3b however are not permitted. The red line boundary encompasses flood zone 1 and 2 with a small amount of FZ3 to the very south of the boundary. The exception test is therefore not required in line with table 2 of the PPG subject to none of the built form, including the access, being within Flood Zone 3.
- 7.22. Therefore, the proposal is acceptable in terms of location in principle provided it is constructed within the area of least risk of flooding shown on the red line plan. Conditions cannot be attached to Permission in Principle approvals, therefore the condition recommended by the Environment Agency would be necessary at Technical Details Stage.

### Land Use

- 7.23. Residential is a suitable use of the land considering the proposal would be located within the village and nearby residential properties. The development of this site would also broadly reflect the existing pattern of development found within this area of the village. The residential use is acceptable in accordance with the assessment against SP3.

### Amount of Development

- 7.24. The application proposes 2 dwellings. The site covers approximately 0.1 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 20 dwellings per hectare. Given the existing pattern of development along this area of Sand 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.
- 7.25. The maximum number of dwellings proposed here would be 2 units which, given the size of Spalford, is considered proportionate to the existing village. Given the proximity of the site to the principal village of Collingham, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed.

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

- 7.26. 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.
- 7.27. 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

- 7.28. 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 East Nottinghamshire Farmlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within the East Nottinghamshire Sands Policy Zone ESPZ 02: Wigsley Village Farmlands with Plantations, which is described as having a coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. The landscape sensitivity is considered very low and the condition is defined as 'moderate', and the proposed action for the area is to 'conserve and create' including conserving the fabric of historical sites and their wider setting by ensuring land management practices preserve the interest and understanding of the site as well as conserving what remains of the rural landscape by concentrating new development around existing settlements.
- 7.32. 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 rural character of the area, 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

- 7.33. 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.
- 7.34. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwelling is Rabbit Hill Barn located immediately south of the proposed site with the site sharing a boundary. To the north on the adjacent side of the road is a limited number of properties separated by the remainder of the field and the highway. There are no indicative plans to determine what impact the development may have at this stage, but this would be covered under the technical details stage. Nonetheless, consideration should be given to the potential impact on the neighbours to the south. The comments objecting to the proposal are noted and should be taken into consideration regarding the overall design, to avoid any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy.

### Impact on Highways

- 7.35. 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 the SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.36. 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.
- 7.37. No plans have been submitted that detail any entrance to the site at this stage. The current entrance to the site is located to the north but outside the red line boundary within a flood zone 3 area. It is not clear whether this entrance is intended to be used, nor is it clear whether any additional or new entrance to the site is to be made. It should be made clear to the applicant that the proposal does not include the existing entrance within its boundary and cannot be used as part of the development or be considered as part of this appraisal in any future technical details application. A comment has been received expressing concern over the impact on the road new properties may result in from increased traffic.
- 7.38. NCC Highways has commented that it assumed that vehicular access would be taken from Rabbitt Hill Lane. They have considered that vehicular access to serve up to two dwellings would be acceptable in principle.
- 7.39. 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. It is considered that there is sufficient space on site for adequate parking provision to be included.
- 7.40. Although acceptable in principle, these details would be considered at technical details 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 noted that a number of trees within the site have been removed prior to the application, identified by the local ward member and local residents who have



commented on the application. It is noted that the area is not a conservation area nor do any Tree Protection Orders exist on the site meaning the trees did not require permission to be removed. Nonetheless, 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.

- 7.43. 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 further trees that require removal (if any).

#### Flood Risk

- 7.44. 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.
- 7.45. As noted earlier, the application site lies within varying levels of flood zone. The wider site has been identified as at risk of higher levels due to flood zone 2&3 to the north, west and east. As such, it is expected a comprehensive flood risk assessment be submitted in any technical stage outlining how the site will interact safely with the surrounding area including how the northern entrance (if to be used) will be kept safe from flood risk and/or flood resilience and evacuation measures for any proposed properties.
- 7.46. Paragraphs 173-175 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. A sequential test has already been submitted at this stage, nonetheless, the proposal should reinforce the flood position against the relevant policies both locally and nationally to ensure the development does not result in any detrimental flood risk to future occupiers.
- 7.47. 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. Again, this has already been submitted but should be submitted as part of the Technical Details Consent application, outlining resilience and flood measures.
- 7.48. Attention is drawn to the fact that the wider site is in more risky flood zones, any submission should detail how the proposal is located and interacts with these areas

as well as how the development would remain safe. Any access to the site should be clearly designed to avoid potential trapping of the site within flood zones in the case of emergencies.

- 7.49. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water flooding. 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.

#### Contamination Risk

- 7.50. 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.
- 7.51. 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
- 7.52. Aerial photographs show the site with clear signs of allotment use from 2007 to potentially 2022 in the wider area. Environmental Health have commented to say this may still cause potential contamination and would require a contingency plan should any contamination be revealed during the construction phase of any approval.

#### Community Infrastructure Levy (CIL)

- 7.53. The site is located within the Housing Very High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage, as the proposed floorspace is currently unknown.

#### Biodiversity Net Gain (BNG)

- 7.54. 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 - LEG2526/9679**

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 a minimum of 1 and a maximum of 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)
- Details of BNG
- Comprehensive Flood Risk Assessment

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

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's 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/](http://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 12 February 2026

Director Lead: Matt Lamb, Director of Planning and Growth

Lead Officer: Oliver Scott, Planning Development

Report Summary	
<b>Report Title</b>	Planning Reform Update
<b>Purpose of Report</b>	To update Members of the Planning Committee on the latest planning reforms
<b>Recommendations</b>	<p>That Planning Committee:</p> <ul style="list-style-type: none"> <li>a) Note the contents of the report;</li> <li>b) Delegate to the Director for Planning &amp; 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;</li> <li>c) Endorse the presentation of all other reforms via the Planning Policy Board and Cabinet.</li> </ul>

**This item was deferred from 15 January Committee due to the late running of the Committee Agenda and agreement by the Committee that the report was not urgent and could be heard at the next Committee.**

## 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 10<sup>th</sup> 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
<b>Active Travel England</b>	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
<b>National Highways</b>	1. Replace current requirement for consultation on	25% reduction in number of consultations resulting from changes to consultation

	<p>development over 10 units with a requirement for consultation where a transport assessment is required</p> <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>	<p>requirements.</p> <p>A further 10% reduction in consultations requiring substantive engagement, through new triage system.</p>
<b>Historic England</b>	<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 1000m<sup>2</sup>. It proposes raising this threshold to 2000m<sup>2</sup>.</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>
<b>Natural England</b>	<p>1. Increased use of standing advice, to cover issues such as air quality, and best and most versatile land.</p>	<p>8% of NE cases are already covered by pre-agreed mitigations, allowing consultation requirements to be streamlined.</p>

	<p>2. Supporting improved use of Impact Risk Zones from local planning authorities, including exploring options to expand its scope.</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>14% of NE caseload will benefit from newly published standing air quality advice.</p> <p>30% of NE caseload reflects unnecessary referrals from local planning authorities.</p>
<b>Environment Agency</b>	<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>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>

	6. Working with local planning authorities and developers to support effective engagement	
<b>Mining Remediation Authority</b>	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)
<b>Health and Safety Executive</b>	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 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston – Senior Planner

Report Summary			
<b>Application No.</b>	14/01978/OUTM		
<b>Proposal</b>	Middlebeck – Affordable Housing Review (S106)		
<b>Location</b>	Middlebeck, Newark		
<b>Applicant</b>	Urban and Civic	<b>Agent</b>	Stantec
<b>Recommendation</b>	<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
<b>Total</b>	<b>75no.</b>		<b>58no.</b>			<b>17no.</b>

*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.



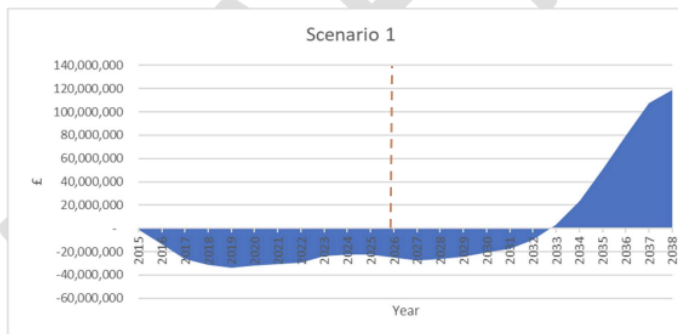
- 2.2.
- 2.3. The review has been undertaken by Mercer & Co, who is independent of the Council and Urban and Civic. Their report takes in to account all the financial information from U&C including land receipts, value of all completed development, anticipated/actual sales value, rental income from commercial 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

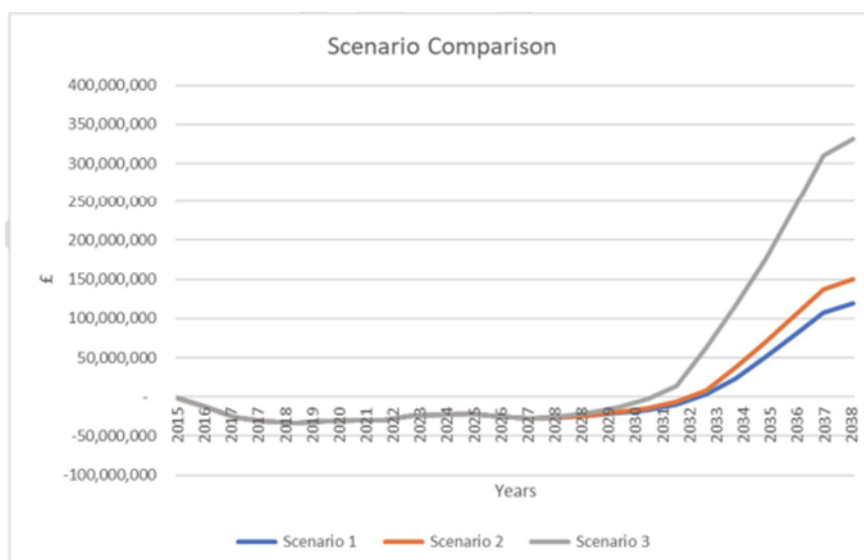
2.9. Mercer has adopted the same approach as U&C but with some amendments to House Price Inflation, Residual Land Value Inflation and Rental Income continuing from Gannet's Café. With these adjustments, the IRR would achieve 10.68%.

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.

#### **Legal Implications - LEG2526/8074**

This report is for noting. 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**

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

Oliver Scott  
Business Manager – Planning Development



**Appendix A: Appeals Lodged (No new appeals lodged between 3 January 2026 and February 2026)**

Appeal and application refs	Address	Proposal	Procedure	Appeal against
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## Planning Committee – 12 February 2026

### Appendix B: Appeals Determined (between 3 January 2026 and 3 February 2026 insert)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
25/00637/FUL	Land At The West Lawns Southwell	Proposed Detached Dwelling	Planning Committee	Committee Overturn	Appeal Dismissed	7th January 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SUI5LWLBN200">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SUI5LWLBN200</a>						
25/01319/PIP	Land Off St Michaels Close Halam	Application for permission in principle for residential development of four to nine dwellings	Planning Committee	Committee Overturn	Appeal Allowed	14th January 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=T0H2Z9LB04M00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=T0H2Z9LB04M00</a>						
23/02135/S73M	The Maltings Retail Park North Gate Newark On Trent	Section 73 application for removal of condition 20 attached to planning permission 23/01031/S73M, which requires improvements to the Northgate/Queens Road junction to provide a MOVA traffic signal control and nearside pedestrian detection facilities (or similar)	Delegated Officer	Not Applicable	Appeal Dismissed	16th January 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S4ZPIBLBLMI00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S4ZPIBLBLMI00</a>						
25/00407/TPO	66 Hine Avenue Newark On Trent NG24 2LH	Undertake works to tree protected by TPO N68 G2 Hine Avenue. T1 - Sycamore - fell	Delegated Officer	Not Applicable	Appeal Dismissed	27th January 2026
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SSR7EJLB04M00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=SSR7EJLB04M00</a>						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation

That the report be noted.

Background papers

Application case files.

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

Oliver Scott  
Business Manager – Planning Development

**Appendix B: Addendum - Appeals Determined for which the Authority did not receive notice at the time of the decision**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
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23/00150/ENF B	B And Q Unit A Maltings Retail Park North Gate Newark On Trent NG24 1GJ	Without planning permission, operational development consisting of the erection of a canopy structure to the rear (north) of the premises.			Appeal Allowed	29 May 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=S36W80LB0A400>

23/00217/ENF B	Far Barn Farm Priory Road Thurgarton NG14 7GT	Without planning permission, development consisting of the material change of use of part of the existing agricultural grain store yard area to a mixed use for agriculture and open air storage (Class B8			Appeal Dismissed	12.June.2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=S3FZJ4LB04Q00>

22/00976/FUL M	Field Reference Number 2227 Hockerton Road Caunton	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure	Planning Committee	Committee Overturn	Appeal Allowed	31 March 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RC334ZLBKYC00>

22/01628/HOU SE	Two Acres Oxton Hill Southwell Nottinghamshire NG25 0RB	Proposed rear extension, side extension and render to property; retention of rear flat roof timber cladded dormer and front pitched roof timber cladded dormer. (Part retrospective)	Delegated Officer	Not Applicable	Appeal Allowed	15 May 2023
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGQWQCLBMAE00>

23/02259/HOU SE	High Park Farm Cross Lane Blidworth NG21 0LX	First floor extension to create en-suite/dressing room to master bedroom	Delegated Officer	Not Applicable	Appeal Dismissed	25 March 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S60LC3LBLWP00>

24/00779/HOU SE	Old Hall 1 Church Street Farndon Newark On Trent NG24 3SW	Erection of Oak framed Pool room	Delegated Officer	Not Applicable	Appeal Dismissed	13 February 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCRC82LBG6500>

24/01565/ADV	Land Off Station Road And Nottingham Road Thurgarton	Retention of 3 existing signs located on a trailer	Delegated Officer	Not Applicable	Appeal Dismissed	02 April 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ8GY9LB04M00>

24/01760/HOU SE	89 London Road Newark On Trent NG24 1SR	Remove the existing flat roof and parapet wall and erect a first floor rear extension on the footprint of the existing rear extension	Delegated Officer	Not Applicable	Appeal Dismissed	02May 2025
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SKUB72LBIKQ00>