



**Castle House
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Tuesday, 26 May 2026

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

Members of the Committee:

**Councillor N Allen
Councillor A Brazier
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor M Home
Councillor K Melton**

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

| | |
|-----------------|--|
| MEETING: | Planning Committee |
| DATE: | Thursday, 4 June 2026 at 4.00 pm |
| VENUE: | Civic Suite, Castle House, Great North Road, Newark, NG24 1BY |

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton
on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

| | <u>Page Nos.</u> |
|---|------------------|
| 1. Notification to those present that the meeting will be recorded and streamed online | |
| 2. Apologies for Absence | |
| 3. Declarations of Interest by Members and Officers | |
| 4. Minutes of the meeting held on 7 May 2026 | 5 - 13 |
| Part 1 - Items for Decision | |
| 5. Land Off Kestrel Rise, Rainworth - 25/00197/FULM Site Visit: 11.15am | 14 - 68 |
| 6. Land At Rufford Avenue, Ollerton - 25/01999/FULM Site Visit: 11.45am | 69 - 113 |
| 7. The Grange, Kirklington Road, Hockerton, Newark On Trent, NG25 0PJ - 25/01982/OUT Site Visit: 10.15am | 114 - 136 |
| 8. Land Adjacent Orchard Cottage, Kirklington Road, Hockerton, NG25 0PJ - 26/00468/PIP Site Visit: 10.15am | 137 - 156 |
| 9. First Floor, The Buttermarket, Middle Gate, Newark On Trent, NG24 1BF - 26/00477/LBC | 157 - 167 |
| 10. 93 Mickledale Lane, Bilsthorpe, NG22 8RF - 26/00005/FUL | 168 - 179 |
| 11. Nominations to the Planning Policy Board Four Members of the Planning Committee to be nominated to the Planning Policy Board. | |
| Part 2 - Items for Information | |
| 12. Appeals Lodged | 180 - 181 |
| 13. Appeals Determined | 182 |
| Part 3 - Statistical and Performance Review Items | |
| 14. Quarterly Planning Enforcement Activity Update Report | 183 - 202 |
| Part 4 - Exempt and Confidential Items | |
| 15. 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, 7 May 2026 at 4.00 pm.

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

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

ALSO IN ATTENDANCE: Councillor N Allen, Councillor K Smith and Councillor S Michael

APOLOGIES FOR ABSENCE: Councillor T Smith and Councillor L Tift

140 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.

141 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor D Moore declared a Non-Pecuniary Interest regarding Agenda Item 8 – Land to the East of Hockerton Road, Upton – 26/00382/PIP, as he was known to one of the speakers.

Councillor S Saddington declared a Personal Interest regarding Agenda Item 6 – Land at Foxholes Farm, Bathley Lane, North Muskham – 22/01983/FULM, as she represents that Ward and is known to her constituents.

142 MINUTES OF THE MEETING HELD ON 9 APRIL 2026

AGREED that the minutes from the meeting held on 9 April 2026 were agreed as a correct record and signed by the Chair.

143 REVIEW OF THE PROTOCOL FOR PLANNING COMMITTEE AND THE PLANNING COMMITTEE SCHEME OF DELEGATION TO OFFICERS

The Committee considered the report of the Director for Planning & Growth regarding the review of the Protocol for Planning Committee and the Planning Committee scheme of Delegation to Officers.

It was proposed that a comprehensive review of the Protocol and the Scheme be deferred until such a time that the Planning Regulations had been published. That would save any abortive work and allow for the full review of both the Protocol and the Scheme alongside the changes to the Council's constitution which aligned with the requirements of the Regulations.

Throughout the year, Officers kept the Scheme and Protocol under review, noting any issues that may arise that did not require immediate action for full review with Members on an annual basis. Officers had reviewed the Protocol and Scheme and were content that there were no changes required to either document.

AGREED that:

- (a) no changes are currently required to the Protocol for Planning Committee or the Planning Scheme of Delegation: and
- (b) there will be a review of the Protocol and Scheme alongside any required updates to the Council's constitution following the publication of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

144 LAND AT FOXHOLES FARM, BATHLEY LANE, NORTH MUSKHAM (22/01983/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought the construction of a Solar farm with associated works, equipment and necessary infrastructure.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection. There were specific site factors and/or significant policy or precedent implications that needed to be carefully addressed; and the proposal was particularly contentious, and the aspects being raised could only be viewed on site.

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

A schedule of communication had been circulated prior to the meeting in accordance with the Planning Committee Protocol, to all Members which included two additional public comments of objection.

Mr P William, objector, spoke against the application.

Councillor L Johnson, representing Norwell Parish Council, spoke against the application.

Mr C Calvert, the Agent spoke in support of the application.

Members considered the application and the Chair commented that the site visit undertaken that morning was extremely useful. Members had walked to the brow of the hill which clearly showed the impact of this solar farm, which was contained in the Officer report. The local Ward Member commented that the fields would be covered

in solar panels having an adverse effect and the loss of good agricultural land when solar panels could be located on roof tops. They would have an impact on the heritage of the village and the surrounding area. The onset of large vehicles as a consequence of the proposal would have a huge impact on the residents who liked to walk, cycle and horse ride. The widening of the road was also considered of no benefit to the local residents and out of character for the area. The solar panels would be a block on the landscape for forty years and they would be hard to dispose in the future. This proposal would cause harm and have an impact on the Norwell conservation area and heritage assets within it such as the church and windmill tower.

Other Members commented on the cumulative impact from other solar farms in the area and felt that there was no community benefit from this development in spite of the impact it would have on local residents. This application site would have an impact on more heritage assets than another local proposal near Kelham which only impacted on one. Members commented on the proposed screening of the site including 4m fencing and hedges being ineffective and an erosion of the local setting. Due to the elevations of the site, it would be impossible to screen the proposal from the village and would mean a fundamental change to Norwell. 90% of the village was considered in a Conservation Area and this application would change the village of Norwell for forty years. Concerns were raised on the impact of the scheme on the identified listed buildings and Conservation Area. The application was considered inappropriate for a development of this nature.

A vote was taken and lost for approval with 0 votes For and 13 votes Against.

AGREED Moved Councillor A Freeman and Seconded Councillor L Dales (unanimously) that contrary to Officer recommendation Planning Permission be Refused, for the following reason:

- (i) Adverse impact on the setting of the Listed Building's, notably Grade I Church and windmill and major adverse impact on the Conservation Area etc outweighed the benefits.

The wording to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chair and Vice-Chair.

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 |
| S Forde | For |
| A Freeman | For |
| P Harris | For |
| M Home | For |
| K Melton | For |
| D Moore | For |
| P Rainbow | For |

| | |
|--------------|-----|
| S Saddington | For |
| M Shakeshaft | For |
| M Spoons | For |
| T Wildgust | For |

145 LAND TO REAR OF MILL LANE, CAUNTON (25/01952/FUL)

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

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection. There were specific site factors and/or significant policy or precedent implications that needed to be carefully addressed; the impact of the proposed development was difficult to visualise.

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

Ms K Veitch, objector, spoke against the application.

Councillor S Routledge, representing Caunton Parish Council, spoke against the application.

Mr G Machin, the Agent spoke in support of the application.

Members considered the application, and the local Ward Member informed the Committee that during the last two major storms the village had flooded, the main street had become a river as the Beck had overflowed, and 39 houses and gardens were flooded. It was commented that the village drains, and sewage system were inadequate. The soakaways and the soil being clay were not sufficient in absorbing the excess water. Concern was also raised regarding this being in the Conservation Area and the footpath running through the site was considered dangerous for pedestrians.

The Senior Planning Officer confirmed that the drainage agreement was referred to as a Section 106 Drainage Agreement which was different to the usual s106 Agreement to secure planning obligations. All new developments would be required to enter into a drainage agreement with Severn Trent.

Other Members commented that the proposed site would be damaging to the ecology outside of the boundary. There would be a loss of high-grade agricultural land and a similar application had been previously dismissed at appeal by the Planning Inspectorate.

A vote was taken and lost for approval with 2 votes For and 11 votes Against.

AGREED Moved Councillor M Spoons and Seconded Councillor S Saddington (with 11 votes For and 2 votes Against) that contrary to Officer recommendation Planning Permission be Refused for the following

reasons:

- (i) Unsustainable location contrary to DM8,
- (ii) The development would be in the open countryside contrary to policy,
- (iii) Back land development,
- (iv) Concerns regarding surface water run-off,
- (v) adverse impact on setting of Conservation Area

The wording to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chair and Vice–Chair.

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 | For |
| S Forde | For |
| A Freeman | Against |
| P Harris | For |
| M Home | For |
| K Melton | For |
| D Moore | For |
| P Rainbow | For |
| S Saddington | For |
| M Shakeshaft | For |
| M Spors | For |
| T Wildgust | For |

146 LAND TO THE EAST OF HOCKERTON ROAD, UPTON (26/00382/PIP)

The Committee considered the report of the Business Manager – Planning Development, which sought the permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 5 dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and the proposal was particularly contentious, and the aspects being raised could only be viewed on site.

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

Mr M Trueman, objector, spoke against the application.

Ms R Holloway, Parish Clerk, representing Upton Parish Council, spoke against the application.

Mr G Machin, the Agent spoke in support of the application.

Members considered the application, and it was felt that this was infill due to the adjacent cricket pavilion, but in the open countryside. Five properties would not be in keeping with the rest of the village and the site was considered out of the village. The location was incongruous with the village of Upton and would cause harm to the character of the Conservation Area, noting the fields surrounding the village made a special contribution to the Conservation Area. It was also considered an unsustainable location.

Other Members commented that the proposal continued the line of the village and was book ended and allowed the village to grow, which was a natural progression.

A vote was taken and lost for approval with 6 votes For and 7 votes Against.

AGREED Moved Councillor K Melton and Seconded Councillor P Harris (with 7 votes For and 6 vote Against) that contrary to Officer recommendation Permission in Principle be Refused for the following reasons:

- (i) Concerns about location and sustainability (DM8);
- (ii) impact on the special character and appearance of the Conservation Area, noting importance of historic fields in this part of the Conservation Area.

The wording to be delegated to the Business Manager – Planning Development in consultation with the Planning Chair and Vice-Chair.

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 |
| S Forde | Against |
| A Freeman | Against |
| P Harris | For |
| M Home | For |
| K Melton | For |
| D Moore | For |
| P Rainbow | For |
| S Saddington | For |
| M Shakeshaft | Against |
| M Spors | For |
| T Wildgust | Against |

Councillor P Harris left the meeting at this point.

The Planning Committee 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.

147 LAND ADJACENT APPLE COTTAGE, BILSTHORPE ROAD, EAKRING (26/00377/PIP)

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 4.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reason: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

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

Mr G Machin, the Agent spoke in support of the application.

Members considered the application, and it was commented that Apple Cottage was an attractive period building at the entrance to the village, the technical submission needed to be carefully designed to form an enhanced approach to the village. There were no concerns raised regarding the position and quantum. The Business Manager - Planning Development confirmed the Agent was present at the meeting and would be listening to Member comments and agreed that there was a slight incline to the site. He also commented that the setting of the Conservation Area was a powerful policy in the NPPF, any technical submission needed to be carefully addressed with the Poplar trees taken into consideration and perhaps a soft and sensitive proposal fitting into the landscape.

AGREED (with 10 votes For and 2 votes Against) that Permission in Principle be approved.

148 LAND SOUTH-EAST OF CAUNTON ROAD, HOCKERTON NG25 0LP (26/00448/PIP)

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

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection. There were specific site factors and/or significant policy or precedent implications that needed to be carefully addressed; the impact of the proposed development was difficult to visualise.

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

Mr G Machin, the Agent spoke in support of the application.

Members considered the application, and concern was raised regarding the already approved permission in principle on a piece of land to the south of this site, it was commented that if that development did not take place this site could be left in isolation. The cumulative impact and scale of village of 59 houses was also commented upon.

AGREED (with 7 votes For, 4 votes Against and 1 Abstention) that Permission in Principle be approved.

149 FOREST CENTRE INDOOR MARKET AND FORMER LLOYDS BANK, FOREST ROAD, OLLERTON (26/00235/ADV)

The Committee considered the report of the Business Manager – Planning Development, which sought four hoardings to existing windows.

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

Members considered the application acceptable, although concern was raised regarding the use of Foamex as that product was suggested to be hard to dispose after its usage and a more sustainable material was preferred. The Business Manager Planning Development informed the Committee that those comments would be fed back to the Design Team.

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 half an hour.

AGREED (unanimously) that:

- (a) Advert Consent be approved, subject to the conditions contained within the report; and
- (b) the comments regarding the use of Foamex be fed back to the Design Team.

150 ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY PLANNING COMMITTEE

The Committee considered the report of the Chief Executive which detailed the exempt business considered by the Committee for the period 6 June 2025 to date.

AGREED (unanimously) that the report considered at the 2 October 2025 Planning Committee, during exempt business, entitled: Land North of Main Road, Kelham – 23/01837/FULM. The information would now be open.

151 APPEALS LODGED

AGREED that the report be noted.

152 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 8.05 pm.

Chair



Report to Planning Committee 4 June 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn - Senior Planner

| Report Summary | | | |
|------------------------|---|--|---------------------------|
| Application No. | 25/00197/FULM | | |
| Proposal | Proposed residential development. | | |
| Location | Land Off Kestrel Rise Rainworth | | |
| Applicant | Homes by Honey | Agent | IBA Planning Limited |
| Registered | 27.02.2025 | Target Date / Extension of Time | 29.05.2025/ 08.06.2026 |
| Recommendation | That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and subject to the completion of a S106 legal agreement. | | |

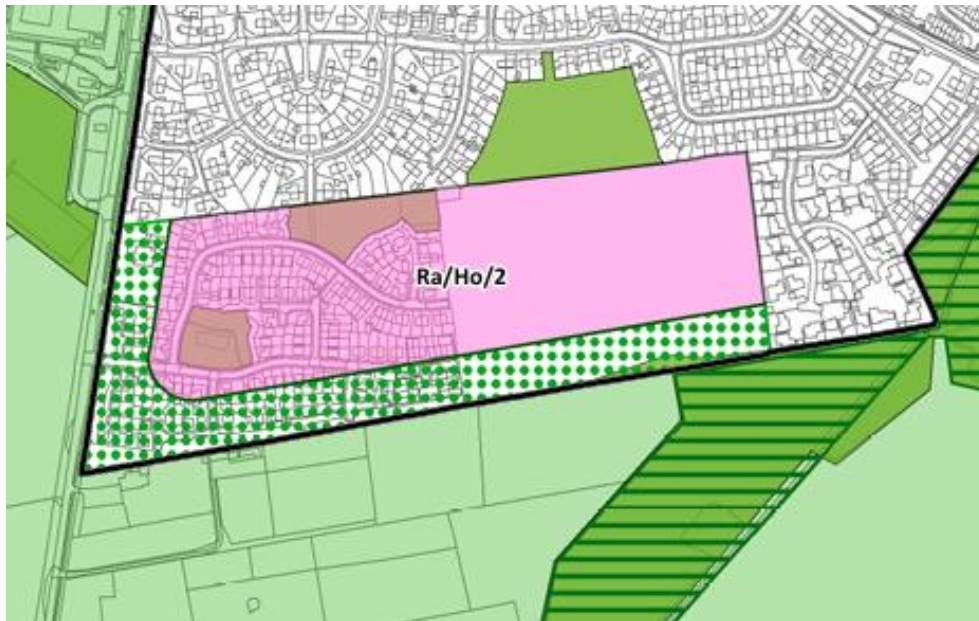
The application is presented at Committee due to a call-in request by Cllr Thompson on the grounds of conflict with the masterplan, an over-intensive form of development out of keeping with the surrounding built form, insufficient parking spaces, highways concerns regarding access and the impact upon wildlife and ecology.

The Site

- 1.1 The site is located within the urban boundary of Rainworth on an allocated site for housing (Ra/Ho/2). The site comprises the eastern part of the wider allocation, with the western half of the allocation having gained permission and been built out.
- 1.2 The site is approximately 5ha in size and is rectangular in shape, comprising a field overgrown with vegetation, shrubs and trees. The site is located on the southern edge of Rainworth, with designated Green Belt to the south. To the north of the site lies an area of public open space, beyond which is further residential development along Preston Road. To the east are residential properties along Woodpecker Drive and to the south is open undeveloped land and tree cover, marking the start of the Green Belt. To the west of the site is residential development along Nightjar Way and Linnet Drive. The existing development to the west of the site comprises the western portion of the

allocation already developed, approved under references 13/01256/OUTM, 15/00523/RMAM and 15/00522/FULM.

- 1.3 The site lies in Flood Zone 1 and has some limited areas of low to medium surface water flood risk. The site is allocated for housing under allocation Ra/Ho/2, and the public open space to the north is designated as such under policy SP8. The allocation includes a strategic landscape buffer to the south and the tree cover beyond the site boundary to the south is highlighted on the policies map as a nature reserve. There are informal paths across the site.



Extract from the Emerging Allocations and Development Management Plan



Site Location Plan

2.0 Relevant Planning History

- 2.1. 17/00418/OUTM Outline application for proposed residential development of 95 dwellings consisting of bungalows, and a mixture of 3 and 4 bedroom dwellings with access to be considered. Application Withdrawn.
- 2.2. 17/SCR/00003 Screening opinion - Outline application for proposed residential development of 95 dwellings consisting of bungalows, and a mixture of 3 and 4 bedroom dwellings with access to be considered 17/00418/OUTM. Environmental Impact Assessment Not Required.

3.0 The Proposal

- 3.1 This application seeks full planning permission for a residential development comprising 133 dwellings, including 11% provision of affordable homes, two access roads, internal road layouts, internal footways, open green space, a children's play area (LEAP) and SuDs features.



Proposed Site Layout Plan

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

- Application form
- Transport Statement dated January 2025
- Residential Travel Plan dated January 2025
- Planning statement
- Design and Access statement
- Archaeology and Heritage Assessment dated January 2025

- Site Location Plan, reference 2456.02 Rev B (received February 2026)
- Planning Layout, reference NJW-VL-01 Rev H (received April 2026)
- Landscape Master Plan, reference R/2918/1G (drawing received March 2026)
- Open Space Plan, reference 2456.07 Rev H (received April 2026)
- Boundary Treatment Plan, reference 2456.06 Rev H (received April 2026)
- Street Scene Plan, reference 2456.04 Rev E (received April 2026)
- Materials Layout Plan, reference 2456.03 Ref F (received April 2026)
- EVCP, Refuse and Cycle Plan, reference 2456.08 Rev G (received February 2026)
- Phasing Plan, reference 2002 (received May 2026)
- The 33 Poppy Detached Ground and First Floor Plan (revised drawing received February 2026)
- The 33 Single Garage – Gable Side – Plans and Elevation (revised drawing received March 2026)
- The Manuka End Ground, First and Second Floor Plan (revised drawing received March 2026)
- The Manuka End Front, Left and Rear Elevations (revised drawing received March 2026)
- House Type Catalogue Including plans for The Avocado End, The Buckwheat End, The Chestnut End, The Clover Detached, The Eucalyptus Detached, The Heather Detached, The Macadamia End, The 33 Ironbark, The 33 Lavendar, The Linden Corner Detached, The Rosmary Detached, The Sage Detached, The 33 Wildflower, The Dahlia End, The Primrose Detached, The 33 Poppy Detached, Bungalow 2b3p Detached, Bungalow 2b3p Semi, 2b3p End, 2b3p Mid, 2b4p Corner, 3b4p End, 3b4p Mid, Garage – Gable Side – Single and Twin (received November 2025)
- Drainage Layout Plan, reference 49061-ECE-XX-XX-DR-C-0101 Rev P01 (revised drawing received February 2026)
- Swept Path Analysis – Box Van with Opposing Car on Bends, reference 240220-TR004 Rev A (received April 2026)
- Swept Path Analysis – Fire Tender, reference 240220-TR003 Rev C (received April 2026)
- Swept Path Analysis – 7.5 Box Van, reference 240220-TR002 Ref F (received April 2026)
- Swept Path Analysis – Refuse vehicle, reference 240220-TR001 Rev I (received April 2026)
- Parking Heat Map, reference NJW-01-210 Rev B (revised drawing received March 2026)
- Parking heat Map Schedule dated 17th March 2026, received March 2026
- Site Waste Management Plan Dated February 2025
- Great Crested Newt Mitigation Strategy reference RSE_8424_R4_V2 (updated January 2026)
- Viability Report dated October 2025 and Executive Summary
- Geotechnical and Geo-Environmental Site Investigation Issue 3 dated September 2025 reference 49061-ECE-XX-XX-RP-C-0003 (revised report received February 2026)
- Flood Risk Assessment dated October 2025 and reference 49061-ECE-XX-XX-

RP-C-0001 (revised report received November 2025)

- Response to Highway Authority Comments, reference TN01 dated October 2025
- Traffic Survey Summary Data, received January 2026
- Statutory Biodiversity Metric, received February 2026
- Ecological Impact Assessment dated January 2026 reference RSE_8424_R1_V4 (revised document received February 2026)
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, reference RSE_8424_R1_V7_ARB, dated January 2026 (revised document received February 2026)
- Ecological Response Letter to LPA, dated January 2026, reference RSE_8424_R5_V2
- BIA Baseline Habitat Plan, reference RSE_8424_BIAB_0126_V3R2
- BIA Proposed Habitat Plan, reference RSE_8424_BIAP_0126_V3R2
- Updated Transport Note, reference TN03 – Response to Highway Authority Comments, dated 27th March 2026
- Written Scheme of Investigation – Archaeological Evaluation by Trial Trenching, prepared by MapArch MAP Archaeological Practice, received April 2026

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 97 properties have been individually notified by letter. A site notice was also displayed near to the site on 19/03/2025 and an advert has been placed in the local press, dated 07/03/2025.

4.2 A site visit was undertaken on 30.07.2025.

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 4A – Extent of the Green Belt
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Spatial Policy 9 – Selecting Appropriate Site for Allocation
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

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

Policy Ra/Ho/2 – Rainworth Housing Site 2

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
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](#)

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
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5(a) – The Design Process
DM5(b) – Design
DM5(d) – Water Efficiency Measures in New Dwellings
Core Policy 3 – Housing Mix, Type and Density

5.3. **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
- 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 Criteria¹.

6.0 **Consultations and Representations**

6.1 Please Note: Comments below are the most up-to-date comments and are provided in summary - for comments in full and past representations, please see the online planning file.

Statutory Consultations:

6.2 Environment Agency – Comments received 04/02/2026, no comment as the site is in Flood Zone 1 and therefore there are no fluvial flood risk concerns with the site.

6.3 NCC Lead Local Flood Authority – Comments received 17/02/2026, no objections, recommend condition for detailed surface water drainage scheme.

6.4 National highways – Comments received 04/02/2026, no further comments to make, maintain no objection.

6.5 Natural England – Comments received 24/04/2025, no objections.

6.6 NCC Highways – Updated comments received 18/05/2026 – Objection lifted. The Highway Authority has been in discussion with the applicant and a suite of drawings and a Technical Note has now been submitted to address matters. Planning Layout drawing number 2456_NJW-VL-01 rev G identifies the layout. There is a minor issue remaining at a single bend within the site, but it is thought that this can now be dealt with during the Technical Approval process, should planning be approved. The development is now considered to be generally acceptable in highway terms, subject to conditions.

6.7 Previous comments raised an objection, comments were based on the access and parking constraints, requested a grampian condition requiring developer to submit design for parking restrictions where parking would be obstructive. Trip rates were

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

agreed. Additional traffic counts provided demonstrate that additional traffic will not have a severe impact at either junction (Warsop Road/Blidworth Lane and Mansfield Road/Dale Lane). Junction assessment and modelling work carried out, the assumptions are considered reasonable, awaiting response from specialist colleagues on acceptability of this. Further comments on layout, the loop layout provides better connectivity and footways are coherent. The issue of driveways located at junctions has been addressed. Outstanding issue was parking and parking heat map/schedule. Further comments on use of private drives, visibility and tracking.

Town/Parish Council

6.8 Rainworth Town Council – Objection, with the following concerns raised:

- Master plan for the whole site is for 190 dwellings, 160 have already been built leaving 30 remaining for second phase, extra dwellings proposed will be extreme over intensification of the site
- Housing requirements in Rainworth have already nearly reached 425, this proposal would exceed limits
- Boundary hedge must be retained to the north on land adjacent to the open space
- Objects to pedestrian accesses onto parish owned green land
- Concerns regarding the entry point / access onto the site
- Congestion and increase in traffic, parking pressures, especially at peak times like school drop off / pick up, concerns for other road users
- Occupiers of new development should pay an annual maintenance fee in respect of amenities on the site, like neighbouring estate does
- Location of development does not encourage use of buses
- Concerns junction at Warsop Lane / Nightjar way would be over capacity
- Concerns re width of driveways and parking provisions in plot layouts
- Concerns about public foul sewer system and wastewater capacity
- Concerns of overlooking and loss of privacy (residents on Woodpecker Drive)
- Lack of employment prospects in Rainworth
- Additional strain on local facilities e.g schools and doctor surgeries

Upon re-consultation, the Town Council maintain an objection and request the original objection remain in place.

Representations/Non-Statutory Consultation:

6.9 NCC Planning Policy – Updated comments received 13/03/2026, comments on education, seeks contribution of £269,059, based on other developments in the area. SEND contribution of £104,566 requested, other secondary education can be secured through CIL processes. Libraries, contribution of £5,940 requested, waste management £13,927.76 requested, community transport £53,200 requested, bus stop improvements £70,900, and condition requested for free bus passes for residents. Comments on payment triggers (payment before occupation of first dwelling).

- 6.10 NSDC Environmental Health (Contaminated Land) – Comments received 13/02/2026, generally agree with findings of updated report for ground gas monitoring. However, notes that there remain areas that have yet to be sampled for soil contamination. Some assessment of this area is needed to ensure it is suitable for proposed use. Updated comments received 04/02/2026, further ground gas work and additional soil sampling is required. Email received 16/02/2026 advising that a pre-commencement condition for NE corner of the site could be used.
- 6.11 NSDC Ecology – Previous comments received on 08/01/2026 required additional information in relation to BNG and GCN mitigation strategy. Updated comments received on 16/03/2026: additional information has resolved the previous concerns in relation to assessment of reptiles and breeding birds. Minor errors remain in the BNG assessment and the BNG calculation will need to be amended as part of the process to discharge the BNG plan. The revised information also resolves the previous concerns in relation to the proposed GCN strategy. With the proposed compensation, mitigation and enhancement measures implemented, the proposal would be compliant with matters relating to biodiversity, in accordance with the NPPF and local policies. Recommends conditions regarding BNG, Habitat Management and Monitoring Plan, GCN mitigation measures, biodiversity CEMP and a bird and bat box plan.
- 6.12 Archaeology Officer – Updated comments received on 23/04/2026, the updated Written Scheme of Investigation received, and the remaining evaluation programme can be secured as a pre-commencement condition, recommend the submitted WSI is formally approved. Comments received on 30/04/2026 suggest condition wording.
- 6.13 NSDC Planning Policy – Comments received 06/03/2025, principle of development is acceptable through site allocation, no concerns with quantum exceeding original allocation capacity. Comments on density, housing mix, parking and open space. Overall, no objections.
- 6.14 NSDC Sports, Community Facilities and Events Manager – Comments received 23/02/2026, should application be approved it should be compliant with SPD for developer contributions for community facilities and off-site sports provision.
- 6.15 Tree Officer – Comments received 17/02/2026, the survey and report make a fair assessment, only 1 tree (T33 Oak) and 1 group (G13) are recorded at moderate value category B, remainder of trees are recorded as low value category C. to facilitate development 53 individual trees and 13 tree groups will require removal and 8 groups will require partial removal. The removals include T33 and G13 of moderate value and the rest are low value. Amount of tree loss overall will have moderate Allen impact overall, mitigation will be required via soft landscaping plan. The landscape masterplan outlines new planting of trees, shrubs and hedges. The submitted method statement and tree protection plan detail timings and methods to protect retained trees. These measures must be implemented and adhered to. No objections, recommends a condition for implementation and confirmation of tree protection measures.

- 6.16 NSDC Housing Team - Comments received 07/05/2026, comments address the Assessment of Viability that has been carried out and the independent review of this. Based on the review, agreement has been reached to provide 11% affordable homes (15 units opposed to 13) with the S106 contributions requested at £911,704. No additional commuted sum has been requested and therefore has not been modelled in the viability work. The affordable housing provision is not policy compliant but based on the viability review is acceptable. In accordance with the Affordable Housing SPD, the proposed location, breakdown and layout of the properties are suitable. No objections.
- 6.17 NCC Public Rights of Way – Comments received 04/02/2026, no objection – Rainworth FP 6 runs adjacent to the entrance to the site, the proposal does not indicate any impact upon footpath 6. There should not be any disturbance of the footpath without prior authorisation from the Rights of Way Team and the safety of the public using the footpath should be observed at all times. Applicant should contact the Rights of Way Team for further information on a temporary closure of the footpath if needed.
- 6.18 Active Travel – Comments received 04/02/2026, no comments to make.

Public Representations

- 6.19 43 comments of objection have been received from third parties/local residents which are summarised below:
- Concerns regarding the access through Nightjar Way and Linnet Drive due to parked cars, traffic pressures and potential accidents between vehicles and other road users. Concerns also raised regarding how busy the estate roads are already, especially at peak times like school runs, and how emergency vehicles will access the site.
 - Concerns regarding the junction of Nightjar Way with Warsop Lane and the highways implications of the development on this junction, regarding capacity, safety and traffic.
 - Concerns regarding the impacts of construction traffic and vehicles through the existing estate, and impacts of noise, dust, mess and disruption during construction phase. Also concerns regarding construction vehicles driving along existing estate roads which are narrow and busy.
 - Concerns of traffic through the existing estate and impact on open green spaces / children play areas, and impacts of traffic on air quality. Concerns regarding health and wellbeing of existing residents during the construction phase, with particular mention to air, noise and light pollution.
 - Concerns with the number of dwellings proposed, the number is over intensive and excessive. This is linked to concerns the proposal is out of keeping with the surrounding area in terms of design and density. Also concerns raised due to loss of green belt.
 - The existing residents pay an estate fee for maintenance of the parks/green space, concerns over whether new residents would also pay this fee if they are using the

facilities.

- Concerns over the proximity of the development to the single storey properties on Woodpecker Close, with the loss of a green treed buffer along the eastern boundary and a previously agreed 30m buffer zone. Further concerns raised regarding the properties along Woodpecker Drive in relation to loss of privacy and an overbearing impact.
- Concerns regarding the impacts to wildlife and ecology, including bird species, badger, bats, foxes, deer and rabbits, and loss of open green space.
- Misinformation within the application, with the site address reading 'land off Kestrel Rise' but really access is through the existing estate. Also concerns raised with how thorough the Ecological Impact Assessment is, with particular regard to Great Crested Newts.
- Concerns regarding the layout of the proposal in relation to internal roads and parking, in that the proposal does not provide sufficient parking for new residents and that the internal road design is not sufficient and is too narrow.
- That a development of this size will negatively impact on local infrastructure and services in Rainworth. Concerns regarding impacts on schools and doctors surgeries. Requests are made for investment into local health services. Concerns also raised regarding water and sewer infrastructure and capacity of this to deal with 133 new homes.
- Concerns regarding the lack of a children's play area in the proposed layout of the site, and how this would put pressure on the play facilities in the existing estate. Following the amendments to the scheme concerns regarding the amount of public green space are raised.
- Concerns the proposal will cause flooding and impact flood risk elsewhere.
- Concerns the housing mix does not reflect local need, for example a lack of bungalows and four bed family homes.
- Concerns regarding tree works that have been carried out on the site and the impacts to wildlife.
- The amendments made to the proposal fail to address the concerns raised, and the concerns remain valid.

7.0 Planning Development / Appraisal

7.1 The key issues are:

- Principle of development
- Housing density, need & mix
- Developer Contributions
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways Impacts
- Flood Risk and Drainage
- Ecology, Trees and BNG
- Archaeology
- Coal Mining
- Other Matters

- Planning Balance and Conclusion

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. The site is an allocated site for housing within the settlement of Rainworth. Rainworth is defined within the settlement hierarchy as a Service Centre and has a good range of local facilities including schools, public transport and local employment.
- 7.4 The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the ADM DPD. The site is the eastern part of the allocation, with the western part already developed and built out. The policy allocation is for 190 dwellings and sets out a detailed approach for the bringing forwards of the site. This is detailed below:

Land to the East of Warsop Lane has been allocated on the Policies Map for residential development providing around 190 dwellings. Consequently this site has been removed from the Nottingham - Derby Green Belt.

In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on the site will be subject to the following:

- *The preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development on the site and the phasing of new development. This should include appropriate design which addresses the sites gateway location and manages the transition into the main built up area including the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt. Phasing in all cases must*

be appropriate to the size of the development, reflect on site and infrastructure provision constraints and not be unviable for the developer to implement.

- *Preparation of an appropriate Transport Assessment as part of any planning application to identify the impact of the development on the highway network and the provision of appropriate mitigating measures;*
- *Main entrance to the site via Warsop Lane. Any secondary access should not be via existing estate roads to the north and east.*
- *The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- *Designed to incorporate new, enhanced strategic open space which shall form an addition to the existing Preston Road facilities to the north of site and be provided commensurate with all phases of the sites development;*
- *Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;*
- *The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures; and*
- *The investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning consent.*

7.5 It is noted that the site remains allocated in the Emerging ADM DPD, however, the policy is subject of an objection and therefore can only be given limited weight at this stage. It is noted that the wording of the emerging allocation policy states that the remaining part of the site can deliver 95 dwellings. Whilst this emerging policy can only be given limited weight, it demonstrates that a higher quantum of development can be delivered above the original allocation on the remaining site.

7.6 Policy DM1 states that within the urban boundaries of Services Centres, proposals will be supported for housing development that is appropriate in size and location in regard to the settlement and its status in the settlement hierarchy. Policy DM2 states that within allocated sites proposals will be supported for the intended use that complies with the relevant policies and make appropriate contributions to infrastructure provision.

7.7 Through the inclusion of the site as part of allocation Ra/Ho/2 the principle of residential development in this location is established and is considered acceptable. The site-specific requirements of the allocation, and other material planning considerations, are assessed in more detail under the relevant sections of the report below.

Housing Density, Need & Mix

7.8 Core Policy 3 of the Amended Core Strategy DPD places an emphasis on the need for 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.

Density and Housing Need

- 7.9 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.
- 7.10 Regarding density, when the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some would yield more than the average density figure when it came to delivery. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy. Where policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development or a greater quantum of development on allocated sites.
- 7.11 In the case of this allocation, the gateway location of the site, and being adjacent to the Green Belt, resulting in the need for landscape buffering, were important site characteristics which informed the notional capacity of the site for 190 dwellings. It is noted that 160 dwellings have been delivered on the western part of the site, leaving 30 dwellings left in the expected allocation. This proposal is for 133 dwellings on the remainder of the allocated site. This would result in a density of 26.6 dwellings per hectare but an overprovision of 103 dwellings above the notional allocation. Whilst the emerging policy, due to an outstanding objection, can only be given limited weight, this allows an uplift of 95 dwellings on the remaining site above the original allocation. Taking this figure on board, the proposal is only 38 dwellings above the revised allocation in the emerging ADM DPD.
- 7.12 Whilst the number of dwellings proposed exceeds the original allocation, the NPPF requires proposals to make efficient and effective use of land, with particular regard to paragraphs 11(d)(ii) and 124. The density of 133 dwellings on the site would not exceed 30 dwellings per hectare, which considering the edge of settlement location of the site, with Green Belt beyond, is considered acceptable in this case. Moreover, the Council lacks a five-year housing land supply, which means the tilted balance is engaged and the provision of housing is given additional weight in the planning balance, weighing in favour of the scheme. Proposals for housing should only be refused if the adverse impacts of approving would be significantly or demonstrably harmful, or if any protected designations provide a strong reason for refusing development, which is not the case in this instance. Therefore, considering these points, the over provision of housing on the site, in exceedance of the original allocation, is not considered by Officers to weigh against the proposal or prevent the

granting of the scheme, subject to compliance with the site-specific considerations explored more below.

- 7.13 The density resulting from the proposal would be acceptable and the scheme would be making effective and efficient use of land, helping provide much needed housing in the District in a sustainable location and on an already allocated and part developed site for housing.

Housing Mix and Type

- 7.14 Table 5.8 in the Council’s latest housing need report from Arc4 District Wide Housing Needs Assessment (Dec 2020), states that within the Mansfield Fringe Sub Area the greatest need for market housing is 4 or more bedroom properties (34.3%), followed by 3 bedroom properties (26.9%) and then 3 or more bedroomed bungalows (20.7%).

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

- 7.15 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.

- 7.16 The housing type and mix of the proposal is summarised and set out in the table below:

| Market Housing | | |
|----------------|--------------|-----|
| House type | No. of plots | % |
| 2 bed house | 7 | 5% |
| 3 bed house | 58 | 44% |
| 4 bed house | 40 | 30% |
| 5 bed house | 7 | 5% |
| 2 bed bungalow | 6 | 5% |

| | | |
|---------------------------|--------------|-------------|
| Total Market | 118 | 89% |
| Affordable Housing | | |
| House type | No. of plots | % |
| 2 bed house | 7 | 5% |
| 3 bed house | 8 | 6% |
| Total Affordable | 15 | 11% |
| Total overall | 133 | 100% |

- 7.17 As set out, the market housing seeks to provide largely 3 and 4 bedroom dwellings, with some 2 and 5 bedroom properties proposed, and a provision of 2 bed market bungalows. This broadly aligns with the identified housing need in the area and is accepted.
- 7.18 Regarding affordable housing, the proposal does not provide a policy compliant provision of 30% on-site, providing some 11% which equates to 15 dwellings in total. This will be made up of 6 units for affordable rent, 5 units for shared ownership and 4 units for First Homes.
- 7.19 The applicant has provided a Viability Assessment that sets out that it is not viable for the scheme to provide 30% affordable housing. In the assessment this is in part attributed to the high BNG liability which has been evaluated to cost £1,481,870.000, the cost for Future Homes, the Building Safety Levy and other identified abnormal costs. Other larger abnormal costs are identified as site clearance, abnormal drainage and roads, topsoil / subsoil clearance, abnormal foundations, abnormal fill / level reduction and Future Homes costs. The assessment concludes that only a reduced provision of affordable housing of 10% and financial contributions under a S106 equating to £684,733.00 is marginally viable for the scheme, taking into account the identified costs. Based on this, originally only 13 affordable housing units were proposed as the maximum that could be viably provided on site.
- 7.20 The Viability Assessment has been independently reviewed and verified on behalf of the Council. The independent review concludes that there is a viability issue in relation to achieving a full policy compliant scheme. Considering the Benchmark Land Value and the extent of abnormal costs, a policy compliant affordable housing scheme at 30% with policy compliant S106 contributions is unviable and cannot be delivered on the site.
- 7.21 The independent review has modelled higher S106 contributions at £911,704 and finds that there is scope in the viability to provide an additional 2 on site affordable units, whilst also providing policy complaint S106 contributions. Therefore, in light of the findings of the independent review, the applicant has agreed to provide an additional 2 affordable units on site, bringing the total to 15 on site affordable houses which equates to 11%. This is accepted as being the maximum viable on-site provision,

in light of the significant other costs and financial contributions required. The findings of this independent review demonstrate that a policy compliant provision of affordable housing on site is not viable, and that a lower provision of 11% (15 units) and the full S106 contributions equating to £911,704 is a viable alternative.

- 7.22 The Strategic Housing Team have reviewed this and commented that the findings of the viability work are accepted. They confirm that an additional commuted sum for affordable housing has not been requested and therefore not modelled in the viability work. They comment that other S106 contributions for health, libraries, education, sport, waste and transport improvements are agreed, and the affordable housing is acceptable as proposed. They advise that the proposed location, type and layout of the affordable housing on site is considered to be suitable.
- 7.23 As such, considering the above, and in light of the otherwise policy compliant S106 contributions agreed, the under provision of affordable units in this instance is accepted on the grounds of viability constraints. It is accepted that the maximum viable amount of affordable housing on site (15 units) has been provided and can be secured via a S106.

Developer Contributions

- 7.24 Spatial Policy 6 of the Core Strategy and Policy DM3 of the ADM DPD set out the approach for delivering the infrastructure necessary to support growth. This sits alongside the Community Infrastructure Levy, albeit this area is zero rated for CIL. More specifically, Spatial Policy 6 sets out that this includes strategic infrastructure (which in this case covers secondary education provision via CIL) and the mitigation of local infrastructure impacts. Policy DM3 states that the planned growth set out in the Core Strategy is depended on the delivery of the required infrastructure, provided through a combination of CIL, planning obligations and developer contributions. It outlines that planning applications are expected to include appropriate infrastructure provision, in accordance with the Developer Contributions SPD.
- 7.25 The Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside CIL. The SPD is based on the 2016 index figures. It is noted that a new updated SPD is out to consultation until 25th May but is not yet adopted.
- 7.26 Nottinghamshire County Council and EMCAA have commented on the proposals requesting financial contributions towards infrastructure and services including education, health, libraries, transport and waste. Other contributions including off site sport provision and community facilities have also been requested.
- 7.27 Based on the viability work, a policy compliant S106 in respect of financial contributions is achievable, other than in relation to affordable housing, and the applicant has agreed to the below draft heads of terms in relation to financial contributions, which can be secured via a S106 agreement. See table below:

| Contributions based on 133 dwellings | | |
|--|---|----------|
| Affordable Housing | 15 units which equates to 11%. Justified through the viability work. 6 units for affordable rent 5 units for shared ownership 4 units for First Homes | On site |
| Community facilities | Off-site community facilities contribution $\pounds 1,384.07 \times 133 = \pounds 184,081.31$ Sought for improvements and investments to various community assets in the Rainworth Parish/locality. Examples include but not limited to: <ul style="list-style-type: none"> • Rainworth Village Hall • Rainworth Miners Welfare Social Club • Rainworth Miners Welfare Sports Ground • Rainworth Petanque Club • Rainworth Social Action Hub • Joseph Whitaker Academy Sports College and Leisure Centre | Off Site |
| Sports provision | $\pounds 737.72$ per dwelling x 133 = $\pounds 98,116.76$ Sought for improvements and investments as per examples detailed above under 'community facilities'. | Off site |
| Education - Primary | $\pounds 2,203 \times 133 = \pounds 269,059$ Sought for improving, remodelling, enhancing, or expanding facilities to provide additional permanent capacity within the Rainworth planning area, to accommodate pupil growth from the development. | Off site |
| Education - Secondary and Post 16 years | Funded by CIL. | - |
| Education - SEND | 1 place x $\pounds 104,566 = \pounds 104,566$ Sought for expanding special school facilities or to fund the provision of specialist provision attached to a mainstream school. | Off site |

| | | |
|---|--|----------|
| Health | <p>£982.62 x 133 = £130,688.46</p> <p>Sought for improvements and enhancements at either Hill View Surgery or Rainworth Medical Centre.</p> | Off site |
| Libraries (building costs) | Not requested by Nottinghamshire County Council. | - |
| Libraries (stock) | <p>306 (population) x 1.532 (items) x £12.67 (cost per item) = £5,940</p> <p>Sought to provide additional library stock for Rainworth Library.</p> | Off site |
| Waste | <p>Using a modelled equation the contribution for 133 dwellings = £13,927.76</p> <p>Sought to support the delivery of a new or expanded facility that would cater for both the additional waste generated and the additional site users.</p> | Off site |
| Community Transport | <p>EMCCA request contribution of £53,200</p> <p>Sought towards the Community Transport Scheme at Ravenshead Community Transport, and to provide improvements to community transport to serve the site.</p> | Off site |
| Bus stop Infrastructure Improvements | <p>EMCCA request contribution of £70,900 for bus stop improvements to NS0667 and NS0866 St Georges Church.</p> <p>Sought to provide real time bus poles and displays, electrical connections, raised boarding kerbs, polycarbonate bus shelter, solar or electrical lighting, lowered access kerbs and hardstanding at both bus stops.</p> | Off site |
| Amenity Green Space & Open Space for Children and Young People | <p>Green Space - SPD requirement is 14.4m² per dwelling = 0.19ha.</p> <p>Children and young people - SPD requirement is 18m² per 2 bed and above dwellings = 0.24ha.</p> <p>Total = 0.43ha</p> <p>Proposed on site provision: Green amenity space = 0.33ha</p> | On site |

| | | |
|--|---|--------------------|
| | <p>Amenity space for young people/children = 0.12ha</p> <p style="text-align: center;">Total = 0.45ha</p> <p>So 0.12ha under provision of green space for young people, but overprovision of 0.14ha of general amenity green space, and general overprovision of 0.02ha overall.</p> | |
| Maintenance of Green Open Space | Third party Management Company provisions to be secured via S106. | - |
| Total Financial Contributions | | £930,479.29 |

- 7.28 The above table outlines the policy compliant S106 contributions, aside from affordable housing, that can be secured via a legal agreement. It is noted that the viability work showed a lesser amount would be viable, £911,704. The applicant has agreed to pay a higher amount of £930,479.29 in light of the additional contribution requested to cover waste infrastructure by NCC in their most recent consultation response.
- 7.29 The above table also includes a financial contribution towards health infrastructure. NHS Nottinghamshire have advised this could go towards improvements to the facilities available in Rainworth, including Rainworth Medical Centre and Hill View Surgery, to address capacity demands currently on the service and cater for increased demand as a result of the development.
- 7.30 Overall, a fully compliant S106 in terms of financial contributions can be provided and secured via a S106, in agreement with the applicant.
- 7.31 The proposal would be adding 133 new homes to Rainworth. It is understood that impacts on local infrastructure and services are a concern of members of the public. The above financial contributions can be secured to provide investment in local services and facilities in Rainworth and the wider locality, including services relating to community, health, education, transport and waste. 15 affordable homes can be provided on site and an otherwise fully policy compliant S106 can be secured, to ensure the development does not put strain on already stretched local services in the area. As such, Officers consider that the impacts of the proposed development on the existing infrastructure of Rainworth can be suitably addressed and mitigated through the financial contributions, as set out in the table and securable via a S106, equating to £930,479.29.

Impact on Visual Amenity

- 7.32 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(b) of the emerging amended ADM DPD requires

development to respect the existing local vernacular in terms of scale, layout, design, materials and detailing.

- 7.33 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.
- 7.34 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.
- 7.35 The site is located within the Sherwood Landscape Character Area in Policy Zone S PZ 18 for Blidworth and Rainworth Wooded Estate Lands, according to the Council's Landscape Character SPD (2013). This landscape is gently undulating with coniferous forestry plantations, deciduous woodlands, intensive arable farming and evidence of former coal mining. The landscape condition and landscape sensitivity are both defined as moderate. The landscape actions are to conserve and create, including conserving ecological diversity of woodlands, reinforcing field boundaries, conserving the rural character of the landscape by focusing new developments around the fringe of Rainworth and Blidworth, conserving field patterns and creating tree planting.
- 7.36 The parcel of land is the second part of allocation Ra/Ho/2, located on the southern edge of Rainworth. The site is flanked by residential built form on three sides and forms part of the natural edge of the settlement. The development of the site would be infilling the space between the built-out development to the west and the existing residential development of Woodpecker Drive and Partridge Close to the east. The site arguably forms a logical extension to Rainworth, completing the built-up edge on the southern side of the settlement.
- 7.37 It is noted that the open and verdant character of the site would be eroded and altered to one of a residential and built-up nature. However, in landscape terms, given the surrounding form and pattern of development, this would not be considered a harmful encroachment into open countryside that would be detrimentally harmful to wider landscape views or landscape character. The site forms a logical extension of Rainworth, infilling a gap on an allocated site for housing.
- 7.38 In terms of layout, the scheme has been amended through the application process. The layout proposed is based around a central circular access road to better support connectivity and the ability to navigate the site. Moreover, the dwellings have been pulled back from the eastern boundary, with bungalows proposed along this side of the site. An ecology corridor for Great Crested Newts has been incorporated into the layout, and the attenuation basins and SuDs features have been reconfigured.

- 7.39 A key feature of the allocation is the need to provide a strategic landscape buffer along the southern site boundary. The allocation describes the site as a 'gateway location' due to the transition from the main built-up area of Rainworth to the open Green Belt to the south. The provision of a landscape buffer to the south of the site is required to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of the development on the adjacent Green Belt.
- 7.40 The planning layout shows the continuation of the landscape buffer from the site to the west through to this site, with footpath connections leading out into the open land to the south. The layout includes an attenuation pond also on the southern boundary which will help soften the transition of site with the Green Belt boundary to the south. The landscape buffer thins slightly further towards the southwestern site corner, however there is existing tree coverage adjacent to this part of the southern boundary which also aids in screening and softening the edge of the development against the open countryside beyond. Overall, Officers are satisfied the site sufficiently incorporates a strategic landscape buffer into the design and that this aids in softening the edge of the built form, considering the adjacent Green Belt designation. The proposal is therefore acceptable in terms of impact on this gateway location and will not cause harm to the openness of the Green Belt to the south, in accordance with the allocation.
- 7.41 The proposal would have two access roads into the site from the west, from Linnet Drive and Nightjar Way. This is in accordance with the allocation which specifies that access to the allocation should be from Warsop Lane into the site, and should not be from existing estate roads to the north or east. The use of these existing access roads to the west forms a continuation of the built-out allocation and reflects the layout to the west. Along the western edge of the site where the proposal meets the existing built-out site, a strip of green space is proposed with a footpath linking the two access roads. The transition between the two sites is suitable, with green space, the LEAP area and SuDs features helping to soften this western site edge.
- 7.42 Regarding open green space, the designation states the site shall be designed to incorporate new open space which shall form an addition to the existing Preston Road facilities to the north. In terms of area, the site would over provide on open green amenity space provision overall, based on the provision required in the Developer Contributions SPD, with several areas of green space proposed. This includes the children's play area (LEAP) in the northwest corner, the green areas with footpaths in the southwestern corner, along the southern boundary and in the southeastern site corner around the SuDs features. Though attempts were made to introduce connectivity with the green space to the north, this has not been possible so is not provided for. Whilst unfortunate, Officers are satisfied the scheme provides a suitable level of open green space and offers connectivity to the green space on the western part of the site, and the open countryside beyond through footpath connections.
- 7.43 The layout shows that dwellings would front onto all the open green spaces and SuDs features within the site, including the green space beyond the site boundary to the north. This allows for active frontages to provide passive surveillance on all open amenity spaces, promoting better visual safety and security in these areas of the site. The central circular road layout also assists with wayfinding and navigating the site.

The bungalows on the eastern site edge also allow a lower density edge to the existing properties to the east along Woodpecker Drive. The development is unable to connect to Kestrel Drive due to land ownership issues, however, as per the allocation, access should not come from existing estate roads to the north and east. The SuDs features, whilst practical, also provide green and blue features within the site.

7.44 In terms of the individual design of the dwellings, there are 20 different house types proposed, as listed below:

| House Type Name | No. of storeys | No. of beds | No. of plots |
|-----------------|----------------|-------------|--------------|
| Avocado | 2 | 2 | 9 |
| Buckwheat | 2 | 3 | 5 |
| Chestnut | 2 | 3 | 8 |
| Clover | 2 | 3 | 13 |
| Dahlia | 2.5 | 3 | 10 |
| Eucalyptus | 2 | 3 | 14 |
| Heather | 2 | 3 | 5 |
| Macadamia | 3 | 3 | 5 |
| Manuka | 3 | 3 | 1 |
| 33 IronBark | 2 | 4 | 8 |
| 33 Lavendar | 2 | 4 | 8 |
| Linden Corner | 2 | 4 | 4 |
| Primrose | 2.5 | 4 | 5 |
| 33 Poppy | 2 | 4 | 7 |
| Rosemary | 2 | 4 | 8 |
| 33 Wild Flower | 2 | 5 | 7 |
| Bungalow | 1 | 2 | 6 |
| 2B3P | 2 | 2 | 4 |
| 2B4P (corner) | 2 | 2 | 1 |
| 3B4P | 2 | 3 | 5 |
| | | | Total = 133 |

- 7.45 This allows for suitable architectural variation within the site and gives an adequate mix of housing types and appearances, giving visual interest into the street scenes within the site. The dwellings range from bungalows at single storey to 2, 2.5 and up to 3 storey in height and design. Of 133 dwellings, 6 of the plots would be 3 storey, 15 plots would be 2.5 storeys, 6 plots would be single storey and the rest would be 2 storeys. Whilst 3 storeys would be higher than the surrounding pattern of development, these plots are sited within the more central built confines of the site and do not feature on the edges. As such, the increased density in terms of height is considered acceptable and can be catered for in the built form of the proposal without appearing overly dominant or causing visual harm in terms of wider character impacts.
- 7.46 The elevation plans show each dwelling to have brick detailing on the front elevations, either around windows, doors or on the corners, to add visual interest and give the properties a modern appearance. Moreover, each dwelling would benefit from an EV charger (one per plot) and solar PV on the roofs, incorporating sustainable and low carbon energy design principles into the scheme. In terms of materials, two grey roof tiles are proposed and two different tones of red brick, with differing bricks proposed for plinth and projecting detailing. Doors, windows and fascia boards would be dark grey, with black rainwater goods and downpipes. A white render is also shown on the street scene plan to add variety to the material pallet. These materials are considered suitable for this location, also providing a degree of variation within the site.
- 7.47 Overall, the design of the site is considered largely in accordance with the allocation criteria, in relation to open green space provision, access road layout and the green landscape buffer along the southern site edge. The general layout and densities of built form in terms of building heights is acceptable, as is the individual designs for the properties and material pallet. The proposal, whilst providing an increased quantum of housing above the allocation, would constitute an acceptable level of design, with good design principles utilised throughout the scheme in terms of layout, active frontages, connectivity and design quality of the dwellings. The proposal is therefore considered in accordance with policy Ra/Ho/2, emerging policy DM5(b), Core Policy 9 and Core Policy 13.

Impact upon Residential Amenity

- 7.48 Emerging policy DM5(b) advises development proposals should have regard to their impact on amenity and operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Existing neighbours

- 7.49 There are existing residential properties to the northeast, east and west of the site. In the northeastern corner of the site, plots 53-57 would be two storey and would back onto the rear gardens of numbers 31-41 Cambridge Road. The separation distance between the rear elevations of these proposed dwellings and the existing properties along Cambridge Road measures some 20m at the closest point, with this increasing to 31m between plot 46 and number 43 Cambridge Road. This separation distance is considered acceptable to prevent a harmful neighbouring relationship through a loss of privacy, light, outlook or an overbearing impact on the properties along Cambridge

Road. Whilst dwellings would be built where these properties currently look out over open green space, the siting of the dwellings would not harm the actual amenity of these dwellings to an unacceptable degree and private views are not protected.



Extract of the Site Layout Plan showing northeastern corner of the site

7.50 On the eastern side of the site, the development would be closest to numbers 2-10 Woodpecker Drive. The side elevation of plot 57 would be set some 9m away from the eastern site boundary and would measure some 12m from number 2 Woodpecker Drive. The other dwellings on the eastern side of the site (plots 58-63) would comprise bungalows, sited some 22-23m from the rear elevations of numbers 4-10 Woodpecker Close. Considering the dwellings would be single storey and sited some 22-23m from the existing properties, the proposal would not cause harm to the amenity of the properties along Woodpecker Drive in relation to loss of light, privacy or outlook. These properties would retain a suitable level of amenity. Further to the south on the eastern side of the site are the proposed Great Crested Newt Pond and SuDs attenuation pond, so no dwellings are sited here.



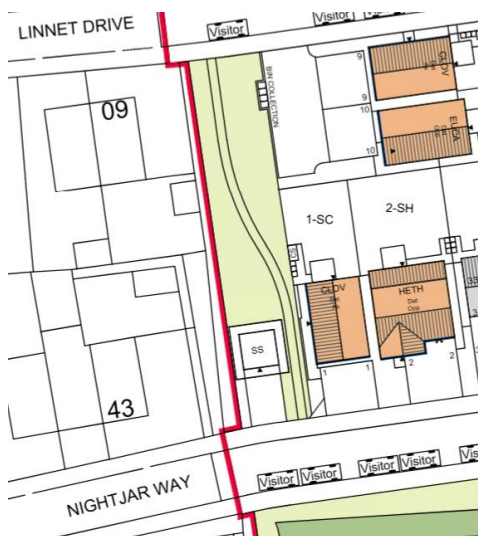
Extract from the Site Layout Plan showing the eastern site boundary

7.51 Looking at the western side of the site, the northwestern corner would comprise the LEAP and open amenity space, with no built form sited within proximity to numbers 17 and 19 Harrow Close. Along Linnet Drive, numbers 61-69 Linnet Drive would be closest to plots 24 and 11. The relationship between these properties would be some 15-16m between the rear of numbers 63-69 Linnet Drive to the side elevations of plots 11 and 24. This side to rear relationship is adequately spaced to protect residential amenity and prevent any significant or detrimental impacts. The side elevations of plots 11 and 24 would not have any first-floor side facing windows that serve habitable rooms that would overlook the existing properties along this part of Linnet Drive. The first-floor side facing window on plot 11 serves a stairwell so is not a habitable space and would not generate an unacceptable overlooking relationship or harmful loss of privacy.



Extract from the Site Layout Plan showing the northern part of the western site boundary

7.52 Further south along the western site boundary the existing dwellings number 9 Linnet Drive and number 43 Nightjar Way would be adjacent to a strip of green amenity space, with no built form in close proximity to these properties.



Extract from the Site Layout Plan showing the southern part of the western site boundary

- 7.53 An attenuation pond is sited in the southwestern side corner adjacent to numbers 60-66 Nightjar Way, meaning no built form is in close proximity to these properties either.
- 7.54 Overall, considering the site boundaries and relationships to existing neighbouring dwellings, the proposal has been designed to avoid any harmful loss of light, privacy or outlook, or overbearing impacts on neighbouring properties. Officers are satisfied the proposal is acceptable in this regard, with adequate separation distances between the proposed new dwellings and existing residential neighbours surrounding the site.

Amenity of future occupiers

- 7.55 Regarding the amenity of future occupiers, the scheme has been designed to allow each plot to benefit from a provision of private amenity space, adequate separation distances to neighbours to protect future privacy and a layout that facilities suitable outlook for each dwelling. Visitor car parking spaces have been indicated within the scheme, and each plot has a bin and cycle store. The back-to-back separation distances of the properties in the central parcel of the site do not fall below 20m which is acceptable.
- 7.56 In each dwelling design all habitable rooms are served by natural sources of light and the properties comply with the National Space Standards in terms of floor area and bedroom sizes. As such, the development will provide a suitable level of amenity for future occupiers and there are no concerns in this regard.
- 7.57 In summary, no conflict is identified in terms of amenity (loss of privacy, light or overbearing impacts), also considering the amenity of future occupiers, therefore in respect of policy DM5(b) the proposal is considered acceptable on existing and future amenity grounds.

Contaminated land

- 7.58 A revised Geotechnical and Geo-Environmental Site Investigation report (issue 3) has been provided. This document includes an environmental screening report, as assessment of potential contamination sources, a brief history of the sites previous uses and a description of a site walkover.
- 7.59 Following intrusive sampling, no exceedance of relative screening criteria was identified. It was noted in the previous version two areas where more investigation was required. The revised report was updated to show the completion of six rounds of gas monitoring and gas screening values. Following the additional investigation and monitoring, the site is considered to not require ground gas protection. The Environmental Health Team have reviewed this and agree with the findings of the revised report and the ground gas assessment. They do however note that an area in the northeastern corner of the site, identified as Phase 3 on the phasing plan submitted, has not been sampled for soil contamination due to the suspected

presence of Hoary Cinquefoil. Officers would expect some sampling of this area to ensure it is suitable for the use.

- 7.60 As it is proposed to have a phased approach to the development, see phasing plan reference 2002, the soil sampling in this limited area of the site (the northeastern corner, phase 3) could be secured by condition prior to works commencing in this phase. The Environmental Health Officer agrees to the use of a condition securing the remaining ground sampling and any remediation required in this small part of the site. As such, the proposal is considered acceptable in this regard, subject to condition.

Impact upon Highway Safety

- 7.61 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.'* Moreover, the allocation policy requires consideration of a suitable Transport Assessment and the impacts of development on the local road network.
- 7.62 The proposal is for 133 new homes on an allocated site. There have been extensive discussions between the applicant and the Highway Authority (HA). The HA had previously objected to the proposal, raising issues regarding the layout, road widths, junction capacity, vehicle tracking in respect of refuse vehicles and parking. The applicant has carried out further work and amendments to the layout to resolve these issues. The HA has now confirmed that these matters have been suitably addressed and they raise no objections to the proposal, subject to conditions. It is further noted that National Highways raise no objections to the scheme in terms of the impact on the wider strategic road network.

Access

- 7.63 A parking survey has been carried out on the existing roads connecting to the development and the HA provided with the full parking survey data. The HA also carried out their own site visit which showed areas where cars parked on both sides of the streets at Nightjar Way and Linnet Drive.
- 7.64 For these roads to be considered suitable to carry the additional vehicles generated by the development and for both refuse and emergency service vehicles to be able to access the new development, it will be necessary for the developer to provide a scheme of parking restrictions. Parking surveys have been carried out and it is evident that there is sufficient space for existing residents' vehicles in unobstructive locations, so this should not be to the detriment of existing residents, but is considered necessary in the interests of highway safety and capacity. As such, the HA request a Grampian condition (works to be carried out outside of the red line) requiring the developer to submit a design for parking restrictions where parking would otherwise be obstructive. The applicant has agreed to this condition, noting the challenging

parking situation on the existing development and the reason why parking restrictions on both Nightjar Way and Linnet Drive are required for highway safety reasons.

Traffic

- 7.65 The trip rates as set out in table 2 of document TN01 – ‘Response to Local Highway Authority Comments’, dated October 2025 are agreed with the Highway Authority. This demonstrates that the calculated trip rates generated by the development would equate to 91 vehicular movements in the AM peak and 90 in the PM peak. This modelling was based on 134 dwellings, as the scheme has been reduced to 133 dwellings, these represent the maximum anticipated movements from the development.
- 7.66 To the south of the Nightjar Way junction on Warsop Lane there are 55 trips in the AM peak and 48 in the PM peak. Further information provided suggests that some of these trips will likely be to/from the Burma Road industrial estate and the remaining will likely travel through Blidworth. There are two key junctions in Blidworth at Warsop Lane/Blidworth Lane and Mansfield Road/Dale Lane. The applicant has provided further traffic data in regard to additional traffic and it is now considered that the additional traffic will not have a severe impact at either junction.

Junction Assessments

- 7.67 Based on the agreed vehicular trip data, the applicant has carried out junction assessment modelling to assess the impact of the development on the wider road network, including the following junctions:
- B6020 Warsop Lane / Nightjar Way junction
 - B6020 Warsop Lane / Southwell Road East
 - B6020 Southwell Road East / Kirklington Road

- 7.68 Table 4 in document TN01 sets out the results of the traffic effects at the study junctions and is shown below:

Table 4 – Traffic Effect at Study Junctions

| Junction | AM Peak | | | PM Peak | | |
|--|--------------|-----------|---------------------|--------------|-----------|---------------------|
| | Develop ment | 2030 Base | Develop ment Effect | Develop ment | 2030 Base | Develop ment Effect |
| (3) B6020 Warsop Lane / Nightjar Way junction | 91 | 869 | 11% | 90 | 601 | 15% |
| (2) B6020 Warsop Lane / B6020 Southwell Road East | 37 | 1129 | 3% | 43 | 1052 | 4% |
| (1) B6020 Southwell Road East / B6020 Kirklington Road | 33 | 1247 | 3% | 38 | 1221 | 3% |

- 7.69 Officers at the Highway Authority that specialise in traffic modelling have reviewed the updated data. The junction assessment carried out at the junction of Southwell Road with Kirklington Road found that the development will put additional pressure on this junction. However, the Highway Authority advise that the junction is already equipped with all facilities which increase capacity and as such there is nothing proportionate to the development that could be done at this junction to improve this.
- 7.70 As this is an allocated site, Highways have requested that the developer consider measures that would reduce the traffic generated by this development as an alternative. In response, TN03 dated 27th March was provided. The note sets out the development sustainability credentials including improvements to bus infrastructure, improvements to pedestrian routes into town and a travel plan including bus taster tickets and travel packs.
- 7.71 In light of this, the improvements to the sustainable transport options in relation to the site in terms of connectivity, public transport and cycling/walking have been considered to reduce reliance on travel by private vehicle by residents and help in mitigating the junction impacts.
- 7.72 To provide improved alternatives to private vehicles, the applicant is providing a financial contribution of £124,100 towards improved public transport provision overall. This comprises a contribution of £53,200 towards the provision of the local community transport scheme to serve the site and a contribution of £70,900 to facilitate bus stop improvements to two bus stops at NS0667 and NS0866 St Georges Church. Moreover, as well as the financial contributions, the applicant has agreed to provide off-site measures through the provision of tactile paving along Warsop Lane and Nightingale Way to the junction with Southwell Road which would accord with prioritising pedestrians both on and off site. This will improve the pedestrian route to the centre of Rainworth and can be secured via a Grampian condition. It is considered that these initiatives will promote sustainable forms of transport to and from the site and aid in reducing reliance on private vehicles.
- 7.73 The applicant has also provided a Travel Plan to encourage sustainable travel through the development. The Travel Plan measures include:
- Provision of free bus taster tickets to future occupants
 - Appointment of a Travel Plan Coordinator who will oversee implementation and monitoring of the Travel Plan, work to promote sustainable forms of travel and liaise with the Local Authority and local operators
 - A Travel Information Pack will be provided to each household providing information on the Travel Plan, bus timetables, walking route maps and promotional material about walking, cycling, public transport and carsharing.
- 7.74 The Highway Authority comment that the Travel Plan in its current form requires amending and that an amended version can be secured via condition. The Highway Authority provide additional advice and comments to the applicant in their most recent submission on what is required to make the Travel Plan acceptable for final discharge. As such, based on the above, it is considered that reasonable measures

have been taken by the applicant to mitigate the junction capacity issue and promote sustainable forms of transport through off-site paving improvements, financial contributions and through securing the measures outlined in the Travel Plan, including free bus taster tickets.

Layout

- 7.75 The layout of the development has been amended to provide a loop design which provides better connectivity within the site, addresses speed attenuation and provides more coherent footways. The revised layout is supported on highways grounds.
- 7.76 The identified issue of private driveways being situated within junction radii has also been addressed and is now acceptable. Driveways serving plots 18, 19 and 60 have been redesigned so they are no longer within the junction radii.
- 7.77 Moreover, the private driveways have been widened to 5.8m for the first 8m of the driveway adjacent to the highway, in accordance with the recommendation of the Highway Authority. The tracking drawings provided detail tracking for refuse, fire appliances, and delivery vehicles, and include turning within the private drives where necessary.
- 7.78 The bin store and bin collection points have been increased in size to 730mm x 890mm for a single bin and the positioning of bin stores and collection areas has been adjusted to ensure Building Regulations compliance.

Parking

- 7.79 A parking schedule and parking heat map was requested by the Highways Authority and subsequently provided by the applicant. Following discussions with the HA on the parking provision of the scheme, the layout was amended to ensure compliant parking was provided, except those noted on the parking heat map are requiring the use of on-street parking, tandem or rear parking. The bay dimensions have been amended to ensure a minimum 5.5m length, with dimensions added to demonstrate compliance. A new detached garage design has been introduced, labelled '33' to some plots, and has internal dimensions (3.498m x 6.198m) so is capable of being counted as an off-street parking space. Space efficient vertical bike racking is proposed within the garages to ensure use for cycle storage and car parking is compatible. All integral garages also now meet the required depths and widths to be counted as a space where required. The 'proposed parking solution' document shows an enhanced image of the frontage parking arrangements, used on other developments across the District, notably Thoresby Vale, and is proposed here. The Parking Heat Map drawing has also been updated to include a landscape plan basemap to help with the interpretation of spaces.
- 7.80 The parking heat map shows there are 6 plots that have an under provision of parking based on the parking standards. This is because these plots feature tandem, rear and on-street parking. All other plots are compliant in terms of parking standards.

- 7.81 As some plots are shown to have rear parking provisions, not directly adjoining the front or side of the house, the applicant has provided each with an appropriate number of off-street spaces, which have been provided with direct and convenient links to the dwelling through garden gates and paths. All such spaces are located in areas well surveyed by both the street, and the host property themselves. As such, these plots are considered to adhere to guidance within the residential parking highways design guide (section 4.1.13), and are considered to provide appropriate parking for future occupiers.
- 7.82 Based on the above, of the 6 plots considered to have substandard parking, there remain 5 plots within the scheme (6, 16, 17, 38 and 54) which do not meet the design standards. In such cases the applicant has shown an on-street displacement space in the heat map and tracking drawings as a worst case scenario. All 5 plots have also been provided with a standard type 33 garage, which could be used as a parking space. Whilst this would represent a triple tandem arrangement and cannot be counted on technical grounds, it will provide the option for future occupiers and give greater choice, and limit any on street pressure.
- 7.83 Regarding visitor spaces, the development of 133 plots generates a requirement for a total of 40 visitor parking spaces (based on 1 in 3 visitor spaces as set out within the NCC Highways Design Guide). The Parking Heat Map shows a viable layout whilst demonstrating an overprovision of visitor parking, identifying some 56 in total which is an over allocation. 12 of these are on shared private drives, with 44 on the highway which is above the requirement.
- 7.84 In order to avoid parking issues similar to those experienced in the adjacent existing development, the parking has been robustly audited by the HA and amended where required. In summary, there are no dwellings that have an under provision by number of spaces, but there remain some where the layout (triple tandem parking) or location (disassociated) are likely to lead to parking on road in obstructive or unsafe places. All of these occurrences are either in turning heads or at junctions and as such, double yellow lines would be justified to avoid this, and a condition is requested accordingly.

Visibility, Tracking and Bend Widening

- 7.85 Visibility splays have been shown to all junctions, with pedestrian visibility shown to the relevant driveways, as requested by NCC Highways Authority. All hedge planting has been offset 1m from the highway visibility splays and will be maintained to no higher than 600mm as detailed on the landscaping specification, also in accordance with NCC advice.
- 7.86 Regarding tracking, it was noted by the Highway Authority that the previous swept path analysis for the refuse vehicle allowed no tolerance for driver error and no offset. The applicant has widened roads and bends within the layout to cater for the required offset. The tracking diagrams have been updated to avoid overhangs onto private drives and footways, and to show the bend widening. The updated drawings are acceptable.

- 7.87 The bend widening identified within the previous response from the HA has been completed, with all 4 bends widened to 6.5m, and 25m forward visibility provided through increased footpath widths.
- 7.88 The applicant has revised the tracking around the bend at plot 6, adding a 300mm buffer around the car and the delivery van scenario, in line with comments from the HA. Whilst this bend may appear tight, the refuse lorry will be an occurrence on the site once or twice a week and it is considered that there is suitable visibility for vehicles to give way to each other should they meet at this bend, and allow the other to pass. The Manual for Streets sets out principles for place-led design over vehicle-led design, balancing movement and place, and avoiding over-wide streets that harm urban quality. In such circumstances, the design would not be considered to create any significant highway safety concerns and it is considered the current bend design provides the most appropriate solution as per the guidance. The Highway Authority have advised that the final design of this bend can be ironed out and finalised through the technical approval stage, post planning.

Construction

- 7.89 Whilst construction is temporary, to reduce any impacts on existing residents and to address issues with access caused by existing parking, it is considered necessary that a Construction Management Statement is provided. This should address parking on the existing access road, staff and contractor/operative parking and measures to prevent the transfer of mud to the existing public highway. This can be secured by condition.
- 7.90 Overall, Highways have confirmed they raise no objection to the scheme following the submission of further information and updated tracking and visibility drawings. Subject to conditions and a planning obligation to secure a monitoring fee for the Travel Plan, they raise no objection and the proposal is considered acceptable on highways grounds.

Flood Risk Impacts and Drainage

- 7.91 Core Policy 10 'Climate Change' of the Amended Core Strategy DPD and Emerging Policy DM5(b) 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. Policy DM5(b) states that all major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate.

- 7.92 The site lies in Flood Zone 1, at the lowest risk from fluvial flooding as shown on the Environment Agency's Flood Map for Planning. There are two limited areas of low-medium surface water flood risk identified.



Extract from Flood Mapping showing Flood Zone 1 and Surface Water Flood Risk

- 7.93 As the site falls in Flood Zone 1, the sequential test is not required. Due to the low flood risk classification of the site, the Environment Agency have not made any formal comments. The applicant has provided a Flood Risk Assessment and plans showing the Drainage Strategy for the site.

Surface water drainage

- 7.94 The drainage strategy for the site utilises SuDs features, comprising attenuation ponds. The Flood Risk Assessment outlines that infiltration tests show that infiltration type SuDs features are suitable on the site for surface water drainage. Surface water for the majority of the site will drain via gravity to the two proposed attenuation ponds. Surface water from the western portion of the site will discharge to soakaways. Information regarding the detailed design and future management of these features can be secured by condition.
- 7.95 Regarding surface water drainage, Severn Trent advise that an alternative discharge point from the surface water network at Preston Road be sought. Their records show another surface water network northeast of the site where there may be capacity for the greenfield flows.
- 7.96 NCC as Lead Local Flood Authority have reviewed the application and raise no objections to the drainage strategy as proposed. They request the detailed surface water drainage scheme be secured by condition.
- 7.97 It is noted that the policy allocation for the site requires the positive management of surface water through the design and layout of the development. As the layout

incorporates SuDs features, this is considered acceptable and in accordance with policy Ra/Ho/2.

Foul drainage

- 7.98 The allocation requires developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.
- 7.99 The applicant has engaged with Severn Trent Water prior to submitting the application and has provided a letter from Severn Trent in appendix 6 of the Flood Risk Assessment. This includes information on the public sewer records for the area and confirms that the foul sewer within the highway of Linnet Drive to the west or at Nightjar Way would be the most suitable connection points for the development. Severn Trent confirm there is sufficient capacity within the network to receive the proposed flows. As such, improvements are not deemed necessary by Severn Trent Water in this instance, and this part of the allocation is satisfied. Foul water will therefore drain via gravity to existing sewers as noted by Severn Trent in their letter.
- 7.100 Overall, considering the above, the proposal is considered acceptable with regards to flood risk and drainage, in accordance with Core Policy 10 and Emerging Policy DM5(b).

Impact upon Ecology and trees (including BNG)

- 7.101 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.
- 7.102 The application is supported by an Ecological Impact Assessment (EclA), Great Crested Newt Mitigation Strategy, BNG Metric and Habitat Plans (both baseline and proposed). In terms of trees, the application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.

Designated Sites

- 7.103 In terms of designated sites, there are two Sites of Special Scientific Interest (SSSI) designated adjacent to Rainworth – Rainworth Lakes and Rainworth Heath. The site is also within the 5km buffer of a potential possible Special Protection Area (ppSPA). Natural England have been consulted and raise no objection, confirming that they consider the proposals will not have likely significant effects of statutory protected sites. Moreover, the applicant has stated in their submission that the SSSI is publicly accessible with footpaths and it is likely that it is already under pedestrian pressures from nearby residential developments. Due to the distance of the site to the SSSI, it is unlikely that additional impacts would occur as a result of the development, with immediate surrounding areas more likely to be utilised by residents of the

development. The impacts on the ppSPA are also considered to be minimal. The Council's Ecologist supports this approach and agrees with these conclusions.

Habitats

- 7.104 In terms of habitats, the applicant undertook an additional habitat survey in January this year. The Council's Ecologist comments that this is acceptable to enable a more accurate assessment of the different habitats on the site, including the grassland. This has informed the revised baseline of the site and the baseline habitat plan is considered accurate.

Species

- 7.105 In terms of reptiles, from the survey results 9 common lizards were identified on the site representing a 'low population' and the site does not represent a 'key reptile site'. Therefore, the precautionary working methods outlined at section 5.4.1 of the updated EclA report are appropriate and ensure conservation of the population would be maintained.
- 7.106 In terms of breeding birds, the survey found 18 species within the site. Again, the mitigation outlined in section 5.5.1 of the EclA is considered acceptable.
- 7.107 Regarding Great Crested Newts (GCN), a pond in a residential garden along Woodpecker Drive was found to have GCN present, with an estimate of 5-15 individuals observed during the daytime. A survey was undertaken in May 2025 which confirmed the presence of a male GCN on the site. The small size of the pond, the absence of other accessible ponds and the fact no GCN were recorded during the updated reptile survey undertaken between May-June 2025 provide justification for the assumption of a small population size. Further justification for the level of survey effort is provided in the Ecological Response Letter dated January 2026, reference RSE_8424_R5_V2. The Council's Ecologist agrees with the position taken regarding survey work and comments that sufficient justification for the level of survey effort is provided.
- 7.108 The GCN mitigation is based on the presence of a small population and it is accepted that all works beyond 250m of the neighbouring pond could proceed under precautionary working methods (phase 1 of the development). Part of the mitigation is creating a permanent receptor area along the eastern boundary with GCN proof fencing to prevent GCN getting into the remainder of the site. Stage 2 of the mitigation is to trap and translocate any GCN found on the remainder of the site. The receptor area includes the SuDs attenuation pond, a wildlife pond and two hibernacula. Additional information has been provided detailing the timing and phasing of the proposed trapping and translocation works which address previous queries of the Council's Ecologist.
- 7.109 The applicant, in agreement with the Council Ecologist, confirms that a licence will be needed to carry out the GCN mitigation, this can be secured by condition. This condition will relate to phase 2 and 3 of the site as these areas are within the 250m

protected GCN zone. Overall, the revised Great Crested Newt Mitigation Strategy is considered to secure the favourable conservation status of GCN, with the relevant tests satisfied, and Ecology raise no objections to this.

- 7.110 Regarding bats, the site was found in the EclA to offer foraging and commuting value to bats, however the scheme will not result in large scale fragmentation and the impacts are not considered detrimental to bat species. Section 5.7.1 outlines how sensitive lighting will be used during the construction phase of development. No further mitigation or precautionary working methods are required.
- 7.111 No other species were identified as requiring further mitigation or precautionary working methods.

Trees

- 7.112 In total, 58 individual trees, 25 groups and 1 hedge have been recorded in the arboricultural survey. Only 1 tree (T33 Oak) and 1 group (G13) were recorded as being moderate value category B. The remainder of the trees were recorded as low value category C. G13 is individually made up of low value semi-mature trees, but has been assigned moderate amenity value due to collective site screening purposes.
- 7.113 To facilitate the development, 53 individual trees and 13 tree groups will require removal. 8 groups will require partial removal. The removals include moderate value T33 and G13, with the remainder of the trees being of low value. Whilst all the trees to be removed are mostly of low value, the amount of tree loss will contribute to a moderate arboricultural impact overall. Mitigation planting will be required via an adequate soft landscaping plan.
- 7.114 No construction works or proposed hard standing are anticipated to be within the Root Protection Areas (RPA) of retained trees. Mitigation planting can be achieved within the development's soft landscaping scheme. The associated Landscape Masterplan outlines the planting of new trees, shrubs and hedges throughout the site and details species and sizes of new planting/trees. Overall, Officers are satisfied that new tree planting to mitigate for the losses on site can be achieved. More detailed landscaping plans detailing the implementation and management of this can be secured via a condition.
- 7.115 Regarding tree protection measures, the submitted Arboricultural Method statement and Tree Protection Plan (TPP) detail the timings and methods needed to protect the retained trees throughout the development. These measures can be secured by condition.
- 7.116 Whilst the loss of trees on the site is regrettable, it is accepted that adequate mitigation planting can be delivered on the site. The proposal is therefore acceptable in this regard.

Biodiversity Net Gain

- 7.117 The BNG assessment has been updated to address previous comments from the Council's Ecologist. The amended habitat score is now -38.58 Habitat units, made up of -23.3 other neutral grassland units, -16.23 scrub units and -2.47 individual tree units. The proposed development would result in a net gain of 1.71 hedgerow units, equivalent to 615.42%.
- 7.118 In order to provide a 10% gain in area habitat units, the applicant is proposing both on and off-site measures. The applicant is currently in discussion with a habitat bank in a neighbouring National Character Area. The Council's Ecologist has also outlined other options for offsite provision in their recent comments, dated 16/03/2026.
- 7.119 As such, the General Biodiversity Gain Condition will apply, and as some BNG is being provided onsite, through the GCN mitigation area for example, a monitoring fee of £2,854.17 will be secured as part of the legal agreement.
- 7.120 Overall, the proposal is acceptable considering ecology, trees and BNG. Conditions securing the onsite BNG, GCN mitigation measures, a biodiversity CEMP and a bird and bat box plan can be attached to the permission. Monitoring for onsite BNG can also be secured via the legal agreement and the statutory BNG condition will apply. No conflict has been identified in respect of CP12, DM7 and DM5(b), or the NPPF.

Archaeology

- 7.121 It is noted that the allocation policy states that potential archaeology on the site should be properly investigated and any necessary post-determination mitigation measures secured by condition on any planning consent.
- 7.122 The applicant has provided an Archaeology and Heritage Desk Based Assessment, and a Written Scheme of Investigation (WSI) for Archaeology. The WSI details the method for site investigation comprising trial trenching that is proposed. The Archaeology Officer has advised that the recommendations in the submitted WSI are agreed and the remaining evaluation programme can be secured via condition. As such, Officers are satisfied that the archaeological works proposed will secure the archaeological significance of the site and comply with policy Ra/Ho/2.

Coal Mining

- 7.123 The allocation policy also requires the investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures. The applicant addresses this in their Geotechnical and Geo-Environmental Site Investigation Report, dated September 2025.
- 7.124 This report states that mapping for the area does not show any outcropping coal seams within several kilometres of the site and that Chester Formation bedrock immediately underlies the site and this is not recorded to contain any coal seams. Due

to the proximity of the site to the former Blidworth Colliery, located some 750m south of the site, a Coal Authority report has been provided.

7.125 The Coal Authority report states that the site is within the likely zone of influence from known workings on two coal seams at depths of 597m and last worked in 1967. The report states there are no probable unrecorded shallow workings beneath the site and the site is unlikely to be affected by future underground mining. The report further concludes the below:

- No mine entries are recorded within 100m of the site
- No faults, fissures or break lines are recorded
- No opencast mines or Coal Authority managed tips recorded within 500m of the site
- No mine gas or mine water treatment schemes recorded within 500m of the site
- No notices have been given stating the land is at risk of subsidence

7.126 Overall, given the findings of the Coal Authority Report, attached in appendix 1 of the Geotechnical and Geo-Environmental Site Investigation Report, the proposal is considered acceptable in this regard. The allocation policy has been accorded with and given the known depth of the coal bearing strata (180m depth) further precautions against the effects of shallow coal mining are not deemed necessary in this instance.

8.0 Other Matters

8.1 **Public comments** – The public comments and concerns raised have been thoroughly reviewed and are acknowledged. These have largely been addressed throughout the report and through the revisions made to the scheme, including the off-site highway improvement works, further highway assessments carried out and securing S106 monies to go to local infrastructure to support local services in light of the development. Any future estate fee payments arranged for the maintenance of the open space on the site is not a planning matter, and would be at the discretion of the applicant. Officers are advised that the open space would be managed by a third party company and how the developer covers the costs of this would be for them to decide. The development provides its own open space and play area, so the scheme is not considered to put undue pressure on the existing provisions to the north or the west of the site. That said, it is acknowledged that use of these areas would likely increase, however, this is not considered a reason for refusing the scheme. A Construction Management Statement will ensure disruption during the construction phase is minimised and mitigated as much as possible, although these concerns are noted and understood.

8.2 **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/

The proposed development lies in an area that is zero rated for CIL, therefore the development is not CIL payable.

8.3 **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 proposed to deliver 10% BNG through both onsite and offsite measures, and the monitoring for the onsite BNG can be secured by appropriate legal agreement.

8.4 **Implications** – 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 - LEG2627/9086

8.5 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.

8.6 **Draft Heads of Terms** – it is noted that the recommendation is subject to a S106 legal agreement. The draft heads of terms agreed in principle with the applicant are summarised below:

- Affordable Housing – 15 units on-site
- Primary Education – £269,059
- Education SEND – £104,566
- Health – £130,688.46
- Community transport – £53,200
- Bus Stop infrastructure improvements – £70,900
- Off-site highways improvements – tactile paving on pedestrian route to Rainworth
- Community facilities – £184,081.31
- Sports provision – £98,116.76
- Waste – £13,927.76
- Library Stock – £5,940
- Amenity green space and open space for children and young people provided on site, including maintenance provisions
- Monitoring fee for NCC Highways Authority for the Travel Plan - £7,500
- Monitoring fee for NSDC Ecology regarding on-site BNG - £2,854.17
- S106 monitoring fees for NSDC – yet to be determined

9.0 Planning Balance and Conclusion

- 9.1. The proposal has been found to be acceptable when assessed against all the relevant material planning considerations and local and national planning policies.
- 9.2. Whilst it is noted the quantum of development, when considering the built-out part of the allocation to the west, exceeds that referenced in the original allocation, this is not considered to weigh against the proposal or represent a reason to refuse the scheme. The increased quantum does not result in a harmful density, not exceeding 30 dwellings per hectare, and also aligns with the aims of the NPPF to promote making efficient use of land, especially making efficient use of land specifically allocated for development.
- 9.3. Moreover, the Council lacks a 5 year housing land supply which means the tilted balance is engaged and both the provision of housing and making the most efficient use of land are given greater weight in the planning balance. As such, the provision of additional housing on the site above the allocation is considered acceptable and weighs in favour of the scheme due to the tilted balance. There have been no harms identified that weigh significantly or demonstrably against the proposal, meaning the application should be approved.
- 9.4. Whilst it is noted that the on-site provision of affordable housing is below policy compliance at 11%, the viability argument put forwards by the applicant has been independently reviewed and verified. The applicant has agreed to all other financial contributions and an otherwise fully policy compliant S106 can be secured, as outlined in the draft heads of terms, to be secured through a S106. This means financial contributions towards health, education, libraries, community facilities, sport, community transport and local transport infrastructure can be secured as part of the development, to bring investment to the local area and support the existing waste, transport, health and education services in Rainworth and the surrounding area. On balance, having a fully compliant S106, aside from the under provision of on-site affordable housing, is considered a positive aspect to the proposal. With the viability work confirming the maximum that can be secured has been in this case.
- 9.5. Moreover, the proposal has been found to comply with all the requirements of the allocation policy, Ra/Ho/2. The site was master planned under the previous development, and has been master planned as part of this proposal. The design ensures active frontages and passive surveillance over all public areas, incorporates adequate architectural variation, and incorporates a slight overprovision of on-site green and open space, including the provision of a children's play area (LEAP). Additionally, the landscape buffer along the southern boundary is maintained, the Transport Assessment and highways work undertaken is acceptable, with Highways raising no objections, and the entrance to the site accords with the requirements of the allocation, with measures agreed to mitigate any impacts that may arise from this. Furthermore, SuDs features are incorporated and it is demonstrated that sustainable surface water drainage systems can be used, in agreement with the Local Lead Flood Authority. Open space is also provided that overall is a slight overprovision, in

accordance with the allocation, and developer contributions as outlined above are secured. Lastly, elements like off-site sewer improvement works, coal mining and archaeology have all been investigated, addressed and where relevant complied with. Overall, the proposal is considered in accordance with the site allocation under policy Ra/Ho/2 and the Development Plan when taken as a whole.

9.6. As such, on balance, the proposal is considered acceptable, and is in accordance with the policies in the Amended Core Strategy, the Allocations and development Management DPD, the Emerging ADM DPD (where these policies can be afforded weight), and the NPPF.

9.7. The proposal is recommended for approval, subject to the conditions outlined in section 10 and the signing of a S106 legal agreement.

10.0 Conditions

01 – Time Limit

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

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

02 – Plans and Details

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

- Site Location Plan, reference 2456.02 Rev B (received February 2026)
- Planning Layout, reference NJW-VL-01 Rev I (received April 2026)
- Landscape Master Plan, reference R/2918/1F (drawing received March 2026)
- Open Space Plan, reference 2456.07 Rev K (received April 2026)
- Boundary Treatment Plan, reference 2456.06 Rev K (received April 2026)
- Street Scene Plan, reference 2456.04 Rev G (received April 2026)
- Materials Layout Plan, reference 2456.03 Ref J (received April 2026)
- EVCP, Refuse and Cycle Plan, reference 2456.08 Rev K (received February 2026)
- The 33 Poppy Detached Ground and First Floor Plan (revised drawing received February 2026)
- The 33 Single Garage – Gable Side – Plans and Elevation (revised drawing received March 2026)
- The Manuka End Ground, First and Second Floor Plan (revised drawing received March 2026)
- The Manuka End Front, Left and Rear Elevations (revised drawing received March 2026)
- House Type Catalogue Including plans for The Avocado End, The Buckwheat End, The Chestnut End, The Clover Detached, The Eucalyptus Detached, The Heather Detached, The Macadamia End, The 33 Ironbark, The 33 Lavendar, The

Linden Corner Detached, The Rosmary Detached, The Sage Detached, The 33 Wildflower, The Dahlia End, The Primrose Detached, The 33 Poppy Detached, Bungalow 2b3p Detached, Bungalow 2b3p Semi, 2b3p End, 2b3p Mid, 2b4p Corner, 3b4p End, 3b4p Mid, Garage – Gable Side – Single and Twin (received November 2025)

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

03 – Phasing

The development hereby approved shall be undertaken in accordance with the phasing provisions made within the approved phasing plan reference: 'C019 – 2002', unless an updated phasing plan is first submitted to and approved in writing by the Local Planning Authority. In such circumstances, the development shall thereafter be undertaken in accordance with the provisions of the updated phasing plan thereby approved.

Any reference to 'phase' or 'phasing' within this permission shall be construed to relate to the phasing plan as hereby approved, unless superseded by an updated plan approved under this condition, whereby it shall thereafter relate to the updated plan as approved.

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

04 – Materials

Notwithstanding the materials set out in the submission, prior to the development in any phase reaching above damp-proof course, details and specifications of the external materials to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: In the interests of the visual amenity of the site.

05 – Construction Management Statement

Prior to the commencement of development in any phase, a Construction Management Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- Measures to ensure access is available along the existing public highway.
- Details of staff operative/contractor parking and how it will be ensured that this does not take place on existing highway.
- Robust and enforceable measures to prevent the transfer of mud to the public highway.

The approved CMS shall then be adhered to during the construction phase of the development.

Reason: In the interests of general highway safety.

06 – Surface Water Drainage

No part of the development in any phase, hereby approved, shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Eastwood Flood Risk Assessment (FRA) dated 21 Oct 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.
- 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.

Within 6 months of completion of the approved drainage scheme for each relevant phase, the developer shall submit 'as built' drainage details for review by the Local Planning Authority.

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.

07 – Biodiversity Net Gain

- A. A revised version of 'Ecological Impact Assessment' (or other new document) and Statutory Biodiversity Metric, produced by RammSanderson dated 12.01.2026 and 29.01.2026 respectively, shall be submitted to, and be approved in writing by, the local planning authority. The updates shall be limited to those necessary to address the comments made within paragraph 2.5 of the NSDC Ecology Officer comments dated 16th March 2026. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved documents.

- B. The development shall not commence in any phase until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and been approved in writing by, the local planning authority and including:
 - (a) 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 6 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.

08 – Great Crested Newt Mitigation

Part 1 - Prior to the commencement of development beyond phase 1, including any vegetation clearance and initial site preparation work, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Written evidence that a European Protected Species Licence has been acquired, or a statement in writing from Natural England to the effect that it does not consider that the proposed development will require a European Protected Species Licence.
- b) Written evidence has been provided to, and been approved by, the local planning authority confirming the appointment of a suitably licenced ecologist to implement the 'Proposed Mitigation Works' set out in Section 3 of the Great Crested Newt Mitigation Strategy (RammSanderson, 14/01/2026) (or a variation of the strategy as required by Natural England).

Part 2 - Within 1 month of the completion of the translocation exercise, written confirmation from the appointed ecologist that the Great crested Newt Mitigation Strategy has been fully implemented up to that point shall be provided to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with the NPPF and Amended Core Strategy Policy 12: Biodiversity.

09 – Biodiversity CEMP

No development shall take place in any phase (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

The CEMP (Biodiversity) should incorporate in full the Precautionary Methods of Working detailed within Section 5 of the Ecological Impact Report Version 4, 12/01/2026 produced by RammSanderson 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.

10 – Bat and Bird Box Plan

A. The approved development shall not proceed beyond damp proof course in any phase until a Bat and Bird Box Plan, along with a timetable for their installation has been submitted to and been approved in writing by the local planning authority. The plan is to show the type, location of the proposed boxes and details for fixing them into place.

B. The approved boxes shall be installed in accordance with the approved details and timetable thereafter and photographic evidence of the installed boxes, shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the site in any phase to fully discharge the condition. Thereafter, the installed features 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.

011 – Tree Protection Measures

Prior to the commencement of development or site works in any phase, all approved tree protection measures shall be installed, as per approved drawing reference RSE_8424_TPP in Appendix D of the Arboricultural Report prepared by RammSanderson and dated January 2026. The approved tree protection measures shall be retained and maintained in full for the duration of the development.

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

012 – Contaminated Land in Phase 3

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 in phase 3, as per the approved phasing plan reference 2002, 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 (Phase 3)

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 in phase 3, 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 for phase 3 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 (Phase 3)

A detailed remediation scheme to bring this part of the site in phase 3 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 phase 3 of 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 (Phase 3)

The approved remediation scheme for phase 3 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 in relation to phase 3, 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.

013 – Archaeology Part 1

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation (WSI), prepared by MAP Archaeological Practice, received 28th April 2026 and reference KDR26_TT-WSI_VD. 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.

014 – Archaeology Part 2

A report of the archaeologist's findings, including the process of archiving/depositing with the County Museum or another public depository willing to receive it, shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council (or other equivalent Record Office) within 3 months of the phase II archaeological works, hereby given consent, being completed.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

015 - Landscaping

Notwithstanding the Landscape Masterplan reference R/2918/1F, prior to the development in each phase reaching above damp-proof course, a detailed landscaping plan for each phase shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping plans shall include 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, including their management. This submission shall include:

- Hard landscaping details shall include proposed materials for all areas of hardstanding on the site, including the car parking areas, driveways, 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.
- Soft landscaping details shall include planting plans, detailed tree planting, written specification (including cultivation and other operations associated with plant and grass establishment), management during 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. The development shall be carried out in accordance with the approved details for each phase.

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.

016 – Landscaping Implementation

All hard and soft landscape works shall be carried out in accordance with the approved programme for implementation as agreed under condition 15.

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

017 – Off-Site Parking Measures

Prior to commencement of development in any phase, a drawing detailing proposed measures to address obstructive parking on Nightjar Way and Linnet Drive shall be submitted to and approved in writing by the Local Planning Authority.

Within 1 month of approval of the drawing, an application for a traffic regulation order shall be made based on this, and any measures subsequently approved shall be implemented within 6 months of that approval (unless an alternative timescale is first agreed in writing with the Local Planning Authority).

Reason: In the interests of highway safety and capacity.

018 – On Site Parking Measures

Prior to the commencement of development within phase 2, an application shall be made for a traffic regulation order to prevent parking in the turning heads and at the junctions within the development layout. Any approved measures shall be implemented within 6 months of the respective roads being finished to wearing course level.

Reason: In the interests of highway safety.

019 – Off-Site Footway Improvements

Prior to the occupation of the 50th dwelling of the development, improvements to the footways along Warsop Lane shall be provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. For avoidance of doubt, these improvements are limited to the provision of tactile paving at accesses and junctions along Warsop Lane to the north of the site, where there is currently none.

Reason: In the interests of promoting sustainable travel and general pedestrian safety.

020 – Visibility and Landscaping

Hedges shall not be planted within 1m of the rear of the junction and forward visibility splays shown on the Landscape Masterplan drawing number R/2918/1F.

Reason: In the interests of highway safety

021 – Pedestrian Visibility

The pedestrian visibility splays, as shown by the yellow dashed lines on the Landscape Masterplan drawing number R/2918/1F, shall be kept clear of all obstructions above 0.6m in height.

Reason: In the interests of pedestrian safety.

022 – Travel Plan

Prior to the first occupation of the development in any phase, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce trips generated by the development in the interests of highway capacity and in the interests of sustainable travel.

023 – Surfacing and Drainage

Prior to the first occupation of the development in any phase, the access, parking and turning serving relating to each dwelling, hereby approved, shall be provided in hard bound material with means to prevent the transfer of surface water to the public highway where applicable.

Reason: To prevent the transfer of deleterious material and surface water to the public highway in the interests of general highway safe.

024 – Design and maintenance of the LEAP

Prior to the development in any phase reaching above damp proof course, a scheme for the LEAP shall be provided to and approved in writing by the Local Planning Authority. The scheme shall include the detailed layout of the children's play area, specifications of the equipment, a timetable for implementation and details of ongoing management and maintenance.

Reason: To ensure the detailed design of the LEAP is provided, in the interests of the amenity of future occupiers.

025 – Prohibited activities

The following activities must not be carried out under any circumstances during the construction phases.

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.

026 – Removal of vegetation

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 findings 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 metre 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.

Informatives

01

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

02

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

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.

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

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk

03

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

04

It is necessary for the developer to apply for a Traffic Regulation Order. This is a process separate to the planning or Section 38 processes and can take a significant time to resolve. The applicant is therefore advised to contact our highway partners at the earliest opportunity. Please email steph.walford@viaem.co.uk for more information.

05

For Part B d) of Condition 07 completion of the development, and therefore the start of the 30-year period is considered to be six months after the site construction compound has been removed. This six-month period is considered necessary to provide flexibility if this point in the development is reached at a time of the year that is incompatible for seasonal reasons to undertake habitat creation and enhancement works.

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/

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

07

IMPORTANT

The development granted by this notice must not begin unless:

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

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

Biodiversity Net Gain

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

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

OR

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

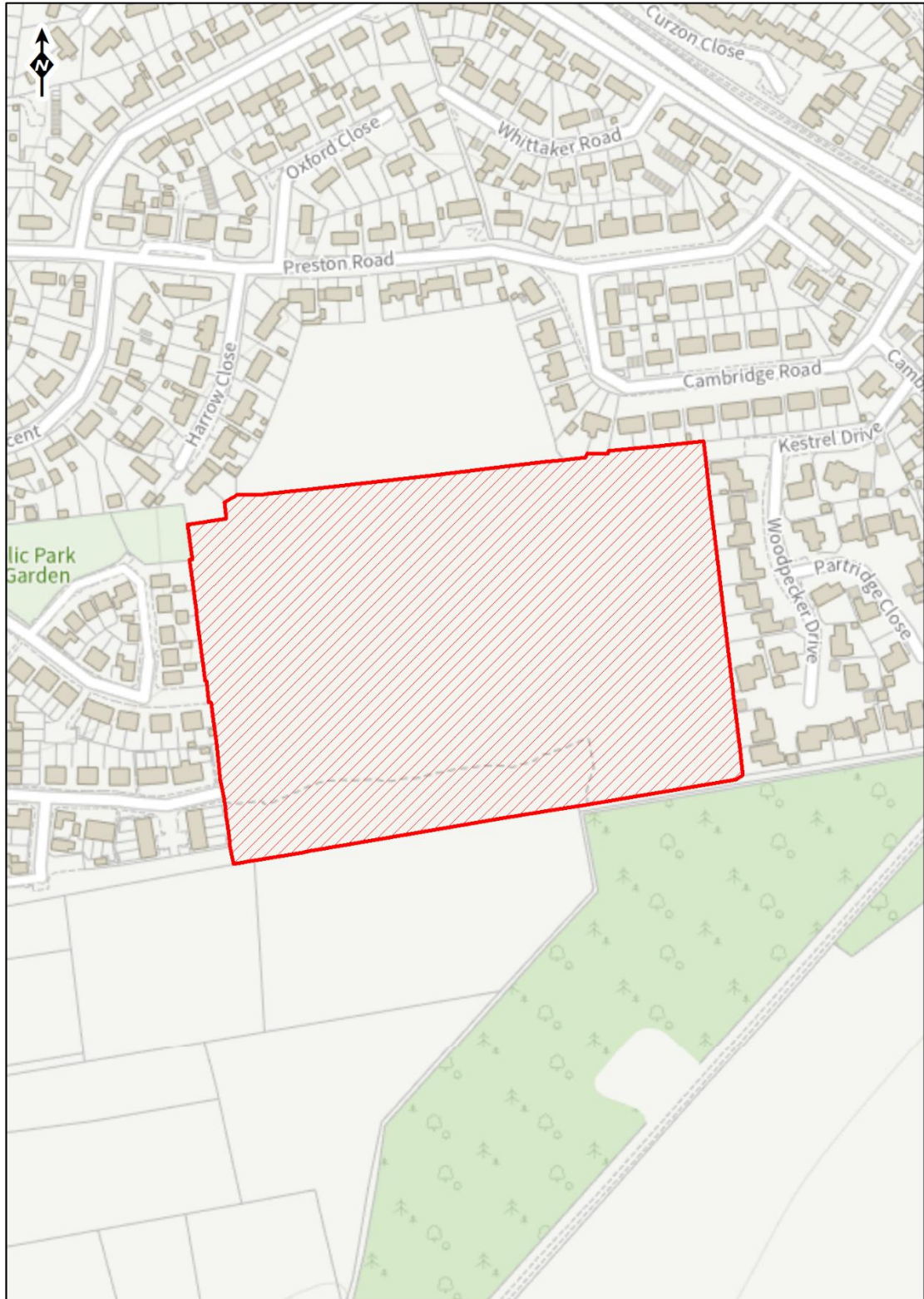
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Newark and Sherwood District Council (NSDC).

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

BACKGROUND PAPERS

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

Application case file.



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Report to Planning Committee 4 June 2026
 Business Manager Lead: Oliver Scott
 Lead Officer: Ellie Sillah, Senior Planner

| Report Summary | | | |
|---------------------------|---|--------------------|---|
| Application Number | 25/01999/FULM | | |
| Proposal | Demolition of The Forest Centre 111 Forest Road, the Former Lloyds TSB Bank Forest Road and the Town Hall, Sherwood Drive, and the erection of a mixed use proposed development including: a cinema/ leisure use/ café building; retail (Class E(a)), customer service/office facilities (class E(c)) and ancillary/shared areas; commercial office units (Class E(c)); and associated infrastructure; landscaping; public realm areas; and the erection of three dwellings with access and parking | | |
| Location | Land At Rufford Avenue Ollerton | | |
| Applicant | Newark And Sherwood District Council - Ms Ellie Buchanan | Agent | JEH Planning - Mr James Hobson |
| Registered | 28th November 2025 | Target Date | 27th February 2026 EOT agreed until 12 th June 2026 |
| Recommendation | Approve subject to conditions and a unilateral undertaking. | | |

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the applicant is Newark & Sherwood District Council.

1.0 The Site

1.1 The application site is located within the local centre of New Ollerton, to the north of Rufford Road, south of Forest Road, and west of Sherwood Drive. The site is split into 2 parcels of land as can be seen on the site location plan below. The site comprises the Forest Centre and a former bank, fronting Forest Road. The section fronting Sherwood Drive comprises the existing Town Hall. The southern part of the site is overgrown, with no built form, however, it is previously developed land. Built form surrounds the site with a mix of residential and

commercial properties. On the opposite side of Rufford Road is a Tesco superstore and car park.



- 1.2 The site is not within a conservation area; there are no nearby listed buildings and the site is in Flood Zone 1 (lowest risk of flooding).
- 1.3 New Ollerton Colliery Village is adjacent to the site and is a non-designated heritage asset.
- 1.4 Ollerton conservation area lies to the west of the site over 750m away.

2.0 Relevant Planning History

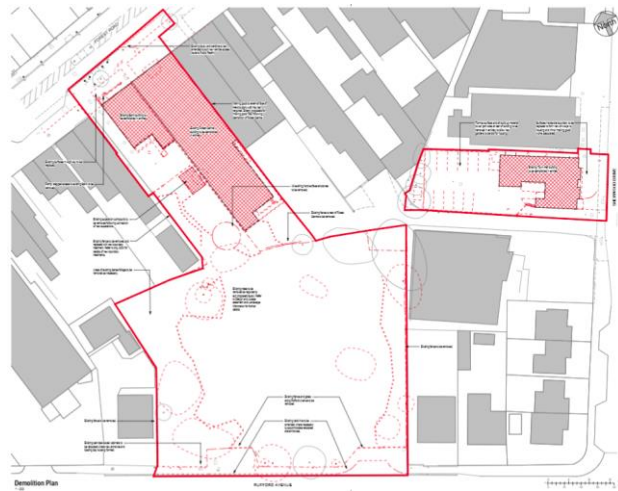
- PREAPP/00226/22 – Advice given.
- PREAPP/00088/24 – Advice given.
- PAFU/00133/25 – Advice given.

3.0 The Proposal

- 3.1 This application seeks permission for the redevelopment of the site to include the demolition of The Forest Centre, the Former Lloyds TSB Bank and the Town Hall, and the erection of a mixed use proposed development including: a cinema/ leisure use/ café building; retail (Class E(a)), customer service/office facilities (class E(c)) and ancillary/shared areas; commercial office units (Class E(c)); and associated infrastructure; landscaping; public realm areas; and the erection of three dwellings with access and parking. The proposed new floorspace is set out in the table below:

| Department | Area (usable) |
|----------------------|---------------------------|
| Retail | 367 m ² |
| Commercial Offices | 163 m ² |
| Public Offices | 342 m ² |
| Offices shared space | 154 m ² |
| Leisure / Cinema | 544 m ² |
| Housing | 238 m ² |
| Total | 1808 m² |

3.2 The plan below shows the extent of the proposed demolition in red:



3.3 The proposed block plan is shown below:



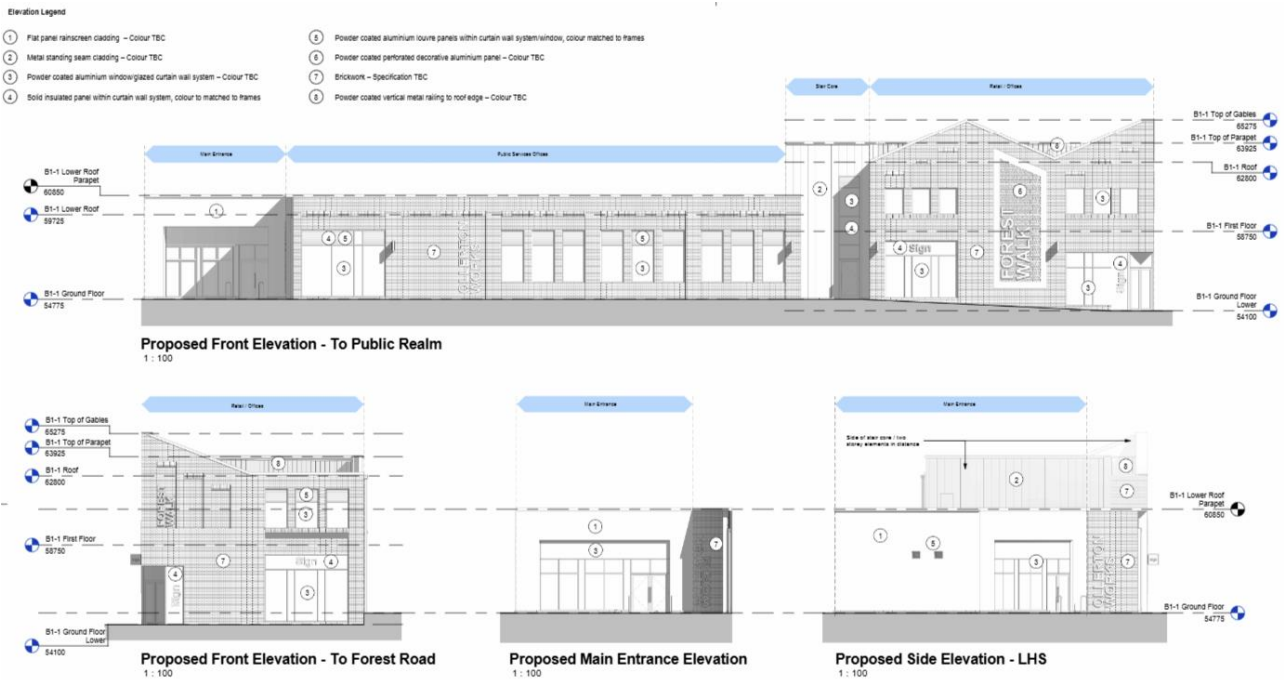
3.4 The residential part of the scheme would comprise 3 terraced dwellings fronting Sherwood

Avenue, in place of the Town Hall. The dwellings would be affordable rent properties (for NSDC housing stock) rather than market dwellings. Each dwelling would have 2 bedrooms, 2 off street parking spaces to the front, and a private garden spaces to the rear, and solar panels would be fixed to the roof. The proposed floorplans and elevation and illustrative 3D visual are shown below:

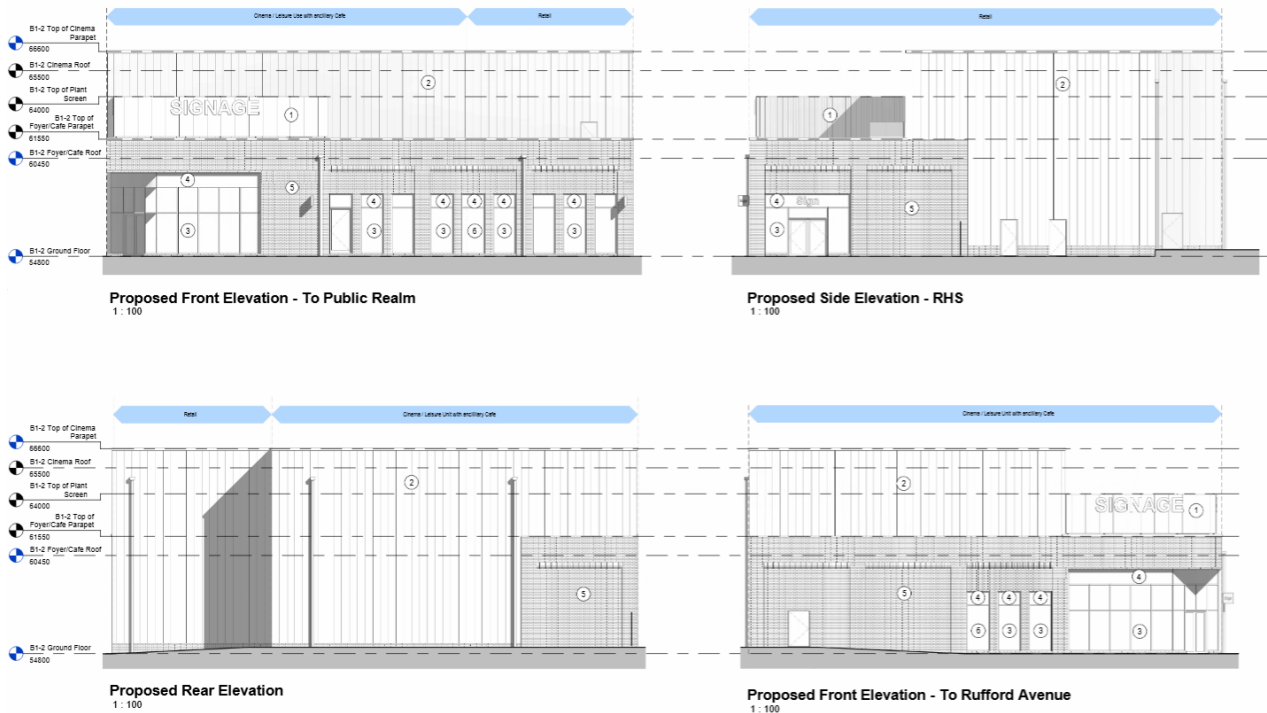


3.4 The section between Rufford Avenue through to Forest Road would comprise 2 large buildings – ‘Building 1’ and ‘Building 5’. Building 1 would include 7 SME (Small and Medium-sized Enterprise) units to the first floor, and on the ground floor, a retail unit, Town Hall

offices, staff room, meeting rooms, shared offices for NSDC, a public entrance and lobby, customer service area, toilets, CAB offices and interview rooms. The proposed elevations for Building 1 are shown below.



3.5 'Building 5' would comprise a cinema and a retail unit. The internal layout is not yet finalised and therefore is indicative on the latest site plan (drawing number 2203 rev P04). The building would include 2 cinema screens, a lobby, party room, café and separate retail unit. The proposed elevations for Building 5 are shown below:



Proposed Site Plan:



Documents assess in this appraisal (in order of date received):

- Revised Design and Access Statement received 14.5.2026
- M00508-CAD-B5-ZZ-D-A-1231 - P06 Site Tracking Plan received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2203 - P04 Proposed Site Plan received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2204 - P03 Proposed Boundary Treatment Plan received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2205 - P03 Proposed Block Plan received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2301 - P03 Building 5 Proposed Plans received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2401 - P03 Building 5 Proposed Elevations received 6.5.2026
- M00508-CAD-B5-ZZ-D-A-2501 - P03 Building 5 Proposed Sections received 6.5.2026
- M00508-CAD-ZZ-00-D-A-2206 - P03 Waste Collection Strategy received 6.5.2026
- M00508-CAD-ZZ-00-D-A-2207 - P03 Tree Constraints Plan received 6.5.2026
- M00508-CAD-ZZ-00-D-A-2406 - P03 Rufford Ave Street Scene received 6.5.2026
- Updated Bat Roost Assessment received 6.5.2026
- Ecological Statement of BNG Comments received 6.5.2026
- M00508 CAD B1 ZZ D A 2301 REV P02 Building 1 Proposed Plans received 30.3.2026
- M00508 CAD B1 ZZ D A 2401 REV P02 Building 1 Proposed Elevations received 30.3.2026
- M00508 CAD B1 ZZ D A 2501 REV P02 Building 1 Proposed Sections received 30.3.2026

- M00508 CAD B3 ZZ D A 2301 REV P02 Residential Proposed Plans received 30.3.2026
- M00508 CAD B3 ZZ D A 2401 REV P02 Residential Proposed Elevations received 30.3.2026
- M00508 CAD B3 ZZ D A 2501 REV P02 Residential Proposed Sections received 30.3.2026
- M00508 CAD B5 ZZ D A 2302 REV P01 Building 5 Indicative Alternative Layout received 30.3.2026
- M00508 CAD ZZ 00 D A 2203 REV P03 Proposed Site Plan received 30.3.2026
- M00508 CAD ZZ 00 D A 2204 REV P02 Proposed Boundary Treatment Plan received 30.3.2026
- M00508 CAD ZZ 00 D A 2205 REV P02 Proposed Block Plan received 30.3.2026
- M00508 CAD ZZ 00 D A 2206 REV P02 Waste Collection Strategy received 30.3.2026
- M00508 CAD ZZ ZZ D A 2207 REV P02 Tree Constraints Plan received 30.3.2026
- Transport Assessment Addendum received 30.3.2026
- Covering Letter re additional information received 30.3.2026
- Phase 1 Contamination Report (Parts 1 and 2) received 30.1.2026
- Cadent Gas Plan received 12.12.2025
- CCTV Survey received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-1000 Drainage Strategy received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-1031 Private Drainage Details (1 of 3) received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-1032 Private Drainage Details (2 of 3) received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-1033 Private Drainage Details (3 of 3) received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-1110 Manhole Schedule P03 received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-3200 Proposed Levels P04 received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-3400-S278 General Arrangement Plan P03 received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-3402 External Works General Arrangement P02 received 28.11.2025
- M00508-CAD-B1-ZZ-D-A-2301 Building 1 Proposed Plans received 28.11.2025
- M00508-CAD-B1-ZZ-D-A-2401 Building 1 Proposed Elevations received 28.11.2025
- M00508-CAD-B1-ZZ-D-A-2501 Building 1 Proposed Sections received 28.11.2025
- M00508-CAD-B3-ZZ-D-A-2301 Residential Proposed Plans received 28.11.2025
- M00508-CAD-B3-ZZ-D-A-2401 Residential Proposed Elevations received 28.11.2025
- M00508-CAD-B3-ZZ-D-A-2501 Residential Proposed Sections received 28.11.2025
- M00508-CAD-B5-ZZ-D-A-2301 Building 5 Proposed Plans received 28.11.2025
- M00508-CAD-B5-ZZ-D-A-2401 Building 5 Proposed Elevations received 28.11.2025
- M00508-CAD-B5-ZZ-D-A-2501 Building 5 Proposed Sections received 28.11.2025
- M00508-CAD-ZZ-00-D-A-2203 Proposed Site Plan received 28.11.2025
- M00508-CAD-ZZ-00-D-A-2204 Proposed Boundary Treatments Plan received 28.11.2025
- M00508-CAD-ZZ-00-D-A-2205 Proposed Block Plan received 28.11.2025
- M00508-CAD-ZZ-00-D-A-2206 Waste Collection Strategy received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2201 Existing Site Plan received 28.11.2025

- M00508-CAD-ZZ-ZZ-D-A-2202 Demolition Plan received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2207 Tree Constraints Plan received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2301 Old Bank Existing Plans received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2302 Forest Centre Existing Plans received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2303 Town Hall Existing Plans received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2401 Old Bank Existing Elevations received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2402 Forest Centre Existing Elevations received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2403 Town Hall Existing Elevations received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2404 Forest Road Street Scene received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2405 Sherwood Drive Street Scene received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2406 Rufford Avenue Street Scene received 28.11.2025
- M00508-GRE-ZZ-XX-T-Z-0176 Topographical Survey received 28.11.2025
- M00508-LAS-ZZ-XX-T-Z-0132 Underground Services Survey Sheet 1 received 28.11.2025
- M00508-LAS-ZZ-XX-T-Z-0642 Topographical Survey Sheet 2 received 28.11.2025
- M00508-LAS-ZZ-XX-T-Z-0643 Underground Services Survey Sheet 2 received 28.11.2025
- N1523-ONE-ZZ-ZZ-D-L-0001-P03 Landscape Strategy received 28.11.2025
- N1523-ONE-ZZ-ZZ-D-L-0002-P01 Planting Strategy received 28.11.2025
- ZG-DWG-0002431603-EXT-R00-190925 External Lighting received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2101 Location Plan received 28.11.2025
- BNG Metric Calculations received 28.11.2025
- BNG Report received 28.11.2025
- CCTV Report received 28.11.2025
- Preliminary Ecological Appraisal received 28.11.2025
- Tree Management Spec received 28.11.2025
- Application Form received 27.11.2025
- M00508 LAS ZZ XX T Z 0024 Topographical Survey Sheet 1 received 27.11.2025
- Arboricultural Report received 27.11.2025
- Asbestos Demolition Survey Reports received 27.11.2025
- Bat Activity Survey Report received 27.11.2025
- Demolition Report received 27.11.2025
- Design and Access Statement received 27.11.2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 57 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 05.01.2026.

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 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail & Town Centres

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

ShAP2 – Role of Ollerton & Boughton

MFAP1 – Mansfield Fringe Area

5.2 Allocations and Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM2 – Development on Allocated Sites

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM11 – Retail and Town Centre Uses

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.

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

5.6 Other Material Planning Considerations

National Planning Policy Framework 2024 (amended February 2025)

Planning Practice Guidance (online resource)

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** – Concerns raised in relation to parking demand and availability; comments relating to pedestrian desire lines and concerns with the existing refuge on Forest Road being below standard – improvements have been suggested that can be conditioned to address this. Comments note that a Traffic Regulation Order will be required for the proposed removal of 2 existing spaces on Forest Road to allow for the servicing access and that approval is not guaranteed (however this is outside the scope of planning). A pre-commencement condition which would enable the ability of the access to be delivered would be necessary to ensure safe and suitable access can be provided. Concerns are also raised regarding the width of crossing points at the Rufford Avenue access but as this is in highway, this can be dealt with at technical approval, to ensure that dropped vehicular access points are provided across the footway instead. The comments note the Travel Plan is not acceptable, detailed comments have been provided to set out what is required and a condition recommended to secure a suitable Travel Plan.

6.2. 9 conditions have been recommended and subject to the conditions, NCC Highways confirms **no objections** to the proposal.

6.3. **Nottinghamshire Lead Local Flood Authority** – No objection subject to a pre-

commencement condition requiring submission and approval of a detailed surface water drainage scheme based on the principles set forward by the submitted Drainage Strategy.

6.4. **Environment Agency** – No formal comment for the following reason - The development falls within Flood Zone 1 therefore we have no fluvial flood risk concerns associated with the site.

6.5. **Ollerton Town Council:** Support the proposal.

Representations/Non-Statutory Consultation:

6.6. **NSDC Conservation:** The works are considered to safeguard the street scene of the conservation area and the wider setting of the Ollerton Colliery Village, thus according with the parameters of Para 215 and 219 of the NPPF, as well as Section 72 of the Listed Building and Conservation Areas Act (1990) and the work is acceptable for approval. Recommended a condition for a detailed specification of the new brickwork including manufacturer, dimension, tone, texture and finish.

6.7. **NSDC Environmental Health (Contamination)** - Part of the application site lies in the location the former Courtaulds Factory site and there is the potential for contamination to be present from this former use.

A Phase 2 Geoenvironmental and Geotechnical Ground Investigation report has been submitted with the application, however no desktop study has been submitted.

The full phased contamination condition is recommended.

6.8. **NSDC Environmental Health:** Environmental Health have been consulted on previous applications for development of the area and commented accordingly. This application proposes an alternative layout to that previously submitted. An acoustic assessment has been carried out, which demonstrates that, subject to suitable noise attenuation in the building envelopes, an acceptable noise environment can be achieved within both residential and commercial buildings.

Final occupancy of the proposed commercial units has not been determined, and as such full details of plant are not available. Maximum noise levels have been derived for fixed plant, and these should be a condition of any permission granted.

Noise from the proposed cinema has not been specifically assessed in the report. Such uses can generate significant levels of bass, with the potential for this to carry a significant distance and be less affected by structural sound attenuation. The potential for noise from the cinema to cause disturbance to occupiers of other premises should be assessed prior to permission being granted.

Further comments received following submission of additional information: Based on the provided noise levels for cinemas and the minimum noise attenuation from the structure, calculated noise levels at receptors will be acceptable.

6.9. **NSDC Ecology –**

6.10. *Previous comments noted potential errors in relation to the baseline habitats and also requested an update survey. Further information was subsequently submitted and reviewed by the Ecology officer.*

6.11. Comments: The additional information is considered to resolve the previous concerns with regards to the BNG assessment, but a final amendment will still be required based upon the finalised layout and proposed tree retention. The updated PBRA is appropriate and a condition to secure an update survey is no longer required. With the proposed compensation, mitigation and enhancement measures implemented, the proposal would be compliant with matters relating to biodiversity within the NPPF and relevant local planning policies. Conditions to secure the on-site BNG, precautionary working measures for protected and notable species and faunal enhancements have been recommended.

6.12. **NCC Planning Policy - Bus Stop Infrastructure:** The current infrastructure observations from Transport & Travel Services records are as follows:

| Stop Name | Current Provision |
|---------------------|---|
| NS0343 Beech Avenue | Bus stop pole and flag. |
| NS0364 Beech Avenue | Real Time Information, Polycarbonate Shelter (Bauer Media). |

The County Council request that a Planning Obligation be added to state: A Bus Stop Infrastructure contribution of £9,600 is paid to provide improvements to the two stops NS0343 and NS0364.

Justification: Bus stops should be provided that meet the access standard set out in the Council’s Highway Design Guide 1 with bus stop facilities that meet the standard set out in the Appendix to the Council’s Public Transport Planning Obligations Funding Guidance 2. The level of funding requested would provide the following improvements: NS0343 Beech Avenue – Raised boarding kerbs. NS0364 Beech Avenue – Raised boarding kerbs. Raised boarding kerbs will be provided to ensure level access for passengers using wheelchairs, pushchairs, or with reduced mobility, supporting inclusive travel and compliance with accessibility standards. If bus stops are not installed prior to bus services operating the developer will be responsible for the cost of any temporary infrastructure arrangements. The specified improvements are consistent with the standard set out in the Council’s Public Transport Obligations Funding Guidance 2 and the Developer Contributions Strategy 3 and has included consideration of other sustainable travel options, including cycling & walking facilities serving the site.

Sustainable Travel: Transport and Travel Services expect all residents and employees to have free introductory bus travel made available to them to encourage use of sustainable modes of travel.

The County Council will also require improvements to pedestrian connectivity to serve the site including the construction of a new pedestrian crossing on Forest Road to replace the existing refuge, to maximise connectivity to the surrounding area.

6.13. Cadent Gas Ltd - No objection to this proposal from a planning perspective, recommended an informative.

6.14. Comments have been received from 2 third parties/local residents that can be summarised as follows:

- Need permit parking for residents on Rufford Avenue. Parking is available for people using the facilities for free in Tesco, Boyes and Forest Road car parks. For safety of pedestrians the entrance to Tesco on Rufford Road should be closed to reduce traffic.
- Concerns the proposal will increase traffic on Rufford Avenue and the number of vehicles entering Tesco from this side.
- Concerns the proposal will cause loitering in the new public spaces – serious consideration should be given to CCTV not just lighting.

7.0 Appraisal

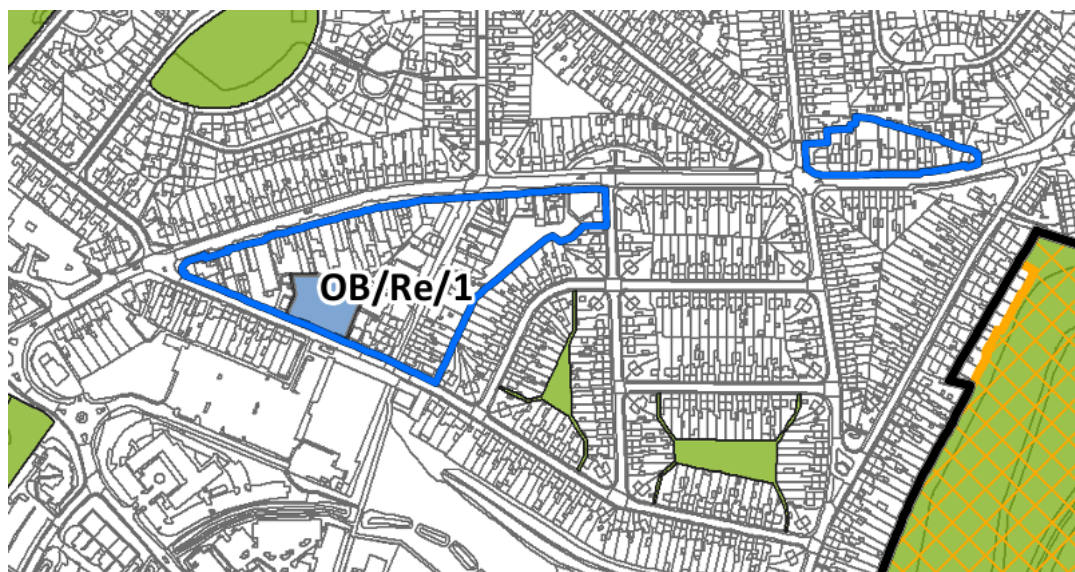
7.1 The key issues are:

1. Principle of development
2. Impact on Visual Amenity and the Character of the Area
3. Residential Amenity
4. Highways Safety
5. Impact on Ecology and Trees
6. Biodiversity Net Gain
7. Flood Risk and Drainage

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

Principle of Development

- 7.3 The application site includes allocation OB/Re/1. The wording of the policy in the emerging DPD (set out below) can be given significant weight.
- 7.4 Policy OB/Re/1 Ollerton & Boughton – Retail Allocation 1 Land at Rufford Avenue has been allocated on the Policies Map for the development of retail and town centre uses. Development of this site will be considered against the general policy requirements in the Amended Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM11 Retail and Main Town Centre Uses and appropriate contributions to infrastructure provision in the Developer Contributions SPD. Development should be of a size commensurate to the settlements retail definition as a District Centre. This allocation is within 400m of Sherwood Forest ppSPA and the risk-based approach set out in Policy DM7 Biodiversity and Green Infrastructure should be followed.
- 7.5 ShAP 2 ‘Role of Ollerton & Boughton’ of the Amended Core Strategy DPD outlines additional policy objectives for the District Centre and carries the overall aim of regenerating the area and reinforcing Ollerton’s role as the main centre in the Sherwood Area.
- 7.6 The Policies Map extract below highlights the allocation site in blue (retail allocation) and the blue outlines define the Ollerton District & Boughton Local Centres.



- 7.8 The application site includes the allocation, plus additional land, all within the Local Centre of Ollerton.
- 7.9 Policy DM11 of the emerging DPD (Retail and Town Centre Uses), which can be given substantial weight, states that ‘new and enhanced retail development and Main other town centre uses that are consistent with the size and role of the centre will be supported within the District Centres of Edwinstowe, Ollerton and Southwell as defined on the Policies Map.’

- 7.10 Annex 2 Glossary of the NPPF defines Main Town Centre uses as *Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*
- 7.11 The proposal is for mixed use development, to include 3 dwellings fronting Sherwood Drive, a new cinema and public space fronting Rufford Avenue, retail space, SME units and new office space and meeting rooms. It is considered that all of the uses (except the dwellings) fall within the definition of main town centre uses.
- 7.12 Paragraph 90(f) of the NPPF recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
- 7.13 The dwellings would be sited on Sherwood Drive, within an area of mixed uses including community uses, commercial, and residential use. In accordance with Spatial Policies 1 and 2, Ollerton is a sustainable location whereby new residential development is acceptable in principle. In terms of housing mix and tenure, the dwellings would be affordable rented rather than market dwellings. All 3 dwellings would be the same size and layout (2 bedrooms). The dwellings would contribute towards the need in the area. As such, there are no concerns with the principle of development for this aspect of the scheme.
- 7.14 Spatial Policy 8 seeks to protect community uses and supports proposals for new or enhanced community uses. The loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day-to-day needs, unless it can be clearly demonstrated that:
- Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or
 - There is sufficient provision of such facilities in the area; or
 - That sufficient alternative provision has been, or will be, made elsewhere which is equally accessible and of the same quality or better as the facility being lost.
- 7.15 The proposal includes the demolition of the existing Town Hall however there would be space allocated within the new development to replace the loss. Likewise, the loss of the

Forest centre (which is not in use currently) and the former bank would be replaced with some retail and other town centre uses of a higher quality. It is therefore considered that alternative provision would be made, therefore the proposal is compliant with Spatial Policy 8.

- 7.16 The demolition of the Town Hall, the Forest Centre and the former bank, is acceptable in principle as none of the buildings have significant historic or architectural merit. None are listed or within a conservation area. Although the original planned colliery village is identified by Notts County Council as being a non-designated heritage asset, the demolition works will not result in any harm.
- 7.17 The proposal overall is considered acceptable in principle, in accordance with the allocation policy, the Development Plan as a whole which seeks to strengthen the district's economy (in line with Core Policy 6), and the NPPF.

Impact on Visual Amenity and the Character of the Area

- 7.18 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.
- 7.19 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.
- 7.20 Paragraph 135 of the NPPF states that Planning and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Proposed Dwellings

7.21 The proposed dwellings would be within the eastern part of the site, fronting Sherwood Drive, and would replace the existing Town Hall. The existing building is not of any historic merit and therefore there is no objection to its demolition. The dwellings would be a row of 3 terraced properties, set back from the public highway with 2 tandem parking spaces in front of each. The tandem parking is not ideal in terms of the visual impact, however side by side parking would not be possible due to space constraints on site. The design of the dwellings is quite traditional, with a pitched roof and gable ends, brick construction and balanced fenestration. The character along Sherwood Drive is varied (see photo below with the existing Town Hall in the forefront of the image). The dwellings would be set back from the public highway therefore would not be prominent. There is some soft landscaping next to the parking although this would be limited due to the space available. Overall, it is considered the dwellings would not be harmful to the character of the area and would be acceptable.

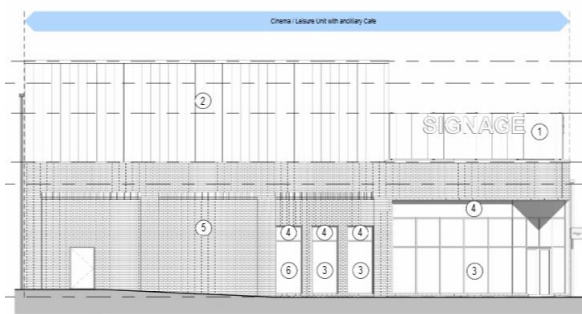


7.22

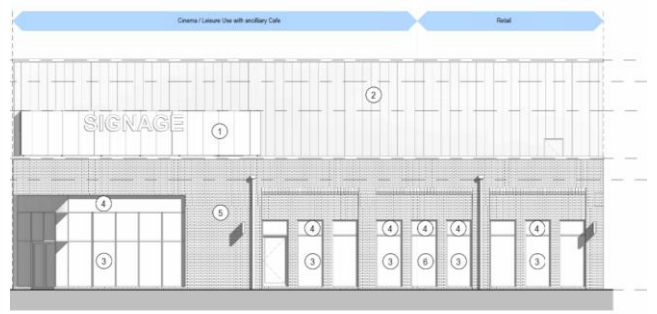
Building 5

7.23 Building 5 (the cinema building) would be sited to the southern part of the site (which is currently fenced off and overgrown), fronting Rufford Avenue. Rufford Avenue is varied in

character, with a mix of uses including residential properties, an apartment block to the east, and the Tesco Superstore and a car park to the south east. To the west is a bungalow. The southern elevation would be a prominent part of the redevelopment, as many users would park in the Tesco car park and walk this way to the cinema and the wider development. The east elevation would be the main focus within the public realm space. The design of the building is contemporary with a mix of materials including glazing, brickwork, and metal standing seam cladding. The glazed entrance lobby would be positioned on the corner with space for signage above (which would be considered under a separate advertisement consent application). Subject to the detail of the materials which would be required by condition, it is considered the design would make a positive contribution to the character of the area.



Proposed Front Elevation - To Rufford Avenue
1:100



Proposed Front Elevation - To Public Realm
1:100

7.24 The public space would incorporate areas of landscaping including trees, outdoor seating, cycle hoops, benches, and space for a pop-up market. The area would create an attractive entrance into the local centre and would provide a safe and inclusive route through to Forest Road. Substations, a bin store, and staff cycle parking would be located to the rear of the building and gated off, therefore would not be prominent features of the development.

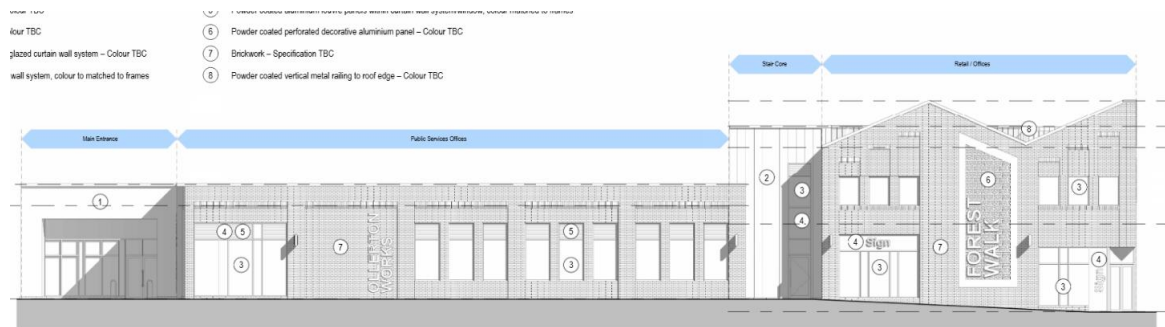


7.25

Site Plan
1:20

Building 1

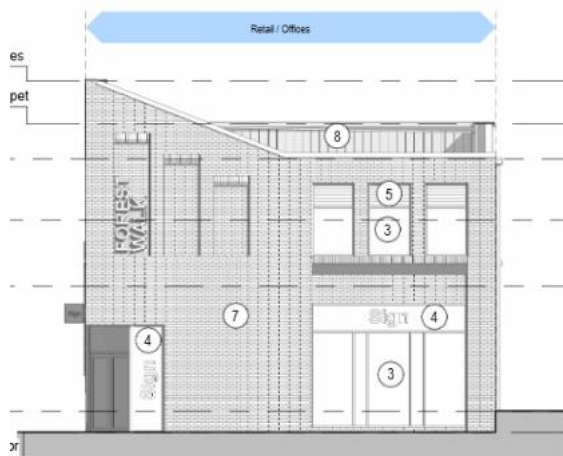
7.26 Building 1 would be sited in the northern section of the site, fronting the public realm and Forest Road. The section on Forest Road would be two storeys in height (maximum 11.8m), with the remaining section single storey. The part of the building on the corner with Forest Road would be prominent, with gables, glazing, signage (to be considered under advertisement consent), and brick detailing. The building would create the entrance to the development from Forest Road, and although prominent, would sit within a varied streetscene. Elevations are shown below.



Proposed Front Elevation - To Public Realm

1:100

7.27



7.28

7.29 The former bank and the Forest Centre would be demolished. Neither are non-designated heritage assets and there is no objection to their demolition. The bank does possess some attractive features, however the proposed design has incorporated brick detailing to reflect this character. The conservation comments have raised concern that the development is higher than the adjacent built form and the contemporary design would not reflect the non-designated heritage asset of the colliery village, or the setting of the conservation area but notes the public benefits of the scheme would clearly outweigh any limited harm.



7.30

7.31 Officers consider that the contemporary design would add to the area in a positive way, and would not result in visual harm. The conservation area is not located in close proximity to the site (the site is marked by the star and the CA is highlighted yellow on the map above) and the separation distance of over 750m is considered sufficient that the development would not impact its setting.

7.32 The character on the northern side of Forest Road is very uniform, with a long row of red brick semi-detached dwellings, part of the non-designated heritage asset of the colliery village. The southern side of Forest Road (where the site is located) is much more varied with a range of materials, shop fronts, and roof types. Paragraph 216 of the NPPF requires a balanced judgement to be had when considering planning applications that affect non-designated heritage assets. The properties that will be demolished do not relate directly to the colliery village itself, where the special significance lies in the arrangement of residential properties in semi-detached rows, with hipped roofs and red brick facades. There would therefore be no direct impact on the colliery village, but the proposed development would be within its setting. The site has quite a run-down appearance and so the redevelopment will be a significant visual improvement. Although contemporary, the design incorporates red brick to reflect this strong characteristic of the colliery village, and brick detailing to reflect the former bank. For these reasons, it is not considered the development would harm the setting of the non-designated heritage asset or the character of the area.

7.33 The overall design therefore acceptable and is in accordance with Core Policy 9, DM5(b) and Paragraph 135 of the NPPF which seek to ensure good design, as well as Core Policy 14, DM9 and Part 16 which seek to protect and enhance heritage assets.

Impact on Residential Amenity

- 7.34 Policy DM5(b) states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.35 Paragraph 135 of the NPPF reflects this requiring a high standard of amenity for future and existing users of development.

Existing Users

- 7.36 There is an existing bungalow to the east of the site and an apartment block to the west of the site, both on Rufford Avenue. There are also dwellings on the opposite side of Rufford Avenue, to the south west of the site.
- 7.37 There would be a separation distance between Building 5 (cinema) and the apartment block of approximately 11m. The maximum height of the building would be approximately 11.8m. There would be no windows on the rear elevation that would face the apartment block therefore there would be no loss of privacy for occupiers. The distance is considered sufficient that there would not be any unacceptable levels of overbearing impact or loss of light.
- 7.38 The neighbouring bungalow (to the east) would be a minimum of approximately 25m from Building 5. The separation distance is great enough that there would be no unacceptable overbearing impacts or loss of light. The garden would be next to the public space area however a 1.8m high close boarded charcoal fence is proposed along this boundary which would provide privacy. There would be no first-floor level windows to the cinema building therefore no loss of privacy for the bungalow. Overall, it is considered there would not be an unacceptable impact for the occupants of the bungalow.
- 7.39 Building 1 would be sited next to an existing electrical shop which has a flat above. There are windows along the side elevation which could be affected by the proposal. Building 1 would be sited approximately 3m from the neighbouring property and on this side would have a height of approximately 9.8m with a flat roof section.



7.40

7.41 It is understood that the side windows facing the development site serve the following rooms (numbers correlate with image above): 1 - bedroom window; 2 - bathroom window; 3 – kitchen; 4 – boiler room. The following drawing shows the comparison between the street scene as existing and the proposed respectively. The relevant section is indicated by the blue oval.



Existing Forest Road Street Scene



Proposed Forest Road Street Scene

7.42

7.43 Although Building 1 would be larger in scale and slightly closer to the neighbouring property than the former bank, it is not considered that the closer relationship would result in a significant difference in terms of light, overbearing impact or privacy. The only habitable room is the bedroom, which is on the top floor and therefore would be less impacted in regard to light. It is therefore considered that on balance, the impact for the occupiers of the flat would be acceptable.

7.44 The proposed dwellings on Sherwood Drive would be located in place of the existing Town Hall (which appears to originally have been a pair of semi-detached dwellings). The new dwellings would be set further back. Neighbouring the site on either side are community buildings - the Life Spring centre to the south and St Joseph's Catholic Club to the north. Given these are not residential properties, it is not considered the proposed terraced dwellings would have any negative impact in terms of neighbouring amenity. There are dwellings within the street scene, therefore the proposed use is not anticipated to result in any harm to the adjacent community uses.

Future Occupants

7.45 The proposed dwellings would include off street parking, bin storage and cycle storage to the front; a private garden to the rear; and the internal floor space would be approximately 80 sqm, in line with nationally described space standards for 2 bedroom 2 storey properties. All habitable rooms would have windows to provide natural light. The amenity for future occupiers of the properties is therefore acceptable.

Noise

7.46 The Environmental Health Officer has reviewed the application and requested that the maximum noise levels set out in the acoustic assessment are conditioned. Concerns were raised that noise levels from the cinema had not been assessed. Further information has been submitted since the comments, demonstrating that the noise levels will be acceptable (worst-case level is 39 dB) and the Environmental Health Officer is in agreement this is acceptable. As such, subject to conditions, the noise levels would not be unacceptable.

Impact on Highways

7.47 Spatial Policy 7, and DM5(b) of the emerging local plan require safe and inclusive access to new development and strongly encourage the integration of sustainable and active modes of travel.

7.48 Paragraph 115 of the NPPF seeks to ensure that amongst other aims, within new development, sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users.

7.49 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Parking Demand and Availability

- 7.50 It is proposed to utilise the existing Tesco car park for users of the new development. Tesco are required by a separate legal agreement (under permission reference 99/51387/OUT) to submit a car park management plan (CPMP) every 5 years to the Council for approval. A CPMP was most recently approved on 8th July 2025 under reference 25/00862/DIS106. The car park has a total of 351 spaces including 14 parent and child spaces and 26 disabled spaces. The time limit for parking has been increased to 4 hours between the hours of 6am and midnight and 30 minutes between midnight and 6am. The 4 hour maximum stay is considered sufficient time for people to park and walk to the development, see a film and get back to their car without rushing. There are signs around the car park that make the time limit clear.
- 7.51 It is noted that NCC Highways raised concerns with parking provision, questioning how customers will know they are allowed to park within the Tesco car park and whether there would be sufficient provision. The comments from NCC Highways state that *'the biggest risk comes from the potential non-availability of the 4-hour parking at the Tesco car park being eroded, the 18 reserved spaces in the Pinder's car park displacing an existing need for all day parking and a risk that any on street unrestricted parking currently available to residents could be used by anyone visiting or working at the development and/or any displaced parking. If the Local Planning Authority are confident that the availability and duration of parking at Tesco will not be eroded (given the requirement to update the Car Park Management Plan every 5 years) then this will be satisfactory.'*
- 7.52 The 4 hour parking provision within the Tesco car park is set out in the approved Car Park Management Plan, which is legally required by the S106 agreement to be reviewed every 5 years by the Council. As such the Council would retain control over this aspect and officers are confident that the 4 hour allowance for users of the development would not be eroded.
- 7.53 In relation to parking demand, having visited the site, there was no difficulty finding a space within the car park. It is appreciated that the car park may be busier at different times of day or different days of the week, however the car park is large and it is considered to provide sufficient parking for the development. Concerns have been raised regarding the trip rates that have been used in assessing parking demand, that the rates are based on the specific number of seats proposed at the cinema, which could increase. The suggestion is to condition that the cinema has no more 158 seats however this could unnecessarily restrict future occupiers of the cinema. The operator that is intended for the cinema would operate at 158 seats, however given that there is confidence in the use of the Tesco car park which has a more than sufficient number of spaces for the cinema use, it is not considered that an increase in seats in future (or slight changes in number with the intended operator) would have a significant impact on parking demand or provision. It has been suggested that residents of Rufford Avenue would require parking permits, however it is noted that many of the dwellings benefit from off street parking and with the parking provision of the Tesco car park within the immediate vicinity for users of the proposed development, it is not

considered that on street parking would be significantly impacted, or cause highway safety issues.

- 7.54 18 parking spaces for staff have been secured in a car park at the top of Sherwood Road (including 3 for the Town Council) albeit this car park is not within the red line of the application site. As such, these spaces cannot be guaranteed for the lifetime of the development. It is acknowledged that the car park is Council owned and is a free car park, therefore any reserved spaces would not result in a loss of revenue for the Council. With the car park under the Council's control, the number of staff spaces reserved can be increased or decreased depending on demand. It is anticipated that employees would be made aware of these spaces by the employer, therefore this does not need to be conditioned. The displacement of these spaces was raised as a concern by NCC Highways (for use by the public), however the increase in time limit for the Tesco car park would mean there is now a suitable alternative close by.
- 7.55 With the above in mind, it is not considered that the recommended conditions requiring further parking surveys, or a restriction in cinema seat numbers, are necessary or reasonable, and therefore these conditions have not been included.
- 7.56 The comments from NCC raise concern about the servicing access from Forest Road which would require the removal of 2 existing on road parking spaces. Removal of these two spaces is subject to an amendment to the Traffic Regulation Order which covers these spaces and amendments to the highway prior to a successful Order amendment is not possible. This is a process outside of the control of planning and given that the spaces are well used, there is a risk that there will be objections which may not be able to be overcome, which in turn means that the development may not be able to be built as presented. Unfortunately, the recommended replacement parking which may have potentially offset any objections has not been shown. However, this could be considered as part of the wider access amendments necessary to the refuge to bring it up to a suitable standard and any amendments to the Traffic Regulation Order based on this drawing. NCC recommend a pre-commencement condition which would enable the ability of the access to be delivered would be necessary to ensure safe and suitable access can actually be provided. A condition has been included to ensure suitable access is delivered, however the wording has been amended so it is not pre-commencement, to ensure the condition does not delay the development unnecessarily.

Sustainable Modes of Transport and Accessibility

- 7.57 In line with the NPPF, sustainable transport modes should be a priority. The location of the site is highly sustainable, within a local centre easily accessible via public transport. The nearest bus stops are on Forest Road (NS0343 Beech Avenue and NS0364 Beech Avenue), approximately 130m from the site entrance on the north side. NCC has requested a

contribution of £9600 towards improvements to these bus stops to incorporate raised boarding kerbs. Raised boarding kerbs ensure level access for passengers using wheelchairs, pushchairs, or with reduced mobility, supporting inclusive travel and compliance with accessibility standards. This contribution is considered to meet the tests for obligations as set out in the NPPF, and can be secured as part of a legal agreement.

- 7.58 Cycle storage is proposed for employees (12 spaces) and visitors (22 spaces) of the development which is welcomed and would promote sustainable travel.
- 7.59 Employees would be unlikely to use the Tesco car park as shifts would likely be longer than 4 hours. NCC has requested an initial free bus pass scheme to encourage employees to travel to the site on public transport. This would be beneficial and is encouraged, however it is not considered necessary to make the development acceptable in this instance. There are regular bus routes along Forest Road and Rufford Avenue therefore the site is easily accessible via public transport. A condition has also been recommended to provide travel packs to employees, however it is not considered this is necessary to make the development acceptable. Employees can easily access information on bus times and walking routes and will be aware of the cycle storage on site.
- 7.60 If employees do need to drive to work, there would be the option to park in the car park off Sherwood Drive (the 18 staff spaces).
- 7.61 Pedestrian access is also likely to increase from the Forest Road side as well as Rufford Avenue. There are 3 existing crossing points on Forest Road – a signalised crossing to the north east, a pedestrian refuge to the north, and zebra crossing to the west. It is stated by NCC Highways that the existing refuge is below standard and would not accommodate numbers of pedestrians, such as a family or group wishing to visit the cinema for example, or pedestrians with pushchairs etc. It would therefore be necessary to increase the width of the refuge to 2.5m wide. This could be done within the existing carriageway width, by reducing the lanes either side to 3.2m. It is this crossing that is in closest proximity to the development site therefore the requested improvement is considered reasonable and necessary to prioritise safe pedestrian movement. The improvement to the refuge can be secured by a Grampian condition (requiring works outside of the red line boundary) as recommended by NCC Highways.
- 7.62 There would be additional numbers of pedestrians crossing Rufford Avenue to and from Tesco's, both to and from the development and the wider shopping area, given the new link created. NCC Highways has recommended that a more formal crossing would be required here, giving priority to pedestrians in line with the NPPF. It is considered that a zebra crossing would be suitable. This has been incorporated into the most recent plans and can be secured by condition.

- 7.63 The NCC Highways comments note that the proposed design at Rufford Avenue has now included a kerbed landscaped area to separate vehicles from the footway and discourage parking over the footway. The comments state that the design includes a bellmouth arrangement with unacceptably wide crossing points for pedestrians, however as this is in highway, this can be dealt with at technical approval, to ensure that dropped vehicular access points are provided across the footway instead.

Travel Plan

- 7.64 The comments from NCC note that the submitted Travel Plan is not acceptable in its current form and has provided comments specifically on what is required. They recommend a condition that a Travel Plan is submitted – this condition is considered reasonable and has been included. A monitoring fee of £15,000 would also be required and can be secured as part of the legal agreement.

Parking for the Dwellings

- 7.65 There would be 2 off street spaces for each dwelling to the front. These would be tandem spaces which it is acknowledged is not encouraged by the Parking SPD, albeit not precluded. The tandem parking was queried with the agent however the space available to the front of the site would not allow for side by side parking with adequate dimensions and landscaping, therefore the tandem parking in this instance is considered acceptable, as it would provide the recommended number of spaces set out in the SPD for 2 bedroom dwellings.

Other Highway Matters

- 7.66 It is noted that the comments received from local residents suggest a need to close off the entrance to Tesco from Rufford Avenue to ensure safety for pedestrians. As noted earlier, a new crossing would be provided on Rufford Avenue to provide a safe route from Tesco to the development site. This is considered sufficient to address pedestrian safety in the area and it is not considered necessary to close the access to the Tesco car park. If there are existing issues regarding this access this would be a separate matter that should be discussed with the County Council.

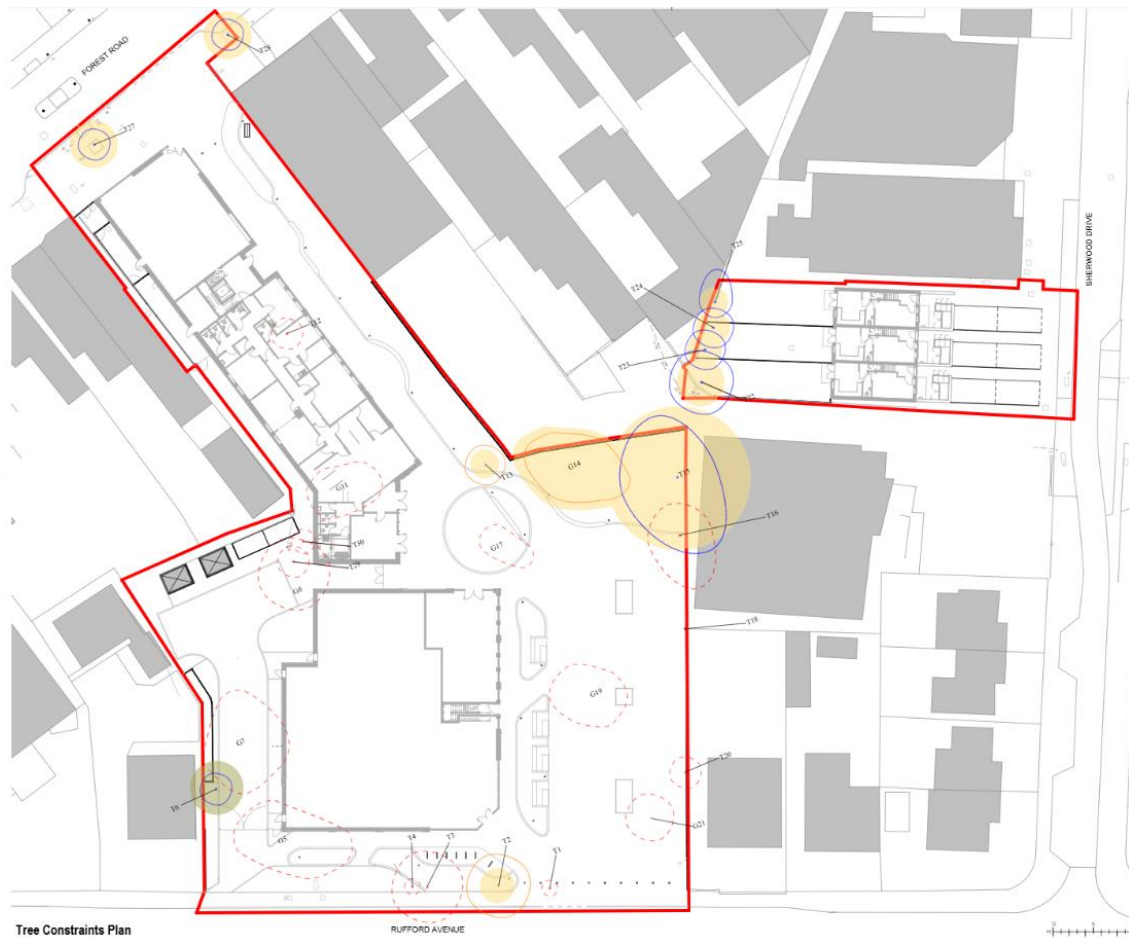
Highways Impact Summary

- 7.67 In summary, it is considered that the location of the site is easily accessible via public transport, and is within walking distance for local residents. Due to an increase in pedestrian movements to and from the site, improvements to the refuge on Forest Road are required, a new crossing on Rufford Avenue is required, and kerb raising to 2 bus stops. These works are proposed to be secured via condition or legal agreement. Officers are satisfied that parking provision for visitors of the development is more than sufficient as the large Tesco car park can now be used for up to 4 hours (secured as part of the ongoing Car Park

Management Plan). Subject to conditions, and the legal agreement, the proposed development would not result in a detrimental impact on highways safety or the wider network, and the development would prioritise pedestrians and promote sustainable travel, in line with Spatial Policy 7, DM5(b) and part 9 of the NPPF.

Impact on Trees

- 7.68 Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.
- 7.69 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.70 No trees on site are protected by a Tree Preservation Order and the Arboricultural Assessment shows that no trees are higher than category B. The majority of trees on site are self-set trees and do not provide a high amenity value to the area and therefore would not meet the criteria for a TPO. The tree survey identified 9 category B trees, 12 category C trees and 9 groups of category C trees. Some trees are proposed to be retained and this is shown on the tree constraints plan (circled in blue). These are to the rear of the proposed dwellings, and those towards the boundary of the site where no buildings are proposed. These are the category B trees (retention desirable).



7.71

Tree Constraints Plan
1:200

7.72 It is recommended that a condition is included to provide an Arboricultural Method Statement including a detailed tree protection plan to ensure adequate protection is provided on site for those trees being retained. New trees are proposed as part of the landscaping strategy therefore the loss of the trees will be somewhat mitigated on site. Any loss that cannot be mitigated on site would be mitigated off site as part of the mandatory biodiversity net gain.

7.73 Overall, it is considered that the trees to be removed on site are not of a high quality or amenity value, and given the proposed new planting, the impact on trees would be acceptable.

Impact on Ecology

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

7.75 The site is within a 2km radius of 2 statutory nature conservation designations – Black Pond SSSI and Old River Don Oxbow SSSI, and 7 Local Wildlife Sites. The closest is located approximately 650m to the south east. The submitted preliminary ecology appraisal

concludes that there would be no impact on any of these sites, which the Ecology Officer agrees with. The site is also within the zone of influence of the possible potential Special Protection Area (ppSPA) which is significant for breeding birds, specifically nightjar and woodlark. This was not considered in the submitted appraisal, however the Ecology Officer has considered the impacts in their comments, summarised as follows: The site is approximately 1.15km away from the nearest area of the ppSPA, the and the habitats within the application site would be unsuitable to support these species therefore there would be no impact upon this feature or the species it supports.

- 7.76 The comments from the Ecology Officer required an updated survey to be carried out. This has been done and further comments have been provided by the Ecology Officer. Subject to conditions to secure precautionary working methods and a faunal enhancement plan, it is considered the development would not have a detrimental impact on protected species. The recommended conditions have been included in the list at the end of this report.

Flood Risk and Drainage

- 7.77 Core Policy 10 and Policy DM5(b) aim to steer new development away from areas at highest risk of flooding and ensure new development does not increase flood risk in the area.
- 7.78 The application site is located in Flood Zone 1 where there is a low probability of fluvial flooding. As such, the Environment Agency has raised no concerns with regards to flooding.
- 7.79 The Lead Local Flood Authority has commented in relation to surface water, and has raised no objection subject to a condition requiring a detailed drainage scheme. Subject to the condition (which has been included), it is considered the scheme would not result in any issues relating to surface water for the site or the surrounding area.

Contributions

- 7.80 The proposal requires bus stop improvements which require a financial contribution of £9,600. This can be secured by the legal agreement.
- 7.81 NCC Highways has requested a condition for a Travel Plan. The Travel Plan will require a monitoring fee of £15,000 which will also be secured by the legal agreement.
- 7.82 On site BNG will require monitoring (Tier 1), for which a monitoring fee of £980.00 will be secured by the legal agreement.

Community Infrastructure Levy (CIL) –

- 7.83 The proposed housing is within the very low housing zone £0 rated per sqm, therefore no CIL is required in relation to the proposed dwellings.

7.84 The retail element would be offset by the demolition of the Forest Centre and former bank which equate to approximately 620 sqm. The proposed retail floor space amounts to 367 sqm. As such there would be no net gain of floor space for retail and CIL is therefore not applicable.

Biodiversity Net Gain

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

7.86 Some of the biodiversity would be on site however there is not enough space to meet the 10% net gain requirement on site. As such, the intention is to purchase off site units. Conditions recommended by the Ecology officer have been included.

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 - LEG2627/7347

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

9.0 Planning Balance and Conclusion

9.1 In summary, the principle of development is in accordance with the Development Plan and the NPPF. The proposal would create a new high street with the local centre of Ollerton, which would create new jobs and provide new facilities within the area for local people, including a cinema, new offices, a cafe and retail units, as well as new Town Hall facilities. The design of the scheme is contemporary, with features such as the use of red brick detail to reflect the former bank to be demolished, as well as the characteristics of the adjacent Colliery village (a Non-Designated Heritage Asset). Despite the contemporary design it is not

considered this would harm the setting of the NDHA. The proposal would benefit the local economy through the creation of jobs and local spend within the area. The 3 dwellings would contribute to the Council's housing targets and would be in keeping with the character of the area. The proposal would include new tree planting and a new public space area to accommodate markets. The site-specific impacts have been assessed and it is not considered there would be any unacceptable impacts in relation to visual amenity, residential amenity, highways impact, trees, ecology, or drainage, subject to conditions which have been included at Section 10.0 below.

- 9.2 The recommendation is to approve the application, subject to conditions and a legal agreement to secure the monitoring of the on-site biodiversity net gain, the financial contribution towards bus stop improvements, and monitoring of the Travel Plan.

10.0 Conditions

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

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

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:
 - Design and Access Statement received 14.5.2026
 - M00508-CAD-B5-ZZ-D-A-1231 - P06 Site Tracking Plan received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2203 - P04 Proposed Site Plan received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2204 - P03 Proposed Boundary Treatment Plan received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2205 - P03 Proposed Block Plan received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2301 - P03 Building 5 Proposed Plans received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2401 - P03 Building 5 Proposed Elevations received 6.5.2026
 - M00508-CAD-B5-ZZ-D-A-2501 - P03 Building 5 Proposed Sections received 6.5.2026
 - M00508-CAD-ZZ-00-D-A-2206 - P03 Waste Collection Strategy received 6.5.2026
 - M00508-CAD-ZZ-00-D-A-2207 - P03 Tree Constraints Plan received 6.5.2026
 - M00508-CAD-ZZ-00-D-A-2406 - P03 Rufford Ave Street Scene received 6.5.2026
 - M00508 CAD B1 ZZ D A 2301 REV P02 Building 1 Proposed Plans received 30.3.2026
 - M00508 CAD B1 ZZ D A 2401 REV P02 Building 1 Proposed Elevations received 30.3.2026
 - M00508 CAD B1 ZZ D A 2501 REV P02 Building 1 Proposed Sections received

30.3.2026

- M00508 CAD B3 ZZ D A 2301 REV P02 Residential Proposed Plans received 30.3.2026
- M00508 CAD B3 ZZ D A 2401 REV P02 Residential Proposed Elevations received 30.3.2026
- M00508 CAD B3 ZZ D A 2501 REV P02 Residential Proposed Sections received 30.3.2026
- M00508 CAD B5 ZZ D A 2302 REV P01 Building 5 Indicative Alternative Layout received 30.3.2026
- M00508-ACE-ZZ-XX-D-C-1000 Drainage Strategy P06 received 28.11.2025
- M00508-ACE-ZZ-XX-D-C-3200 Proposed Levels P04 received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2202 P01 Demolition Plan received 28.11.2025
- ZG-DWG-0002431603-EXT-R00-190925 External Lighting received 28.11.2025
- M00508-CAD-ZZ-ZZ-D-A-2101 P01 Location Plan received 28.11.2025

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

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

Reason: In the interests of residential amenity.

4. No works of demolition or site clearance or development shall commence until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.

- c. Details and position of underground service 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 construction and working methods to be employed for the installation of hardstanding within the root protection areas of any retained tree/hedgerow on the application site.
- e. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

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

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

- o human health;
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- o adjoining land;
- o ground waters and surface waters;

- o ecological systems;
- o archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

Part D: Reporting of Unexpected Contamination

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

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

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

6. No development shall commence until a detailed surface water drainage scheme based on the principles set forward by the submitted Drainage Strategy 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.

7. Prior to first use of the development, a plan showing the drainage scheme as constructed shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the drainage scheme is implemented in accordance with the approved details.

8. A. No development shall commence until an amended version of the 'Biodiversity Net Gain Plan Report' and Statutory Biodiversity Metric (V2), dated 07/11/2025 and 14/05/2025 respectively and both produced by Estrada Ecology, has been submitted to, and approved in writing by the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved documents.

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

- (a) the roles and responsibilities of the people or organisations(s) delivering the HMMP;
- (b) the location and details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; and
- (c) the management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

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 serving the non-residential part of the application site 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 nine months of removal of the site construction compound serving the non-residential part of the application site has been removed.

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.

9. The approved development shall be undertaken in strict accordance with the precautionary mitigation measures within Sections 7 of the Preliminary Ecological Assessment Report, SQ-3793, 7th October 2025, produced by Estrada Ecology.

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

10. No construction above ground level on any approved building shall commence until a Faunal Enhancement Plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type, location of, and details for fixing into place of:

- (i) Three integrated swift boxes grouped together on the northern building;
- (ii) An integrated bat tube on each of the new dwellings; and
- (iii) details of gaps in fences or walls to create a hedgehog highway.

The approved bat and bird boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes shall be submitted to, and be approved in writing by, the local planning authority prior to first use 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.

11. Prior to construction above ground level of each building hereby approved, manufacturer details of all external materials for that building, including a detailed specification of new brickwork (including dimension, tone, texture and finish) must be submitted to and

approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials.

Reason: To ensure the new appearance of the new development is appropriate to the character of the adjacent colliery village which is recorded on the Historic Environment Record.

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

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
- means of enclosure;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

13. The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

14. The recommendations in Section 7.2 of the submitted Noise and Vibration Assessment report (dated 15th May 2025) shall be adhered to, and the maximum noise limits for any fixed plant equipment set out in Table 14 of the report shall not be exceeded at any time.

The maximum noise levels for the cinema shall not exceed 39dB as set out in the email dated 5.5.2026.

Reason: In the interests of amenity.

15. The development shall not be brought into use until the access from Forest Road, and improvements to the existing refuge, are technically approved and any necessary amendments to the traffic regulation order secured, in accordance with a drawing to be first submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the access and refuge improvements are subsequently provided in accordance with the approved details.

Reason: In the interests of highway safety

16. The development shall not be brought into use until a pedestrian crossing point has been provided on Rufford Avenue in accordance with a drawing to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

17. The development shall not be brought into use until the accesses and service layby onto Rufford Avenue, shown on drawing number M00508-CAD-B5-ZZ-D-A-2203 - P04 Proposed Site Plan received 6.5.2026, have been provided.

Reason: In the interests of highway and pedestrian safety.

18. The development shall not be brought into use until such time as a full travel plan has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The Travel Plan shall be implemented in full, monitored, and reviewed in accordance with the approved details.

Reason: To reduce the impact of parking associated with the development and in the interests of sustainable transport.

19. The development shall not be brought into use until the cycle storage has been provided on site as shown on drawing number M00508-CAD-B5-ZZ-D-A-2203 - P04 Proposed Site Plan, in accordance with details to be first submitted and approved in writing by the local planning authority, and retained for the lifetime of the development.

Reason: In the interest of sustainable travel.

Notes to applicant

01

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).

02

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

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

03

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

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website www.eastmidlandsbc.com.

04

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible.

Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

05

Amendments to an existing Traffic Regulation Order are required. Please email steph.walford@viaem.co.uk to commence the process. The developer is advised that the TRO process takes a minimum of 6 months to complete and can be significantly longer if there are objections.

06

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

07

For Part B c) of Condition 8 completion of the development, and therefore the start of the 30-year period is considered to be nine months after removal of the site construction compound serving the non-residential part of the application site. This nine-month period is considered necessary to provide flexibility if this point in the development is reached at a time of the year that is incompatible for seasonal reasons to undertake habitat and enhancement works.

08

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

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

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

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

09

Biodiversity Net Gain

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

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan;
- OR
- c) the development is exempt from the biodiversity gain condition.

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

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

Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply.

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

Irreplaceable habitat

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

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 – 4 June 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegbaaju, Planner

| Report Summary | | | |
|------------------------|---|----------------------|---------------------------------|
| Application No. | 25/01982/OUT | | |
| Proposal | Outline Planning Application for Residential Development (all matters reserved except access). | | |
| Location | The Grange Kirklington Road Hockerton Newark On Trent NG25 0PJ | | |
| Applicant | Mr and Mrs Christy | Agent | STAT Planning - Mrs Sarah Clark |
| Registered | 25.11.2025 | Target Date | 20.01.2026 |
| | | Extended Date | 11.06.2026 |
| Recommendation | That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and a Unilateral Undertaking | | |

This application is being referred to the Planning Committee for determination because it is a departure from policy DM8 of the Development Plan.

1.0 The Site

- 1.1 The application site is situated on the south-western edge of the settlement of Hockerton on the south side of the A617. The site includes land to the rear of The Grange, a single storey collection of buildings used by independent businesses including an interior designer and café, and to the rear of the 2 neighbouring properties to the east; notably Menhay and Highgreen. The land is partly rough grass, scrubland, agricultural land and hardstanding/parking area located within The Grange, and covers approximately 0.46 hectares. Access to the site is through the car park area serving The Grange.
- 1.2 An existing field access is located to the south of the car park and enters on to the southern part of the application site. The land slopes from north to south. A farm track runs through the site from north to east. To the south and west of the site is open countryside.



1.3

1.4 The site is not within a conservation area and is within Flood Zone 1. The application site is nearby to Grade II listed buildings - Pigeoncote and Attached Stable Blocks at Hockerton Grange Farm.

2.0 Relevant Planning History

2.1. **23/00640/OUT** - Outline planning application for residential development of up to 5 no. Dwellings, with means of access submitted for approval – refused for the following reason:

- *The application site is undeveloped land located to the rear of The Grange, on the edge of the village of Hockerton, surrounded by open fields to the south and west. In the opinion of the Local Planning Authority, the site falls outside of the village, in the open countryside, therefore in accordance with Spatial Policy 3 of the Amended Core Strategy, the development proposal falls to be assessed against Policy DM8 (Development within the Open Countryside) which strictly controls development in the open countryside. The proposal for new residential development does not meet any of the criteria within DM8 to be supported, therefore is unacceptable in principle. Furthermore, the backland position would not be in keeping with the pattern of development of the village and would encroach into the landscape resulting in a detrimental impact to the rural and open character of the surrounding area, contrary to Core Policies 9 and 13 of the Amended Core Strategy, Policy DM5 of the Allocations and Development Management DPD, and Part 12 of the NPPF.*

2.2. The [23/00640/OUT] application was subsequently dismissed at appeal.

2.3. Following the dismissal at appeal, there was significant change in the Council's position on the 5-year housing land supply. On this basis, the applicant submitted a

preapplication enquiry for the same scheme.

3.0 The Proposal

3.1 The application seeks outline planning permission for residential development of maximum of 5 dwellings, including means of access. Details of landscaping, appearance, layout and scale are reserved.

3.2 Although the submitted drawings are illustrative, it is proposed that Plots 1 and 5 would be bungalows and Plots 2, 3 and 4 would be larger family homes. The illustrative site layout portrays a courtyard arrangement centred around the retained mature tree.

3.3 Plots 1 and 5 could be single storey bungalows, connected through the respective garages to Plots 2,3 and 4 which would be 2-storey dwellings.

3.4 Access to the site would utilise the existing access serving Grange Farm Units (onto Kirklington Road). Meanwhile, access to the farmland south and east would be retained and formalised via a connecting farm access track along the outer edge of the site.

3.5 Documents assessed in this appraisal:

- Drwg. No. 25.4621.01A – Proposed Block Plan (received 24.11.2025)
- Drwg No. 25.4621.02B – Proposed Site Plan (received 24.11.2025)
- Location Plan (received 24.11.2025)
- Biodiversity Net Gain Assessment (received 24.11.2025)
- Planning, Design, Access and Heritage Statement (received 24.11.2025)
- Preliminary Ecological Appraisal (received 24.11.2025)
- Tree Survey (received 24.11.2025)
- BNG Metric Calculations (received 02.12.2025)
- Revised BNG Assessment (received 12.05.2026)
- Revised BNG Metric Calculations (received 22.04.2026)
- Revised Site Location Plan (received 22.04.2026)
- Bat & Bird Box Locations (received 12.05.2026)

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.

4.2 Site visit undertaken on 26.01.2026

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

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

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

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification 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.

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

5.6. **Other Material Planning Considerations**

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

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

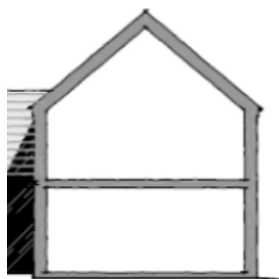
- 6.1. **Nottinghamshire County Council (Highways)** – No objections to the principle of the proposal subject to conditions.

Town/Parish Council

- 6.2. **Hockerton Parish Council** – No comment but aware that residents have raised their objections directly with the LPA.

Representations/Non-Statutory Consultation

- 6.3. **NSDC Conservation** – *“The proposed application site would be located within the wider setting of a number of Non-Designated Heritage Asset’s (NDHA’s), within closer proximity is the First House North of Blackwood (HER ref: M15104) and Hockerton Grange (HER ref: M14627). The site is also within the setting of the Grade II Listed Building known as Pigeoncote and Attached Stable Blocks at Hockerton Grange Farm (He ref: 1045488). The principle of the proposed dwellings would be considered acceptable, however, we would suggest that amendments are made.*
- 6.4. *We would suggest that the layout has a more linear form to more accurately reflect the layout of an historic farmstead, and that the number of proposed plots are reduced and set further back from the edge of the proposed site, so that they would be less impactful on the heritage assets and rural setting. We would also want to ensure that the proposed dwellings are designed sympathetically to the nearby heritage assets, using the same materials.*
- 6.5. *It is not clear from the illustrations provided, but it appears that the blank gables would be comprised of large openings (Figure below is an example). We would suggest that these are more proportionate to the proposed dwellings and that the size and scale is much smaller.”*



- 6.6. **NSDC Ecology** – Following continuous engagement between the agent and the Council’s ecologist, initial BNG related information has been amended to address all the concerns. Based on the most recent comments from the Council’s ecologist, the amended information is considered to resolve the previous concerns with regards to the BNG assessment and bat and bird box location plan. With the proposed compensation, mitigation and enhancement measures implemented, it is considered that the proposal would be compliant with matters relating to biodiversity within the NPPF and relevant local planning policies. Planning conditions have been recommended to ensure compliance with the policies. Further comments from the Council’s ecologist are included in the relevant sections of this report.
- 6.7. **NSDC Tree Consultants** – No objections subject to recommended planning conditions.
- 6.8. **NSDC Environmental Health (land contamination)** – Applicant/developer should have a contingency plan should construction phase reveal any contamination.
- 6.9. **Comments have been received from one (a couple) local resident that can be summarised as follows:**
- Inaccurate information on historical use of the site or its association with adjacent Grange Farm
 - Presumption in favour of sustainable development should not provide sufficient grounds for planning permission
 - Site is countryside, not previously developed land
 - Scale of the proposal could result in overbearing impact
 - Loss of privacy
 - Drainage and potential flooding
 - Potential loss of agricultural land
 - Incongruous with surrounding area

7.0 **Appraisal**

- 7.1. The key issues are:
- Principle of development

- Impact on the Open Countryside and the Visual Amenities of the Area (including heritage impact)
 - Impact on Amenity
 - Impact on the Highway
 - Impact on Ecology & Trees
- 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. Given the site's proximity to some listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Listed Buildings Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 7.4. The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.
- 7.5. These considerations are also reflected in Core Policy 14 and policy DM9.

Principle of Development

- 7.6. Spatial Policies 1 and 2 direct new development within the District first and foremost to the sub regional centre, then to service centres, and then principal villages. Hockerton is an 'other village' whereby new development will be assessed against the criteria within Spatial Policy 3. Where a site lies outside of the village, DM8 (Development within the Open Countryside) applies.
- 7.7. As the site is located at the edge of the settlement, it is considered to fall within the open countryside, outside of the village. Proposals within the open countryside are assessed against DM8, which strictly controls the types of development allowed in these locations. New dwellings are only allowed in specific circumstances – new and replacement rural workers dwellings, or new dwellings where they are of outstanding quality or innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.

- 7.8. Due to the location, the proposal would usually be refused as the principle of development is contrary to DM8 (see previous reason for refusal 23/00640/OUT).
- 7.9. Notwithstanding the above, paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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 combination⁹.
- 7.10. 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.'
- 7.11. The Council's current position is that it can demonstrate a total housing land supply of 3.84 years which differs from the position when the previous application was refused. The Council cannot demonstrate a 5-year housing land supply, therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly and demonstrably outweigh the benefits.
- 7.12. As the previous reason for refusal was mainly regarding the principle of development as the site is not in the village, the principle of development now rests on whether the site (regardless of the edge of village location) can be considered sustainable and whether residential development on the site would be an effective use of land. In terms of securing well-designed homes and providing affordable homes, this would be subject to detail.
- 7.13. To determine if the application site is a sustainable location, its link to the wider Hockerton village has been considered. There is a footway along Hockerton Road that extends to the existing site access. Subject to adequate pedestrian access incorporated into the layout of the residential development, it is considered that future occupants could walk into Hockerton safely. Although there are limited services within Hockerton itself (a church and a pub), there is a bus service to Newark (the sub-regional centre) and Southwell (a service centre), both of which have a wide range of

services that would be accessible. It is however acknowledged that the bus service is not very regular. Southwell is located approximately 2 miles to the south of Hockerton therefore would be a short drive if future occupants did choose to use private vehicles. Given this closeness to Southwell, it is considered that future occupants could also rely on cycling to gain access to services.

- 7.14. Given the above, and the significant increase in housing target the Council now faces, the principle of development is considered acceptable, when applying the presumption in favour of development as explained above, subject to detail and site-specific impacts.
- 7.15. It is noted that there was only one reason for refusal on 23/00640/OUT which in addition to the principle issue, incorporated a 'detrimental impact on character'. The refusal was appealed and then dismissed. At the time of the Inspector's decision, the Council could demonstrate a 5-year housing land supply. The Inspector agreed that there would be harm to the character of the open, rural landscape, noting the development would 'introduce a setback, isolated and disjointed block of development extending in a limb out into the countryside rather than forming an integral part of the existing built form'. Although the Council's position at the time was in line with the Inspector's view, considering the current lack of housing supply and increased housing targets, the benefits of the proposal (also noted in the Inspector's decision – paragraphs 30 & 31) carry far more weight in the decision-making process at this time. See the Inspector's comments below.

Planning balance

30. There appears no dispute that the Council can demonstrate a 5-year housing land supply. Therefore, the Development Plan is up to date for the purpose of decision-making. The development would provide up to five dwellings which would contribute towards housing land supply. A boost to housing supply is an important Framework consideration in favour of the development. It would also add to the overall stock and choice of residential dwellings. The site would also be in a reasonably accessible location with some local facilities and services. The additional housing therefore carries a moderate degree of weight in favour of the scheme.
31. The development would support the vitality of the community, including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. However, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight in support of the proposal.
- 7.16. Despite the Inspector's conclusion agreeing that development on the site would result in harm to the character of the landscape, it is not considered that this harm would be significant. Given the location adjacent to the existing built form, and the fact that the location is considered sustainable, the benefit of the contribution to the Council's housing supply would now outweigh the harm.
- 7.17. In summary, the Council's Development Plan cannot be considered up to date for the purposes of decision making, in relation to housing delivery. This is because the Council cannot demonstrate a 5-year housing land supply at this time. For this reason, a residential development on the site is considered acceptable (subject to final detail). Site specific impacts to consider are discussed below.

Housing Mix and Affordable Housing

- 7.18. The District Wide Housing Needs Assessment carried out by Arc4 in 2020 is the most up to date Housing Need Survey for the District. Hockerton is within the Southwell sub area for the document, and the following table sets out the dwelling mix expected for new developments in the area.

| Dwelling type and number of bedrooms | Current stock profile (%) | Market need profile (%) | Affordable rented need profile (%) | Intermediate need profile (%) |
|---|----------------------------------|--------------------------------|---|--------------------------------------|
| 1 to 2-bedroom house | 11.6 | 6.6 | 0.0 | 6.0 |
| 3-bedroom house | 29.0 | 33.3 | 42.3 | 35.8 |
| 4 or more-bedroom house | 42.8 | 24.0 | 0.0 | 35.8 |
| 1-bedroom flat | 1.3 | 0.0 | 0.0 | 0.0 |
| 2 or more-bedroom flat | 1.1 | 5.6 | 0.0 | 0.4 |
| 1-bedroom bungalow | 0.5 | 0.0 | 0.0 | 2.4 |
| 2-bedroom bungalow | 6.3 | 14.8 | 23.6 | 7.9 |
| 3 or more-bedroom bungalow | 6.1 | 15.2 | 7.7 | 11.7 |
| Other | 1.4 | 0.5 | 26.4 | 0.0 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 |

- 7.19. Details of housing mix in relation to number of bedrooms have not been provided. However, this table should provide guidance at the reserved matters stage.

Impact on the Open Countryside and the Visual Amenities of the Area (including heritage impact)

- 7.20. 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.
- 7.21. 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. In terms of backland development, emerging policy DM5(b) states that 'proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.'
- 7.22. In relation to landscape impacts, the site is identified within the Landscape Character Assessment as falling within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 34: Hockerton Village Farmlands. The detailed landscape action for this policy Zone is to 'conserve and reinforce'. The landscape actions for this area include conserving existing hedgerows and seek opportunities to restore historic field patterns.

- 7.23. 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. Paragraph 139 explains that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.24. Only indicative drawings comprising the proposed block plan and illustrative street scenes have been provided at this stage. As noted within the principle section, there is concern that residential development on the site could have a harmful impact on the character of the open countryside and the landscape, particularly large-scale dwellings. Given the site's proximity to some heritage assets, the Council's Conservation Officer (CO) has been consulted for comments on the potential visual and heritage impact. The CO agreed with the principle of development, but they advised that the layout should be restricted to a U-shaped development devoid of the projecting gables and detached garages to the rear to better reflect a traditional farmstead layout. It was also advised that the number of plots are reduced and set further back from the edge of the proposed site, to reduce the impact on the heritage assets and rural setting. Furthermore, materials would have to reflect the nearby heritage assets, whilst the proposed gables should be reduced in size and scale.
- 7.25. It is noted that the Design and Access Statement states that the final scheme would reflect a traditional farmstead composition, with respect for the local distinctiveness and nearby listed buildings.
- 7.26. In terms of boundary treatment, existing boundary hedgerow would be retained.
- 7.27. Looking at the likely impact from the scheme representing a backland development, it is considered that harmony with the general character and density of existing developments in the area could be achieved through a relatively modest scale. Given Grange Farm's position as the last development on that southern part of the A617, in addition to the existing developments to the southeast of the site (i.e. Hunters Lodge, The Dovecote, Lakeside Barn), there is no concern that the proposal would create a precedent for similar forms of development.
- 7.28. Overall, subject to final design and detail at reserved matters stage, it is not considered that the scheme would result in a detrimental heritage, including the setting of nearby listed buildings, or visual impact provided it accords with the above recommendations of the Conservation Officer. Restricting the development to smaller scale dwellings would equally reduce the likely harm to the openness of the surrounding countryside.

Impact upon Residential Amenity

- 7.29. Policy DM5(b) explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.30. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.

- 7.31. Although indicative layout and illustrative street scene drawings were only received at this time, it is considered that a scheme could be achieved that would be acceptable in terms of amenity for future occupiers. Likewise, the impact on occupiers of neighbouring dwellings should also be acceptable. This is however subject to final layout, separation distances, location of windows, and the scale of the dwellings proposed.
- 7.32. In terms of the potential impact on the amenity of neighbours, it is noted that a neighbour (occupiers of Menhay) has objected on the following grounds - likely overbearing and loss of privacy impact on their property, increased potential for flooding from excess surface water.
- 7.33. Based on information received at this stage, Plot 5 would be the closest to the neighbour's boundary, and it would be mostly single storey with over 10m separation distance from the eastern boundary. In addition, the neighbour's rear garden appears big enough such that a development of this scale (Plot 5) would not result in significant overbearing impact. Moreover, the neighbour's property is to the east of the application site, and since the sun rises from the east, it means there would be no loss of early morning sunlight.
- 7.34. Nevertheless, it is considered that these concerns could be addressed if the dwellings are restricted to single or 1.5 storey, and if the scale of the proposed development is reduced and restricted to the linear layout recommended by the Conservation Officer.
- 7.35. With this in mind, it is not considered that the likely impact on neighbours' amenities would be detrimental.

Impact upon Highway Safety

- 7.36. 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.
- 7.37. Paragraph 115 of the NPPF seeks to ensure that safe and suitable access to the site can be achieved for all users.
- 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. Access to the site would utilise the existing access serving Grange Farm Units (onto Kirklington Road). Meanwhile, access to the farmland south and east would be retained and formalised via a connecting farm access track along the outer edge of the site.
- 7.40. The scheme would make provision for garages and driveway parking, albeit the dimensions of the driveway parking are considered to fall short of the standard in the Council's Residential Cycle and Car Parking SPD 2021. Meanwhile, the dimensions of the proposed garages could not be ascertained at this stage.

- 7.41. Although it could not be determined at this time if there would be sufficient parking for each plot, given the number of bedrooms has not been provided, it is however considered that sufficient parking provision could be achieved if the scale of development is reduced to comply with the comments from the conservation team.
- 7.42. Furthermore, the following are the comments received from NCC Highways.
- 7.43. *“This is an outline application with only ‘means of access’ to be determined for up to 5 dwellings on land to the rear of The Grange in Hockerton.*
- 7.44. *Access would be via the existing site access into The Grange’s car park; it is sufficiently designed to serve the small quantity of additional residential development traffic as sought.*
- 7.45. *The car parking provision for the existing commercial element appears unaffected by the proposal which is welcomed. Parking provision for the dwellings will need to accord with the Local Planning Authority’s own parking standards in terms of car, cycle and electric vehicle charging facilities.*
- 7.46. *Based on the current Car Parking Standards – SPD for the proposed residential development, this would normally require a minimum of 3 spaces should the plots be 3+ bedroom dwellings. If this is the case the submitted indicative layout scheme therefore does not accord with the Car Parking Standards – SPD. A revised layout must be provided in this regard particularly at the reserved matters stage, should this application be approved.”*
- 7.47. NCC Highways concluded that there would be no objection to the principle of development subject to recommended planning conditions. However, the conditions will not be imposed at this stage as they would only be relevant at the reserved matters stage, other than the construction management plan which has been included.

Impact upon Ecology & Trees

- 7.48. Policy DM5 states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.
- 7.49. A Preliminary Ecological Appraisal was submitted as part of the supporting information. The Council’s ecologist provided the following summary following their initial assessment of the ecological appraisal (paragraph 3.15 of NSDC ecologist’s comment dated 11.2.2026).
- 7.50. *“No significant impacts have been identified for badger or breeding birds. Precautionary mitigation measures have been recommended for these species and species groups and I would advise that these should be implemented and be secured through a Construction Environmental Management Plan for Biodiversity CEMP(B).”*
- 7.51. However, following provision of additional information and revised comments by the Council’s ecologist, the precautionary mitigation measures stated in the supporting

Ecological Appraisal will now be secured by a condition to ensure compliance. As such, there will be no need for a planning condition relating to the Construction Environmental Management Plan for Biodiversity CEMP(B).

- 7.52. Looking at impact on trees, the proposal was supported by a Tree Survey. The survey shows that a Category B tree (Birch) would be removed to facilitate the development, all other trees or hedges would be retained. The Council's tree consultants have no objection to the scheme subject to planning conditions (i.e. provision of Arboricultural Impact Assessment (AIA), Arboricultural Method Statement and Tree Protection Plan prior to commencement of development.
- 7.53. Flood Risk and Drainage
- 7.54. The site is within Flood Zone 1, as such, there would be low risk of flooding from rivers. According to EA maps the site has a very low risk of surface water flooding.
- 7.55. In terms of surface water, Core Policy 10, and Policy DM5 (and DM5(b) of the emerging DPD), set out that 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.
- 7.56. Based on supporting information, surface water from the site would be gravity fed into the existing surface water drainage network. Foul drainage from the scheme would connect to the public sewer system. The planning statement states that a detailed drainage strategy will be prepared in future. This can be secured by condition.
- 7.57. Bearing in mind that one of the grounds for the neighbour's objection was drainage and flooding concerns, it is considered that draining the site into existing drainage networks would ensure there is no harm.
- 7.58. Overall, it is not considered that the scheme would detrimentally impact the existing drainage regime in the area.

Other Matters

- 7.59. Objections raised by the neighbour relating to visual and residential amenity impacts have been addressed under the relevant sections above. Looking at their other reasons for the objection therefore, it is noted that the application has been appraised as a site in the open countryside and not as a previously developed land.
- 7.60. Their view that the presumption in favour of sustainable development should not provide sufficient grounds for permitting the same scheme that had earlier been refused up to appeal stage was also considered. It is, however, noted that this is an essential part of the appraisal which is strongly supported by national policy (i.e.

NPPF).

- 7.61. Looking at their other objection reasons such as inaccurate information on historical use of the site or its association with the adjacent Grange Farm, and the potential loss of agricultural land. It should be noted that the application has been appraised strictly on the merit of the supporting information provided.
- 7.62. **Community Infrastructure Levy (CIL)** - The proposed development would result in more than 100m² of net additional floorspace/Gross Internal Area and would be CIL liable. This would however be determined at the reserved matters stage.
- 7.63. **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.
- 7.64. Over the lifetime of the application, the applicant has provided revised information in relation to the BNG element of the proposal. This follows the initial comments by the Council's ecologist and subsequent meetings between them and the applicant's ecologist. In the last comments, the Council's ecologist noted inaccuracies in relation to the application site boundary within the Biodiversity Net Gain assessment.
- 7.65. Following submission of latest amended information (received 12th May 2026), the Council's ecologist has thereafter confirmed that the latest information has resolved previous concerns regarding BNG assessment and bat and bird box location plan. Based on the proposed compensation, mitigation and enhancement measures, it is concluded that the proposal would accord with matters relating to biodiversity within the NPPF and relevant local planning policies.
- 7.66. Furthermore, the General Biodiversity Gain Condition will be applicable. This requires the submission and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to commencement of development. In addition, it was recommended to impose planning conditions which include provision of amended BNG Assessment Report and Statutory Biodiversity Metric, a Habitat Management and Monitoring Plan and biodiversity enhancements such as installation of bat and bird boxes. BNG monitoring will be secured by a Unilateral Undertaking.

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 - LEG2627/4493**

- 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 residential development on the site is contrary to Policy DM8 due to the open countryside location, whereby new dwellings are not supported. However, the Council cannot currently demonstrate a 5-year housing land supply and therefore this is a significant material consideration in the planning balance. The site is located immediately adjacent to the village of Hockerton, which although does not have a range of services, is well connected to Southwell and Newark which are highly sustainable locations.
- 9.2. The proposal would represent backland development that would encroach on the open rural landscape, albeit it would not significantly impact the general character of the area. Meanwhile, noting the location adjacent to existing built form, and within reasonable distance of some heritage assets, potential heritage impact could be removed by amending the layout (in linear form) and using materials that are sympathetic to these assets. The final layout and appearance would be assessed at reserved matters stage.
- 9.3. Nevertheless, by applying the tilted balance set out in paragraph 11 of the NPPF, the contribution of additional housing would likely outweigh the visual harm and the likely encroachment into the open countryside (which otherwise would be contrary to Policy DM8). The visual impact would also be minimised by the set back position from the public highway and the lower ground levels. Hence, the proposed development will be acceptable in principle.
- 9.4. The impacts in relation to access and highways, drainage, and ecology are acceptable subject to conditions. Subject to compliance with the conditions recommended by Council's ecologist, the BNG element will accord with the relevant aims of the NPPF and the applicable local planning policies.
- 9.5. Impacts regarding appearance, layout, scale and landscaping would be reserved matters and it is considered a scheme can be achieved that would be acceptable.
- 9.6. The recommendation is to approve outline planning permission subject to conditions and a UU to secure monitoring for BNG.

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 access, appearance, layout, landscaping 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

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

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

04

Prior to commencement of development hereby approved details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction),
- Locations for loading/unloading and storage of plant, waste and construction materials,
- Method of preventing mud and dust being carried onto the highway,
- Arrangements for turning vehicles,
- Arrangements to receive large vehicles,
- Highway Condition survey,
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents.

Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development.

05

Prior to commencement of development, an Arboricultural Impact Assessment (AIA) to BS5837:2012 shall be submitted to and be approved in writing by the local planning authority. This must conform to the standards set out in BS5837, section 5.4, which requires an AIA to include a scaled site plan that details to the Council: The position of all trees on and adjacent the site.

- The root protection areas (RPA) of the trees.
- The proposed design layout.
- Trees to be removed to facilitate the development and trees to be retained.
- Other activities potentially damaging to trees (i.e. level changes, removal/creation of hard surfacing, service runs, etc.).
- Areas that can be used for site accommodation, vehicle parking, material storage etc.
- Pruning to retained tree(s)
- Issues to be addressed by an arboricultural method statement, where necessary in conjunction with input from other specialists.
- Assessment of lost tree value because of the proposal and the proposed mitigation

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

06

No development or site preparation works (including demolition, groundworks or drainage) shall commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in accordance with BS5837:2012, have been submitted to and approved in writing by the LPA. These documents shall include:

- Timing and phasing of all relevant works;
- Location and specification of tree protection fencing and ground protection;
- Construction Exclusion Zones;
- A schedule of tree works in accordance with BS3998;
- Details of access, storage areas, service routes, and proposed changes in ground levels;
- Specifications for works within Root Protection Areas (RPAs), including surfacing, foundation design and excavation methods;
- A supervision schedule, including the appointment of a qualified Arboriculturist at key inspection stages.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

07

Following LPA approval of the AMS and TPP, but 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 or ground protection shall be moved, removed or altered without the prior written agreement of the LPA.

Reason: To ensure that work is carried out in accordance with approved measures, in the interests of visual amenity and biodiversity.

08

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

- Location Plan (received 24.11.2025)

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

09

A. An amended version of the 'Biodiversity Net Gain Assessment Report' and Statutory Biodiversity Metric dated 06 May 2026 and 29 October 2025 respectively and produced by Liz Ecology (or other similar assessments undertaken by other ecologists), shall be submitted to, and be approved in writing by, the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved documents.

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

(a) 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; and

(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.

(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 6 months of the 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.

10

The approved development shall take place in strict accordance with the Precautionary Methods of Working detailed within Section 4.3 of the Preliminary Ecological Appraisal Report, May 2023, produced by RammSanderson.

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

11

Two groups of three swift boxes, and three integrated bat bricks as detailed on the Bat and Bird Box Locations plan, produced by Liz Ecology and received on 06 May 2026 shall be installed prior to first use of each approved new dwelling and photographic evidence of the installed boxes shall 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.

Informatives

01

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

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. The proposed development has been assessed based on the information submitted for this outline application. It would result in more than 100m² of net additional floorspace/Gross Internal Area. As such, it is CIL liable. This is however subject to another review of the proposed floorspace at the reserved matters stage.

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.com.

04

The submitted illustrative layout is not acceptable. The proposed scheme for reserved matters should be designed in line with the advice contained within this report, using a more linear form to reflect a traditional farmstead, an overall reduction in scale, and ensuring sufficient parking spaces are incorporated in line with the Council's adopted Parking SPD.

05

Biodiversity Net Gain Informativ

The development granted by this notice must not begin unless:

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

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

Biodiversity Net Gain

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

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

OR

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

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

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

Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply.

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

Irreplaceable habitat

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

06

For Part B d) of Condition 09 completion of the development, and therefore the start of the 30-year period is considered to be six months from removal of the site compound. This six-month period is considered necessary to provide flexibility if this point in the development is reached at a time of the year that is incompatible for seasonal reasons to undertake habitat creation and enhancement works.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 25/01982/OUT



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Report to Planning Committee – 4 June 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

| Report Summary | | | |
|---------------------------|--|---------------------------|---|
| Application Number | 26/00468/PIP | | |
| Proposal | Application for permission in principle for a minimum of 1 dwelling and a maximum of 5 dwellings | | |
| Location | Land Adjacent Orchard Cottage, Kirklington Road, Hockerton, NG25 0PJ | | |
| Applicant | Mr Heaselden | Agent | GPS Planning and Design Ltd – Mr Jon Pope |
| Web Link | 26/00468/PIP Application for permission in principle for a minimum of 1 dwelling and maximum of 5 dwellings. Land Adjacent Orchard Cottage Kirklington Road Hockerton NG25 0PJ | | |
| Registered | 26.03.2026 | Target Date | 15.05.2026 |
| | | Ext of Time Agreed | 12.06.2026 |
| Recommendation | That Permission in Principle is Approved. | | |

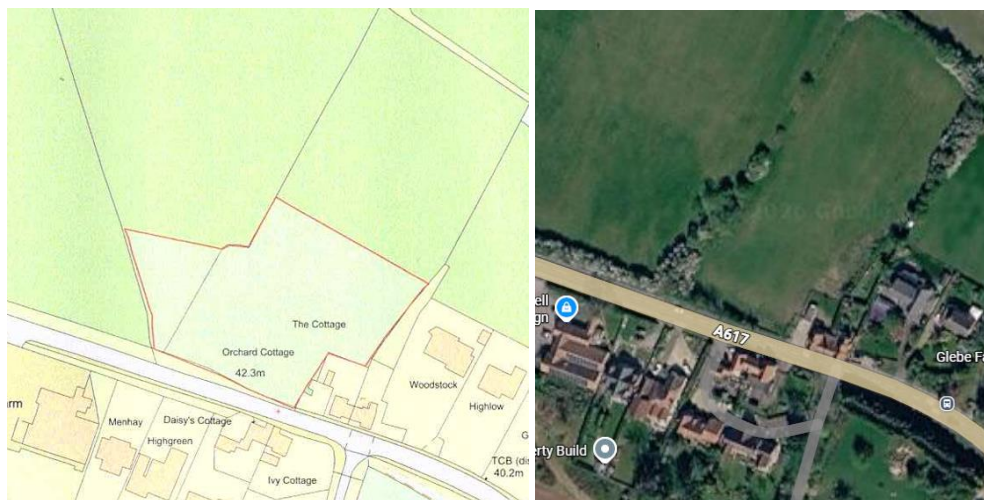
This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.

1.0 The Site

- 1.1 The application site comprises of parcel of agricultural land measuring 0.5 hectares in area, located to the north of the A617 Kirklington Road and to the west of the village of Hockerton. At the time of the officers site visit was the site was pasture land. The site is bounded by a post and rail fence and hedgerow along the boundary with the highway.



- 1.2 To the north and west is open countryside, to the east and south are residential properties. The site gently slopes in an upwards in a northerly direction, there is a sporadic hedgerow along the western boundary.



- 1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The nearest Listed building is located approx. 120m to the south of the site at Hockerton Grange. A Public Right of Way runs through the western parcel of the site in a diagonal direction from the bottom SE corner to the top NW corner of the site. The site is located within Flood Zone 1 on the Environment Agency's Flood Zone maps, and is therefore at a low risk of flooding from rivers and seas. The site is also in an area at a low risk of surface water flooding.
- 1.4 The site is considered to be beyond the main built-up area of the village of Hockerton and within the open countryside.

2.0 Relevant Planning History

2.1 The application site has no relevant history.

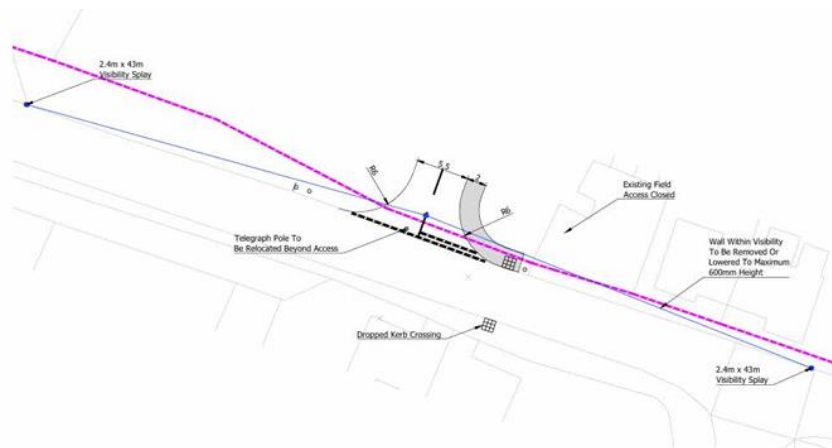
3.0 The Proposal

3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of a minimum of 1 dwelling and a maximum of 5 dwellings. No specific details are required at this stage.

3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development is proposed (as is the case here), the description must specify the minimum and maximum number of dwellings proposed.

3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.

3.4 In terms of accessing the site, an access design drawing has been submitted to show how the site could be accessed via a new 5.5m wide access onto the Kirklington Road, adjacent to Orchard Cottage to the east, which would have visibility splays of 2.4m by 43m.



3.5 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.

3.6 Documents assessed in this appraisal:

Application Form
Site Location Plan
Supporting Letter

Received by the Local Planning Authority on 27th March 2026

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 10 properties have been individually notified by letter, and a site notice has also been displayed near to the site.

4.2 Site Visit undertaken: 15.04.2026

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 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

5.2 Allocations & Development Management DPD (adopted July 2013)

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

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

newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/local-development-framework/amended-allocations-and-development-management-dpd/Plan-Review-AADMDPD---2-Pub-Stage---Clean-Version.pdf

[ADMDPDProposedModsFINAL.pdf](#)

5.3 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (amended Feb 2025)
- Planning Practice Guidance (PPG)
- NSDC Landscape Character Assessment SPD 2013
- NSDC Residential Cycle and Car Parking Standards 2021
- NCC Highways Design Guide

6.0 **Consultations**

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

6.1 **Hockerton Parish Council – Object.**

The site is unsuitable for residential development. Busy section of the A617, numerous road traffic incidents. Access directly onto A617 will increase risks of accidents.

Existing maintenance concerns. Drainage is poor and causes surface water on the A617. Hedgerow overgrown and obstructing the Speed Control Signage. Low confidence in the landowners commitment and responsibility.

In addition, in advance of the Technical Details Consent Stage, expressed concern over the access, flooding and drainage issues, environmental considerations and overlooking/overshadowing of existing properties.

- 6.2 **NCC Highway** – Given the limited scale of development proposed, the increase in vehicle trips associated with up to five dwellings would not be expected to result in a material detriment to traffic flows along this section of the A617. Furthermore, based on the available frontage to the site, it is considered that a suitable vehicular access of adequate width could be achieved.

However, the site is located on the outer edge of the village and is served by a substandard-width footway running adjacent to the A617. This road has an Annual Average Daily Traffic (AADT) of approximately 10,700 vehicles, of which around 10% comprise HGVs. As a result, pedestrians generated by the proposed development would be required to walk in very close proximity to a significant volume of fast-moving and large vehicles.

While the site lies within a 30mph speed limit, the absence of speed enforcement measures raises concern regarding potential non-compliance, particularly on the approach into Hockerton. In this context, the pedestrian environment would offer limited protection or comfort, and the route cannot be regarded as providing a safe or attractive walking connection for future residents.

On this basis, notwithstanding the acceptability of the traffic impact and access arrangements, the location raises concerns in respect of pedestrian safety and the suitability of the site in transport terms.

- 6.3 **NCC Rights of Way** – The fact that the plan provided runs into the second field across which the only Public Right of Way in the village is situated, any building in this open field would drastically change the aspect of the current footpath. It is also expected that there will be disruption during any proposed development (dust, noise and possibly the need for a TTRO).

As this is the only and therefore regularly used footpath in the village, we would not support the development in its current proposed layout.

Representations/Non-Statutory Consultation

- 6.4 One letter of representation has been received objecting on the following grounds;

- The site is not suitable for residential development
- Over-development of a sensitive and restrictive plot
- Flood risk and inadequate drainage arrangements
- History of run-off from the field
- The site already suffers from drainage problems, no robust or reliable drainage solution in place. The introduction of housing and hard surfacing will inevitably increase runoff and strain on the existing system
- Represents 'backland' development
- Intrusive relationship
- Change the character of the area
- Will cause harm to neighbouring residential amenity
- Loss of rural character, urbanise the space, erode rural character and result in a permanent and harmful change to the setting
- Loss of hedgerow and vegetation and loss of buffer to noise
- Impact on highway safety
- Impact on value of property

7.0 **Appraisal**

7.1 The key issues are:

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

7.2 All other matters would be considered as part of the Technical Details Consent (Stage 2) application, which would be required if Permission in Principle (Stage 1) is approved.

7.3 The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management (DPD).

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 the Principal Villages specified within Spatial Policy 1, but within 'other villages' in the District will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas). Applications for new development outside villages, within the open countryside, will be assessed against DM8 (Development in the Open Countryside).

Location

- 7.6 The site is located to the west of the village of Hockerton, adjacent to the main built-up area of the settlement, and located within the open countryside. To the south and east are residential properties along the Kirklington Road with open countryside to the north and west. Further to the west is Sunnybank Farm.



- 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. As a result, the proposal is in conflict with Policy DM8.

- 7.8 Whilst Hockerton is classed as an ‘other village’ under the settlement hierarchy set out under Spatial Policy 1 of the Amended Core Strategy, it has some local services of its own, including a Public House which is located within approximately 0.1 miles of the site and a small number of local services and facilities including a Village Hall. There is also a footpath that starts outside Orchard House to the east of the site and also runs on the southern side of the road. Furthermore, the site is approximately 100m from a bus stop, with connections to Newark and Southwell located approximately 2.5 miles from the site, which is identified as a ‘Service Centre’ under the Settlement Hierarchy of Spatial Policy 1, and is well served in terms of services and facilities. Whilst the concerns raised by the County Council with regards to pedestrian safety and impact on the Public Right of Way (PROW) are noted, Kirklington Road does carry a footpath on both sides which provide a link from the site to the bus stop to the east of the site. Furthermore, the agent has indicated that as part of any future Technical Details submission, a footway could be provided along the site frontage, to provide a link from the existing footway to the PROW to the west.



- 7.9 Whilst the site is located within the open countryside, given its proximity to Hockerton, and the existing residential development to the east and south of the site, it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.
- 7.10 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.
- 7.11 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.

- 7.12 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.
- 7.13 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.
- 7.14 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’, as is the case here.*
- 7.15 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and policy DM8, the tilted balance is engaged, and the provision of housing (for 1 to 5 dwellings) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs.
- 7.16 The proposals would provide a minimum of 1 and a maximum of 5 additional housing units on land considered to be within the open countryside. At this stage it is not known whether the dwellings would be bungalows or houses, nor the final design, but such details would come at the technical detail stage. The agent has indicated that the dwellings are to be laid out and designed to be in keeping with the character of the locality, as well as reflecting the varied size and scale of other dwellings that exist in the surrounding area. Officers are of the view that such an approach would, in

principle, be acceptable on this site, due to its transitional nature, located between a small rural settlement and open countryside.

- 7.17 Given that the site is served by existing footpath links, and is located on a bus route, with a bus stop located within a short walk of the site frontage, Officers are of the view that the site would be within an accessible location. This, together with the 'tilted balance' as set out above, results in the location of the site being suitable for residential development.

Land Use

- 7.18 Residential use of the land is considered acceptable, given its proximity to the village of Hockerton and the Service Centre of Southwell, and its position close to existing built-up development located within the village.

Loss of Agricultural Land

- 7.19 As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states *'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'*
- 7.20 Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.21 Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.22 Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (Good to Moderate). 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 1-5 dwellings to the District's housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.

- 7.23 The loss of this 'good to moderate' agricultural land measuring a modest 0.5 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

- 7.24 The application proposes between 1 and 5 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 5, which equates to an approximate density of 10 dwellings per hectare. Given the existing pattern of development along this section of the Kirklington Road, and its rural 'edge of settlement location', this maximum is considered acceptable in principle and would not appear out of character within the existing density of development in the area. Any higher density could result in unacceptable harm to the character and visual amenities of the area. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage.
- 7.25 The maximum number of dwellings proposed here would be up to 5 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(s) at an appropriate distance. Furthermore 2 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

- 7.26 Members will be aware of a recent appeal decision relating to an application for Planning in Principle for a minimum of 2 dwellings and a maximum of 5 dwellings on a site at Normanton. In that case the Inspector took the view that the site was not adjacent to the village, but well beyond it, being physically separated by undeveloped land, most of which is farmed. In this case, the site is bordered to the east by existing residential development with further residential development to the south and west on the opposite side of the A617. In terms of accessibility to existing services, in the Normanton case, the Inspector took the view that the public footpaths to Normanton and Southwell would not provide realistic options for regular use by future occupiers, and that there was no evidence of any bus services. In this case, there is a footpath link from the site to an existing Public House and a bus stop approx. 100m away. Officers are therefore of the view that whilst there are similarities between the two

cases, they are not directly comparable. In any event, each application must be determined on its own merits, and whilst appeal decisions are material planning considerations, caution should be applied when making site comparisons.

- 7.27 In this instance, the location is considered to be within the open countryside adjacent the built village of Hockerton. However, 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 Southwell, 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

- 7.28 The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD, and emerging Policy DM5b, set out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.
- 7.29 It should be noted that the proposal is sited within a historic landscape and has the potential for archaeological findings, therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF. As such, a Heritage Assessment Report would 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

- 7.30 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 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.
- 7.34 The site is located within the Mid-Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 34 'Hockerton Village Farmlands'. 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.
- 7.35 No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Consent stage. The construction of up to 5 new dwellings would be more visually prominent than the existing site, which is currently in agricultural use. The design of any scheme should aim to minimise visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to help assimilate any development within the surrounding landscape.

Impact upon Residential Amenity

- 7.36 Policy DM5(b) of the emerging Amended 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.
- 7.37 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.

- 7.38 The closest dwelling is Orchard Cottage, to the east, with open countryside to the north and west. There are properties to the south, however, these are separated by the A617. The proposed site is substantial in size, and it is considered that up to 5 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

- 7.39 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.
- 7.40 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.
- 7.41 The proposal would require the creation of a new access off the A617 Kirklington Road. This section of the A617 is single carriageway and is subject to a 30mph limit. An access diagram has been submitted to demonstrate good visibility in both directions and the Local Highways Authority have advised that a suitable vehicular access of adequate width could be achieved. The design of any junction would be required at Technical Details Consent stage, and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed, having regard to the NCC Highways Design Guide. Parking provision would need to adhere to the recommendations set out in Table 2 of the NSDC SPD on car and cycle parking. For dwellings with 3 or more bedrooms 3 car parking spaces would be required.
- 7.42 The comments of the Highway Authority with regards to the substandard width of the footpath are noted. There are footpaths on both the north and south sides of the A617 which serve existing dwellings at this end of the village.
- 7.43 There is a Public Right of Way (PROW) to the west which runs into the second field. The comments of the Rights of Way team are noted, however, no details of the layout of the scheme have been submitted at this stage. Due to the size of the site and the low number of dwellings proposed, Officers are of the view that a scheme could be designed so as not to have any adverse impacts upon the setting of the PROW or the

enjoyment of its users. Any Technical Details application would have to demonstrate that it would not negatively impact on the PROW.

- 7.44 Overall, it is considered that the scheme could provide a safe access to the site, subject to detailed assessment at the technical stage.

Trees, Landscaping and Ecology

- 7.45 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.
- 7.46 It is likely that the creation of a new vehicular access off Kirklington Road would require the removal of trees and / or a section of hedgerow along the southern boundary of the site. In the event 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 by the PEA, would be required to support the Technical Details Consent stage.
- 7.47 Ultimately, it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees or hedgerows, or would result in the removal of such features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.48 Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7 and the Landscape Character Assessment SPD. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

Flood Risk

- 7.49 Core Policy 10 of the Core Strategy and Policy DM5(b) of the emerging Amended Allocations and Development Management DPD along with the NPPF, set out a sequential approach to flood risk. Core Policy 9 requires new development proposals to pro-actively manage surface water.

- 7.50 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. The site is also at low risk of surface water flooding.
- 7.51 It is however noted that the site slopes downwards towards Kirklington Road. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. Details of how surface water run-off would be suitably disposed of would be considered at the Technical Details Consent stage, however Officers are satisfied that there would be a technical solution to ensure that surface water run-off from the site would not increase. For example, if soakaways are not suitable, the site is large enough to accommodate on-site surface water attenuation measures. Details of water management (the disposal of surface water and foul sewage) would be expected to be submitted during the second stage.

Contamination Risk

- 7.52 Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.53 Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 7.54 Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL)

- 7.55 The site is located within the Housing 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)

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

8.0 Implications

8.1 In writing this report and in putting forward 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 – LEG2627/3079

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 residential development, and between 1 and 5 dwellings would be 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)
- 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.
02. The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
03. You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
04. The application as submitted is acceptable. In granting Permission in Principle without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 26/00468/PIP



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Report to Planning Committee 4 June 2026

Business Manager Lead: Oliver Scott – Planning Development

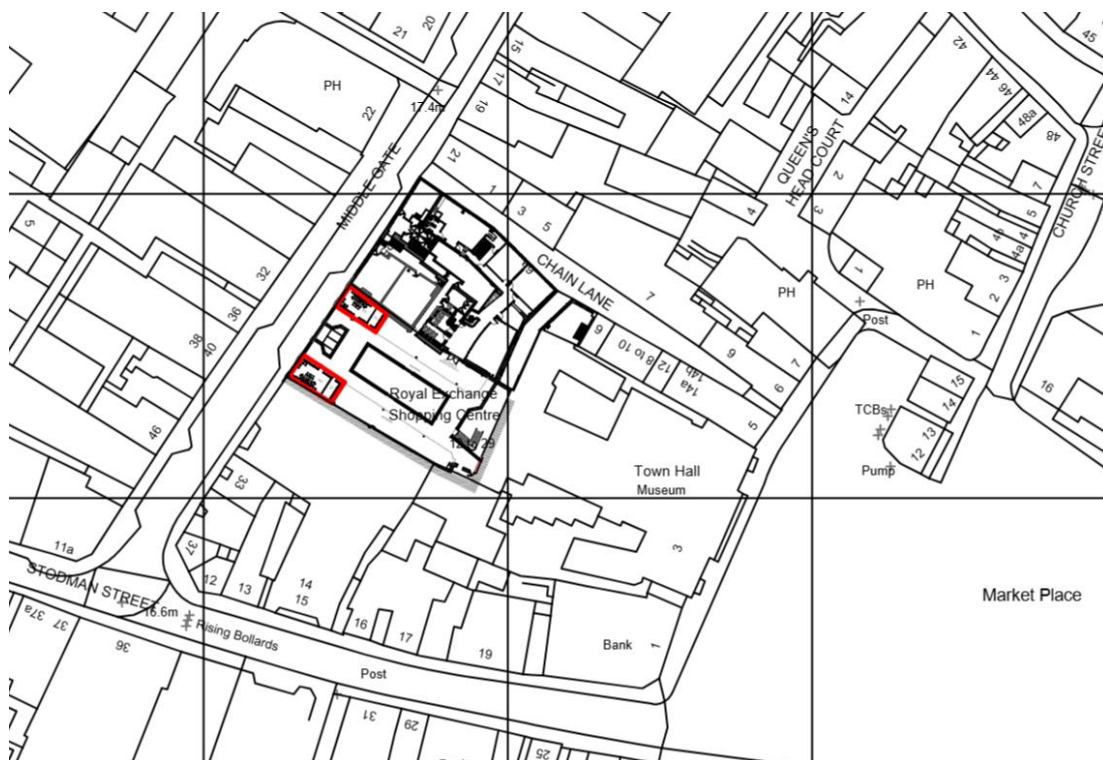
Lead Officer: Julia Lockwood, Senior Planning Officer (Conservation),

| Report Summary | | | |
|------------------------|---|--------------------------|--|
| Application No. | 26/00477/LBC | | |
| Proposal | Creation of internal office and storage spaces to first floor mezzanine. | | |
| Location | First Floor The Buttermarket Middle Gate Newark On Trent NG24 1BF | | |
| Applicant | Newark and Sherwood District Council – Lauren Anthony | Agent | Jackson Design Associates – Mr Harvey Burton |
| Web Link | 26/00477/LBC Creation of internal office and storage spaces to first floor mezzanine. First Floor The Buttermarket Middle Gate Newark On Trent NG24 1BF | | |
| Registered | 30 March 2026 | Target Date | 25 May 2026 |
| | | Extension of Time | 5 June 2026 |
| Recommendation | Approve, subject to conditions. | | |

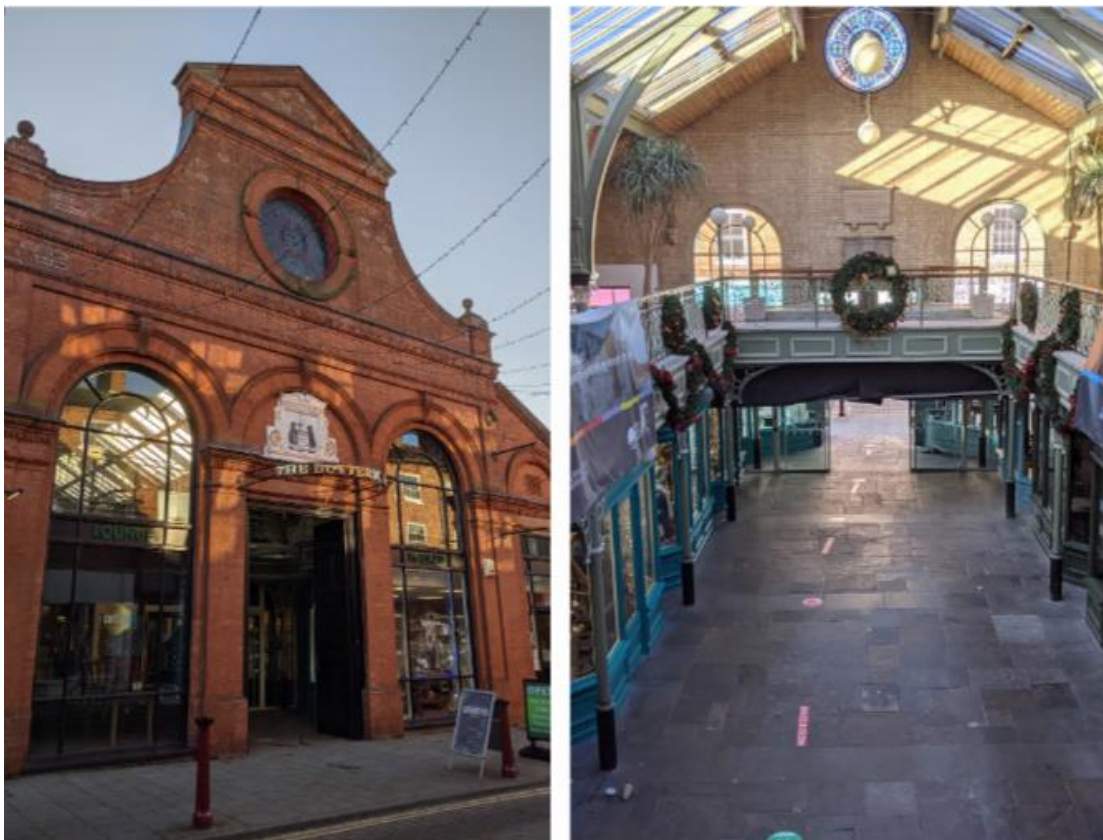
This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the applicant is Newark and Sherwood District Council.

1.0 The Site

1.1 The application site comprises two separate areas located at first floor level on the internal mezzanine of The Buttermarket adjacent to its frontage with Middle Gate, within Newark town centre, as outlined in red on the plan below.



- 1.2 The Buttermarket is the converted former Victorian covered market at the rear of the Town Hall, fronting Middle Gate. Newark Town Hall, by John Carr of York, is a Grade I listed building dating from 1774-76 and is one of the finest Georgian town halls in the country. The Buttermarket is considered to form part of the listed building in accordance with Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not listed in its own right, however, as it is physically connected to the Town Hall it is considered to form part of the Town Hall's curtilage, and thus part of the listed building in legal statutory terms.
- 1.3 The Buttermarket features a four bay cast iron framed structure with central space on the long axis and isled wings to the sides. Natural light is brought into the building mainly through its glazed roof. Its Middle Gate frontage is characterised by red decorative brickwork forming five arched bays with cast iron framed glazing. More recent renovations introduced shops within the smaller wings on either side of the building, with shopfronts constructed of lightweight timber panelled and glass partitions. A mezzanine floor was also introduced above the shops on either side with an extended internal balcony, supported on a second row of columns at ground floor level. It is accessed by a central staircase to the rear of the space and a lift but is simply an open space at first floor level with no retail or any other interest/offer currently provided.



1.4 On the opposite side of Middle Gate from the Buttermarket, Nos 32-34, No 36 and Nos 38-42 Middle Gate are all Grade II listed and the whole area is located within Newark Conservation Area.

1.5 The site has the following constraints:

- A listed building;
- Within the setting of other listed buildings;
- Within Newark Conservation Area.

2.0 Relevant Planning History

2.1. There are numerous applications that relate to the Buttermarket, below are the most recent ones:-

2.2. 25/01173/LBC - Flat Roof Replacement works and 2no. new rainwater pipes installation, approved 03.10.2025

2.3. 24/01786/LBCLDC - Certificate of Lawfulness of proposed works to subdivide small store room into two, remove roller shutters and replace with new shopfront detail and upgrade fire performance and internal finishes, certificate issued 12.12.2024

2.4. 23/00993/LBC - Installation of a lockable steel gate and 2 No. side panels to the top of the stairs leading up to the mezzanine floor, approved 6.10.2023

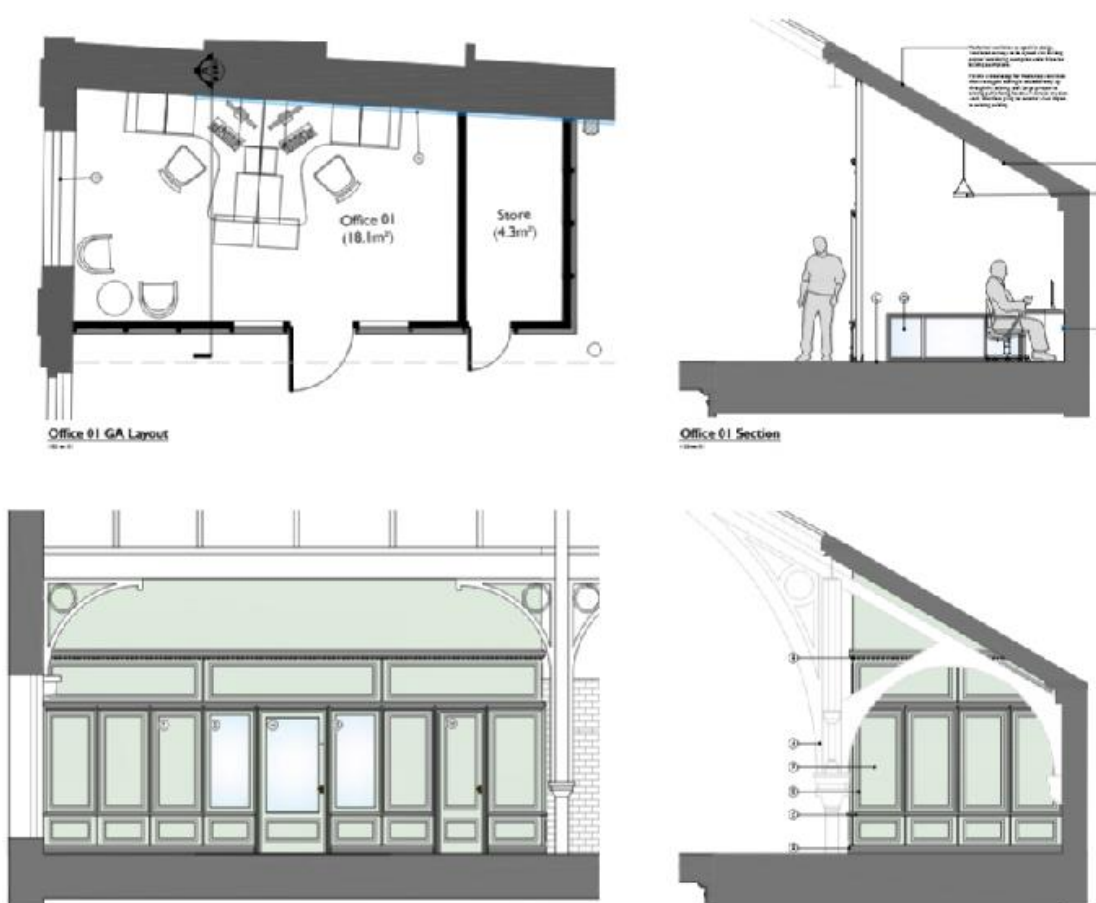
2.5. 22/00986/S19LBC - Variation of condition 2 attached to planning permission

21/02470/LBC to amend the proposed staircase, approved 08.07.2022

- 2.6. 21/02589/FUL - Change of use of the first floor atrium and old pub area of the Buttermarket from Sui Generis to Mixed Use (Uses Classes E(a), E(b), E(g(i)), F1(a) and F2(b)), approved 16.03.2022
- 2.7. 21/02470/LBC - Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level, approved 19.01.2022
- 2.8. 21/02468/LBCLDC - Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets, certificate issues 07.12.2021

3.0 The Proposal

- 3.1 The application seeks listed building consent to provide two separate office spaces with associated store rooms in the front two corners of the mezzanine. Each office space comprises 18 and 20 sqm in area with 4.3 and 5 sqm area of storage. The office uses are proposed to be separate from existing uses on the site.



- 3.2 The proposed elevations would match the shopfront designs at ground floor level and be fitted around the existing cast iron frame. Constructed of profiled timber moulding and glazing, the timber plank ceiling and flooring would remain unaltered and the

finish would be blue, cream and grey paint in colour to match the existing lift structure at first floor level.



3.3 Documents assessed in this appraisal:

- Site Location Plan (Drawing No: 25_2858(OS)A4)
- Existing and Proposed GA Layouts (Drawing No: 25_2858(02)003 Rev: P01)
- Office 01 Layout Plan, Elevations & Section (Drawing No: 25_2858(02)001 Rev P01)
- Office 02 Layout Plan, Elevations & Section (Drawing No: 25_2858(02)002 Rev P01)
- Detail Profile Identifier (Drawing No: 25_2858(02)004)
- Heritage Impact Assessment

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 16 April 2026.

5.0 Planning Policy Framework

5.1. The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

National Planning Policy Framework 2024 (as amended Feb 2025)

Planning Practice Guidance

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013) - Policy DM9: Protecting and Enhancing the Historic Environment

Draft Amended Publication Allocations & Development Management DPD – Policy DM9: Protecting and Enhancing the Historic Environment

Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

Historic England Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

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. Historic England – no comments received at time of writing report.

Town/Parish Council

- 6.2. Newark Town Council – No objection.

Representations/Non-Statutory Consultation

- 6.3. NSDC, Conservation – same as case officer – no objection.
- 6.4. No comments have been received from any third party/local resident.

7.0 Appraisal

- 7.1. The key consideration in this application is the impact of the proposals on the Grade I curtilage listed building.
- 7.2. As the application concerns a designated heritage asset of a listed building, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) is particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 7.3. Section 16 of the National Planning Policy Framework advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing

justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development.

The significance of the Buttermarket

- 7.4. In 1798, almost 100 years before the current structure was built, the site behind the Town Hall was allocated for use as Newark's meat market or butcher's shambles. New buildings for the purpose were erected on the site in 1799. Adjacent to the shambles and also fronting Middle Gate was the town's theatre, which had been established by J Borough in 1774. The theatre and shambles continued side by side until 1882. The extensive displays of raw meat could make for a most unpleasant atmosphere in the Town Hall (directly above) on hot days. The Urban Sanitary Authority was also concerned about the state of disrepair and untidiness into which the shambles had been allowed to descend. Newark's MP, W. N. Nicholson, considered the whole area nothing short of a scandal, while the Mayor, Robert Henry, described the buildings as simply a miserable tumble of dens. Not wishing to lose the retail aspect completely, the sanitary authority proposed that the site be taken over by a covered market dedicated purely to the sale of groceries and poultry.
- 7.5. On 3 July 1882, the Borough Council resolved to erect a covered market on the site of the shambles, between the Buttermarket and Middlegate. Four plans were examined, those of C Bell (London) (£2,000) and Mr Lees of Nottingham (£2,048) having iron and glass roofs. Mr Bell's plan was adopted. The foundation stone was laid in October 1883 and the market was opened in October 1884. The plans for internal fittings were prepared by George Sheppard, Borough Surveyor, who also made the only known contemporary drawing of the New Market, published in 1886.



- 7.6. The iron roof is supported by elegant but powerful iron pillars standing on stone corbels. The interior is of white brick and the floor is of concrete. The roof is of wood,

boarded and the exterior slated in. A long range of windows on the north side admits plenty of light while at night the building will be illuminated by two large Bray's lamps of seven lights each, and four gas lights round each pillar. Each of the lock-up shops is also fitted with gas burners. The exterior of the building is of red brick. The circular window at the Middlegate end is filled with coloured glass. There are 17 lockup stalls let at £5-4-0 pa a piece exclusive of gas. In the centre are 25 stalls rented at £3-18-0 p.a. each. All have been let.' The memorial stones were originally on either side of the entrance, with a drinking fountain in the central wall.

- 7.7. By the 1970s, the interior had deteriorated markedly as a result of many phases of repair over the years. Interventions have included the introduction of a mezzanine floor and stairs within the shell of the covered market, the creation of new retail units at ground and first floor levels and new connections to the buildings to the north and to Chain Lane.
- 7.8. Its architect, Charles Bell FRIBA 1846-99 was prolific but not distinguished. He is best known for his Methodist Chapels and schools. His design for the New Market was straightforward. Beyond the somewhat chapel-like elevation to Middle Gate, it is essentially utilitarian. The primary construction details are of good quality – for example the white brick facing of the interior. The principal significance of the New Market is its street elevation and whole the Market Hall is characteristic of its date and is an attractive space; its original design is utilitarian and it has been greatly altered internally. Only the west façade aspires to polite architecture; it makes an attractive contribution to the streetscape in Middle Gate, in which it is the principal 'event' in long views from north and south and forms a key element in the setting of the Town Hall.

Assessment of Proposals

- 7.9. All works are internal within the existing covered market building. As referenced above, and no doubt Members will recall themselves, that the first floor mezzanine of the Buttermarket has within the last 15-20 years, accommodated small retail units along the length of its roof voids. The principle of such insertions, therefore, has been supported in the recent past. Whilst these insertions would reduce the open floorspace at mezzanine level, their limited size and scale would still allow this wider space to be read and understood. It is noted from the significance section above that the mezzanine floor has been a late 20th century addition to the building and as such the significance of its fabric is somewhat reduced. The detailing and finish of the new inserted walls would match that of the existing first floor lift and reflect the existing shopfront designs at ground floor level. Furthermore, the successful removal of previous modern internal stud walls and shopfronts demonstrates that such insertions are easily reversible. As such, it is considered that the proposal would result in no harm to the special interest of the listed building
- 7.10. In wider terms, the proposal would increase the use of the mezzanine and make good use of an existing underused area of the building, which is considered to be an overall benefit. Whilst not set out within the application submission, officers are aware that this part of the building is suffering from anti-social behaviour issues and the new use would allow greater natural surveillance of this important space.

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 – LEG2627/5798

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. This report concludes that the proposed works to the building are generally considered harmonious to it and would result in improved usage of the space. The scheme would result in no harm to the special historic or architectural interest of this curtilage listed building and would continue to preserve it as required by the statutory objective set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also accords with the guidance set out within Section 16 of the NPPF and with the relevant policies of the Local Development Framework. As such, the proposal is recommended for approval, subject to the conditions set out below.

10.0 Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby approved to allow the creation of internal office and storage spaces to first floor mezzanine shall not be carried out except in accordance with the following approved plans and associated documents:

- Site Location Plan (Drawing No: 25_2858(OS)A4)
- Existing and Proposed GA Layouts (Drawing No: 25_2858(02)003 Rev: P01)
- Office 01 Layout Plan, Elevations & Section (Drawing No: 25_2858(02)001 Rev P01)
- Office 02 Layout Plan, Elevations & Section (Drawing No: 25_2858(02)002 Rev P01)
- Detail Profile Identifier (Drawing No: 25_2858(02)004)
- Heritage Impact Assessment.

Reason: So as to define this consent.

Informatives

01

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

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

02

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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 26/00477/LBC



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Report to Planning Committee – 4 June 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jared Pailing, Planner

| Report Summary | | | |
|------------------------|--|---|-----------------------------|
| Application No. | 26/00005/FUL | | |
| Proposal | Installation of dropped kerb and driveway. | | |
| Location | 93 Mickledale Lane Bilsthorpe NG22 8RF | | |
| Applicant | Mr John Robinson, Newark and Sherwood District Council | Agent | Mr Lee Powell |
| Web Link | 26/00005/FUL Installation of dropped kerb and driveway. 93 Mickledale Lane Bilsthorpe NG22 8RF | | |
| Registered | 08.01.2026 | Target Date/ Extension of Time | 05.03.2026/ EOT – 8.5.26 |
| Recommendation | Permission be granted subject to permissions outlined in section 10.0 | | |

This application has been referred to Planning Committee by officers in line with the Council’s adopted constitution due to the site being a Council owned property and Newark and Sherwood District Council are the applicant.

1.0 The Site

1.1 The application site relates to a semi-detached two storey property located within the settlement of Bilsthorpe. The site is located within a built up suburban residential area surrounded by several other dwellings. The site itself is sectioned into separate ground floor and first floor flats with number 93 being the ground floor accommodation. Currently next to the site is a dropped kerb and a driveway which at first glance appears to serve the site, however, this serves the upper floor flat only and is not a shared vehicle access and driveway.

1.2 A hedgerow exists along the site's southern boundary, which is shared with the highway, Mickledale Lane. A large tree is located to the front of the adjoining dwelling to the east, close to the shared boundary with the application site.

1.3 The site has the following constraints:

- Mickledale Lane is a Classified C Road

2.0 Relevant Planning History

2.1. Nothing Relevant on file.

3.0 The Proposal

3.1 The application put forward affects a Newark and Sherwood District Council owned property. The proposal is to install a new dropped kerb and driveway to the front of the property. This would provide a separate driveway and dropped kerb vehicle access for the ground floor flat, number 93.

3.2 The dropped kerb would abut the carriageway and measure 4m in width. The driveway would be set back 2.7m from the new dropped kerb access behind the existing footway. The proposed driveway entrance would measure 3.8m in width and to allow visibility, the remaining hedgerow within the visibility splays would be maintained to a height of 0.6m to allow visibility. Outside of the visibility splays there are no restrictions on the height of the hedge required and aside from general trimming and maintenance, would remain broadly untouched

3.3 The driveway would be constructed using a no dig solution with a Gridforce Park 30 mesh bedding filled with aggregate to avoid unnecessary digging into the ground which could impact the adjacent hedge or a nearby tree.

3.4 Documents assessed in this appraisal:

- Application form – Submitted 5th January 2026;
- Site Location Plan – Submitted 8th January 2026;
- Various Photographs – Submitted 5th January 2026.
- Block Paving Details – Submitted 5th January 2026;
- Boundary Information – Submitted 23rd April 2026;
- Gridforce Datasheet – Submitted 23rd April 2026;
- Gravel installation Update – Submitted 23rd April (3a) – Submitted 23rd April 2026;
- Revised Existing Layout (3A) – Submitted 15th May 2026;
- Revised Proposed Layout (4C) – Submitted 15th May 2026.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of eight property have been individually notified by letter.

4.2 Site visit undertaken on 18th March 2026.

5.0 **Planning Policy Framework**

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

Spatial Policy 7 – Sustainable Transport
 Core Policy 9 – Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure

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

DM5 – Design
 DM7 – Biodiversity and Ecology
 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](#)

Relevant Policies that have substantial weight from the above referenced emerging plan:

- Policy DM5(B) Design

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

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

N/A

Town/Parish Council

- 6.1. Bilsthorpe Parish Council - no comments submitted

Representations/Non-Statutory Consultation

- 6.2. NCC Highways – Would prefer to see a fence within the visibility splay instead of hedgerows due to maintenance requirements.
- 6.3. No comments have been received from any third party/local residents.

7.0 **Appraisal**

- 7.1. The key issues are:

- Principle of development
- Impact on the Visual Amenities of the Area
- Impact upon Residential Amenity
- Impact on Highways
- Impact on Ecology

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

Principle of Development

- 7.3. Spatial Policy 7 of the Core Strategy (2019) sets out the Local Planning Authority's (LPA's) approach to sustainable transport and seeks to (but is not limited to) the provision of safe, convenient and attractive access for all; avoiding highway improvements which harm the environment and character of the area; and providing appropriate and effective parking provision in line with the Highways Authority best practice.
- 7.4. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context, complementing the existing built and landscape environments.
- 7.5. The proposal is for a dropped kerb within an existing residential area to serve a residential dwelling which currently has no vehicle access. It would therefore be considered acceptable in principle subject to an assessment of material planning considerations, including highway safety.

Impact on the Visual Amenities of the Area

- 7.6. Policy DM5 (b) of the Emerging Allocations and Development Management DPD, expects proposals to reflect the landscape and built form of the District's landscape to be reflected in (but not limited to) the scale, form, mass and design of new proposals. The proposed dropped kerb would be located to the front of the site in proximity to the neighbours dropped kerb.
- 7.7. Visually, the dropped kerb is small scale development. The area has a suburban character where drop kerb vehicle access and hardstanding driveways are common. The proposed hard standing within the highway boundary would be tarmac to match the existing highway running along the front of the property. The proposed driveway, located within the property boundary, would be finished in 10mm aggregate infill (gravel) and is not an uncommon design for a domestic driveway.
- 7.8. The degree of hardstanding is limited and would not be overly dominant to the character of the site. In terms of the boundary, the majority of the hedgerow is to be retained with the minimum width removed to provide a vehicle access.
- 7.9. Visually therefore, the proposal would clearly be read as a residential driveway in terms of its material and scale. As such, the visual character of the site will only slightly be impacted and overall is considered acceptable.
- 7.10. With the above in mind, it is not considered that proposal would have a harmful impact on the visual character of the site and the surrounding area. Therefore, it can be considered that the proposal accords with Core Policy 9 of the Core Strategy and policies DM5 of the Allocations and Development Management DPD as well as the NPPF and DM5(b) of the Emerging DPD.

Impact upon Residential Amenity

- 7.11. DM5(b) of the Emerging Allocations and Development Management DPD, seeks to

ensure development does not result in any loss of amenity to neighbouring properties in terms of overbearing, loss of privacy or light.

- 7.12. The proposal is limited in scale and relates solely to a drop kerb vehicle access and hardstanding driveway. Due to its nature, it would not therefore, result in any detrimental harm to neighbouring amenities such as loss of privacy, light or overbearing impacts.
- 7.13. Driveways are a typical feature associated with residential properties within residential built-up areas. Whilst the proposal would be located between the west and eastern neighbours which, may give rise to some limited noise from a vehicle entering and exiting the site, these noises are characteristic of a suburban residential environment and are not considered to be unduly harmful overall.
- 7.14. Given the small scale of the development, it is not considered to result in a detrimental impact on the residential amenities of neighbouring occupiers. The proposal would therefore be in accordance with Policy DM5 and the NPPF and DM5(b) of the Emerging DPD.

Impact upon Highway

- 7.15. SP7 states new development should provide appropriate and effective parking provision, this is reflected in Policy DM5 and Paragraph 116 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 7.16. The proposed drop kerb and hardstanding driveway would create a separate vehicle access into the site and provide off-street parking for a single vehicle. This would allow the occupier to park within their own residential curtilage rather than relying solely on on-street parking. No evidence has been supplied suggesting that the existing on street parking results in highway safety issues and NCC have not commented on this matter. As such, limited weight can be given as to whether the proposal would broadly improve highway safety or not. Instead, the acceptability of the proposal relies on whether a safe and suitable access to the site can be achieved, in line with the Highway Authority's guidance.
- 7.17. The proposal has undergone several revisions to address highway considerations and whilst the latest revision has not been subject to formal consultation responses, the proposal has been guided throughout by discussions between the planning department and NCC Highways with amendments made to reflect their guidance.
- 7.18. The property is a two-bedroom flat as confirmed by Housing Officers. The adopted Residential Parking Standards SPD recommends that 2-bedroom dwellings are served by a minimum of two parking spaces. Although the proposal would not fully meet this requirement, the proposal would result in a new parking space for the flat where one currently does not exist, therefore it provides a positive contribution towards parking provision. As such, the proposal would contribute towards meeting the sustainable transport objectives outlined within Spatial Policy 7.

- 7.19. In terms of the dimensions of the proposed driveway, it would measure 3m in width by 6m in length which complies with the SPD requirement of 3m x 5.5m.
- 7.20. The proposal would see the vehicle access measure 3.8m width with the existing hedge maintained within the visibility splays at 0.6m. This would allow the required visibility along the highway for vehicles entering and exiting the site, as well as pedestrians. Highways have commented on this plan and stated they would prefer a low fence within the visibility splays to avoid the need for regular maintenance. However, the responsibility of maintenance falls upon the local authority who have agreed to the inclusion of a condition requiring the visibility splays to be kept clear of obstructions above 0.6m in height. It is also noted that the removal of the hedge does not constitute development and, if the hedgerow were to be removed at any point in the future, this condition would ensure any structure replacing it could also not exceed 0.6m in total height.
- 7.21. As such, the proposal would not result in any harmful impact on the highway network nor on highway safety. The proposal is therefore considered to comply with Spatial Policy 7 of the Adopted Core Strategy and DM5 in terms of highway safety.

Impact upon Ecology

- 7.22. Approximately 3.8m of the boundary hedgerow would be removed as part of this application, which is the minimum required to provide a vehicle access. The remainder of the hedgerow would be retained. It is acknowledged that there are no restrictions applied to the hedge which would prevent its removal and so this work would not constitute development. Nonetheless, as the hedgerow removal is required to facilitate the proposed development the loss of the hedgerow must be considered as part of this application.
- 7.23. The application is not exempt from BNG as it is not a householder application. Any hedgerow removal within a development site exceeding 5m in total would trigger the BNG threshold. As such, the applicant proposes removing only what is necessary to enable the development to be compliant with highway standards which comes in at less than 5m in length.
- 7.24. The authority as the applicant would carry out any hedge removal between September and February, outside of bird nesting season, to avoid harmful impacted on ecology and protected species in line with the relevant national legal requirements.
- 7.25. There is a mature tree located in the front agreed on the dwelling house to the east, close to the shared boundary. The potential tree root area has not been surveyed as part of this application, but a non-dig solution for the hardstanding driveway is proposed to mitigate the impact of the proposed development on any potential root protection area. This method of construction would be secured via a condition.
- 7.26. Overall, the proposal has sought to address ecology issues in a proactive manner. The proposal, as amended, would remove of less than 5 linear meters of hedgerow and so would not trigger BNG. The proposal is therefore acceptable and complies with policies CP12 of the Core Strategy and DM7 of the Allocations & Development Management DPD.

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 - LEG2627/6994

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 principle, the development of a driveway and dropped kerb in a residential suburban setting has been considered an acceptable form of development. There are no highway safety concerns subject to a condition relating to visibility splays. The proposal would result in no harm to the established character of the site and surrounding area. No harm has been identified in terms of visual impact or on the amenity of neighbouring occupiers. Potential harm to ecology and trees could be adequately mitigated through the use of planning conditions.

9.2. As such, on balance, the proposal is considered acceptable, and is in accordance with the policies in the Amended Core Strategy, the Allocations and development Management DPD, the Emerging ADM DPD (where these policies can be afforded weight), and the NPPF.

9.3. With the above in mind, the proposal is recommended for approval subject to the conditions set out in section 10.

10.0 Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference.

- Site Location Plan – Submitted 8th January 2026;

- Block Paving Details – Submitted 5th January 2026;
- Gridforce Datasheet – Submitted 23rd April 2026;
- Gravel installation Update – Submitted 23rd April (3a) – Submitted 23rd April 2026;
- Revised Proposed Layout (4C) – Submitted 15th May 2026.

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2mx2m are provided as shown on Plan reference 4C. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height above carriageway level to the satisfaction of the Local Planning Authority.

Reason: To ensure the required visibility splays are implemented in the interests of highway safety.

05

The driveway hereby approved shall be completed only with a no dig solution as submitted as part of this application to avoid damaging the root protection area of the nearby tree.

Reason: In the interests of biodiversity and ecology.

Informatives

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as there is no new footprint created.

03

The development makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. The applicant should ensure that the necessary licenses and permissions are in place. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk or telephone 0300 500 8080 or for further advice please visit: please visit <https://www.nottinghamshire.gov.uk/transport/roads/request-a-dropped-kerb>.

04

Biodiversity Net Gain

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

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

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan;
- OR
- c) the development is exempt from the biodiversity gain condition.

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

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

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – The proposal does not exceed 5m of hedgerow to be removed and therefore, does not exceed the threshold for Biodiversity Net Gain.

05

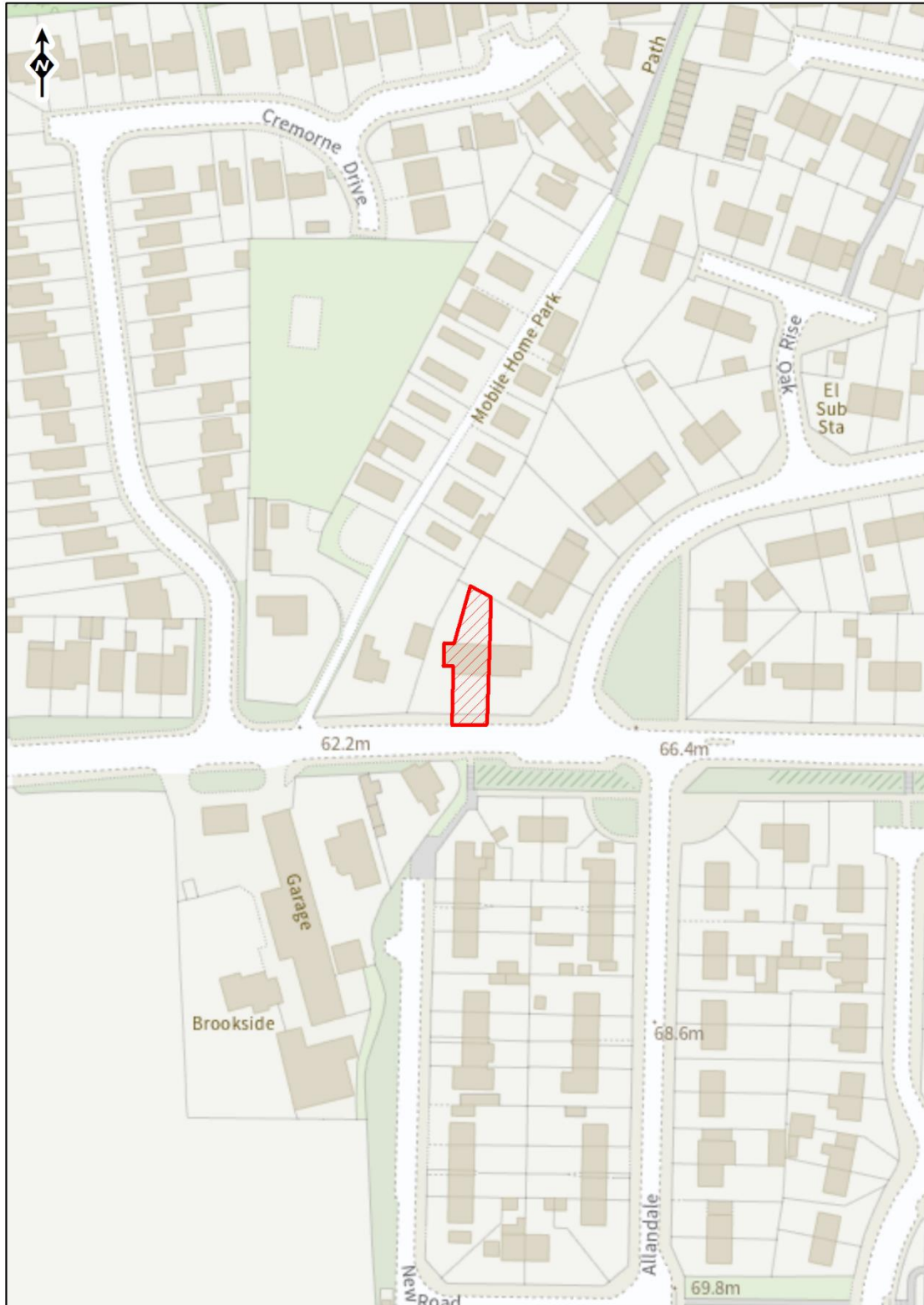
No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

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.

Committee Plan - 26/00005/FUL



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Planning Committee – 04 June 2026

Appeals Lodged

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

Background papers

Application case files.

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

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 24 April 2026 and 26 May 2026).

| Appeal and application refs | Address | Proposal | Procedure | Appeal against |
|------------------------------|---|---|------------------------|-----------------------------------|
| 6007738 25/01431/LDCE | Upton Yard Main Street Upton Newark On Trent NG23 5GQ | Application for lawful development certificate to establish lawful development status of existing static caravan and its lawful use as a normal domestic dwellinghouse operating within Use Class C3. | Written Representation | refusal of a planning application |

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

Planning Committee – 04 June 2026.

Appendix B: Appeals Determined (24 April 2025 and 26 May 2026).

| App No. | Address | Proposal | Application decision by | Decision in line with recommendation | Appeal decision | Appeal decision date |
|---|---------------------------------------|--|-------------------------|--------------------------------------|------------------|----------------------|
| 25/01827/PIP | Land At Corkhill Lane Normanton | Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings | Planning Committee | Committee Overturn | Appeal Dismissed | 6th May 2026 |
| Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T4L9HJLB04M00 | | | | | | |

Recommendation

That the report be noted.

Background papers

Application case files.

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

Oliver Scott
Business Manager – Planning Development



Report to Planning: 4 June 2026
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

| Report Summary | |
|--------------------------|---|
| Report Title | Quarterly planning enforcement activity update report |
| Purpose of Report | <p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p> |
| Period covered | 2025/26 Q4 – 1 st January 2026 to 31 st March 2026 |
| Recommendation | <p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council. |

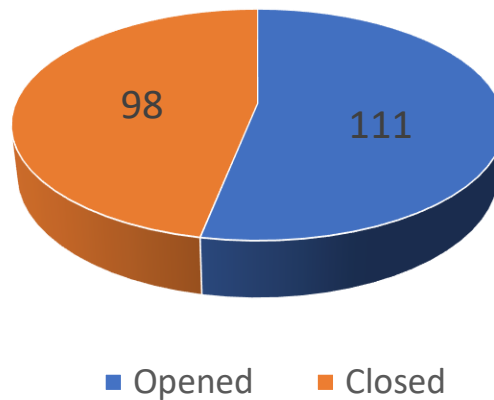
1.0 BACKGROUND

- 1.1 This report relates to the fourth quarter (Q4) of 2025/26 from 1st January 2026 – 31st March 2026 and provides an update on enforcement activity during this period. It also provides an insight into the performance across the entire 2025/26 year.
- 1.2 Schedule A outlines the enforcement activity for Q4 in terms of numbers of cases received, the reasons for cases being closed and response times.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued) in Q4.
- 1.4 Schedule C provides examples of cases where officers have managed to resolve the breaches through dialogue and negotiation during Q4.
- 1.5 Schedule D provides examples of Notices having been complied with during Q4.
- 1.6 Schedule E provides an insight into the performance of the Enforcement team throughout the 2025/2026 year.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

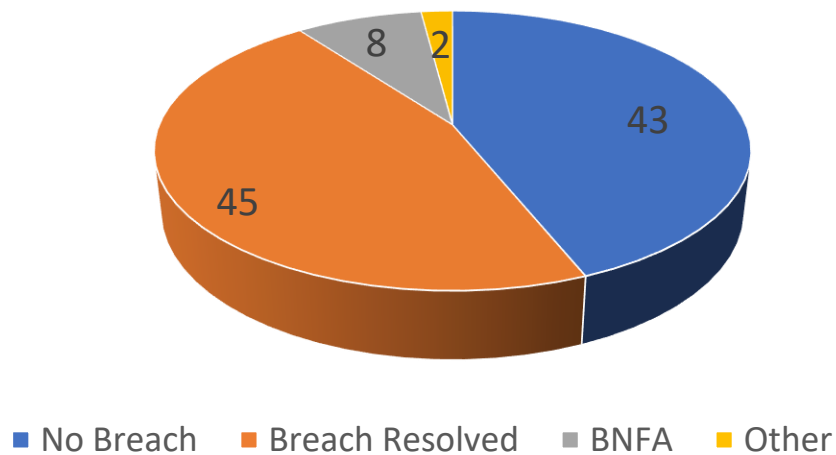
- 2.1 Schedule A will set out some interesting and relevant stats/data linked to the performance of the Planning Enforcement team in Q4 of 2025/26.
- 2.2 Please note, there will also be some further stats/data in Section 6.0 (Schedule E) that provides some insight into the Planning Enforcement team performance across the entirety of the 2025/2026 year.
- 2.3 **Chart 1** below sets out the number of new enforcement cases that were received and closed during Q4. Members will note an almost doubling of cases in Q4 when compared with Q3. However, overall, the numbers opened in Q4 are more in line with the expected quarterly totals. Case closures were lower than in the previous two quarters but, again, remains at an approximately 'average' number.

Chart 1 - Total Cases Opened and Closed in Q4 2025/26



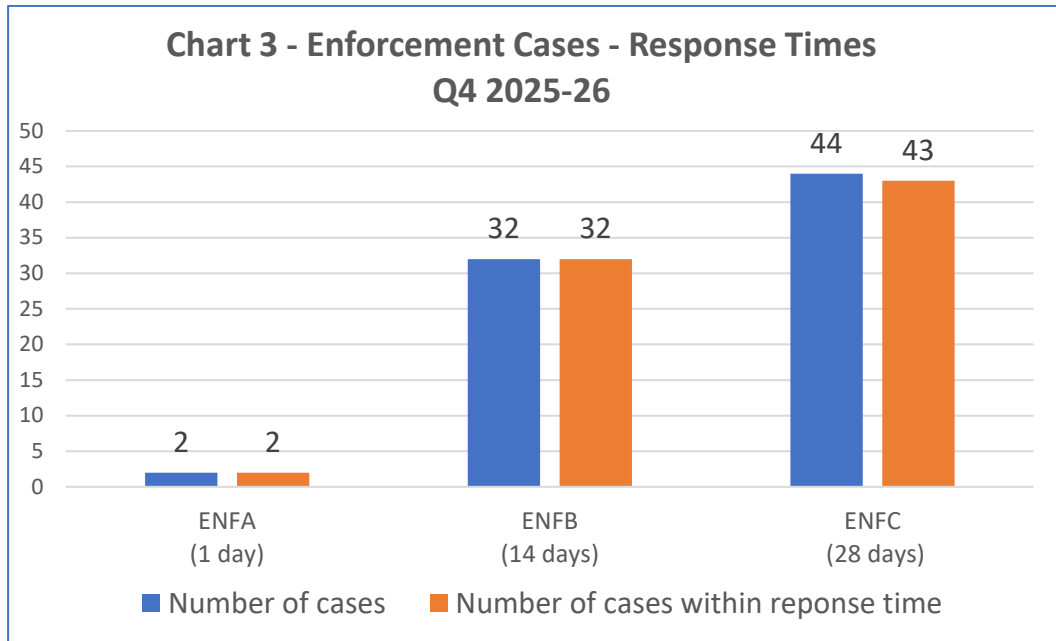
2.4 **Chart 2** sets out the reasons why cases have been resolved in Q4. The chart shows that, as is always the case, the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit). These ‘No Breach’ cases generally represent around 50% of cases and sit at 44% for this quarter. Overall, the number is 48% when viewing all data from the beginning of 2022.

Chart 2 - Reasons for Case Closures in Q4 2025/26



2.5 We continue to assert the importance of investigating these ‘No Breach’ cases so there is a record of the complaint and any associated action.

2.6 **Chart 3** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note Q4 showed 99% of enforcement cases have been actioned within the target period that is set out within the PEP.



2.7 Please note, any discrepancy between the combined total of cases in Chart 3 and the overall quarter figures for cases opened (in Chart 1) is due to (a) other case categories not being included. For example, ENFM (Enforcement Monitoring Cases) and CL (Certified Location Caravan Licence 'check'); and/or (b) the response time fell within this quarter whereas the case was opened in a prior quarter, for example.

2.8 **Table 1** sets out the number of Notices issued and appeal activity during Q4 of 2025/26

| | JANUARY 2026 | FEBRUARY 2026 | MARCH 2026 |
|------------------------------|--------------|---------------|------------|
| Notices Issued | 0 | 0 | 0 |
| Notices Complied With | 12 | 4 | 1 |
| Appeals Lodged | 1 | 0 | 0 |
| Appeals Determined | 0 | 0 | 0 |

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 23/00157/ENFB
Site Address: Priory Farm Mews, Thurgarton
Alleged Breach: Alleged non-compliance with Conditions 14, 15 & 16 imposed upon 19/00653/FUL
Action To Date: Breach of Condition Notice issued and subsequent prosecution in Magistrates Court

Background:

- 3.1.1 Planning permission was granted in July 2016 (ref. 16/00529/FUL) for refurbishment of a farmhouse, conversion of a barn into two dwellings and erection of three new dwellings (five new dwellings plus the farmhouse). Later amendments were approved. The key consent for this case is 19/00149/FUL, which amended an earlier condition and, when granted, superseded the previous permission as the overall consent for the residential development.
- 3.1.2 In April 2023 the Council was alerted by Nottinghamshire County Council Highways to a potential breach of conditions attached to 19/00149/FUL. Although the site was largely complete and occupied, the access driveway works, and the relocation of an interactive speed sign had not been carried out as approved.
- 3.1.3 Certain conditions required compliance with specified plans/documents in the interests of highway safety. Investigations found the drive width was largely correct, but the surfacing was unfinished, and the speed sign had not been relocated.
- 3.1.4 Engagement attempts failed, so the Council served a section 330 notice, issued a Planning Contravention Notice, and then a Breach of Condition Notice in March 2024 requiring compliance by 1 May 2024. Non-compliance led to prosecution.
- 3.1.5 Hearings in May and June 2025 were adjourned due to non-attendance; in September 2025 the court proceeded in the developer's absence, convicted them, and noted deliberate delay. The developer paid for the sign relocation in September 2025; VIA EM completed this in November 2025. Surfacing works began in February 2026.
- 3.1.6 In April 2026 the court dismissed an appeal and sentenced the defendants, citing highway safety risks and persistent delay: total fines of £3,000, a £1,200 victim surcharge and £4,000 prosecution costs (split equally), payable by 4 May 2026. The case is now concluded and can be closed with no further action.

Before Photo



Compliance Photo



3.2 EXAMPLE 2

Enforcement Ref: 25/00349/ENFB
Site Address: The Cottage, Lincoln Road, Newark
Alleged Breach: Alleged material change of use of land to GRT site
Action To Date: Injunction requested and received to stop any potential change of use of the land

Background:

- 3.2.1 Whilst the main activity occurred in Q1 of 2026/2027 and so falls outside of the remit of this report, we believed it would be appropriate to include details now rather than wait for the next quarterly report.
- 3.2.2 In November 2025, the Local Planning Authority received enquiries concerning land known as The Cottage off Lincoln Road, Newark. The large plot of land is occupied only by the shell of a derelict residential property. It has previously been considered for re-development, but this was refused on account of the unacceptable highway safety implications that would result.
- 3.2.3 Officers have monitored the site since that time and had concerns that the site may be intended to be developed as an unauthorised caravan site, potentially occurring over the spring Bank Holiday weekends.
- 3.2.4 Given the highway safety implications, the Council obtained an interim injunction on the 2nd of April 2026 prohibiting the developing of the plot as a caravan site unless planning permission was obtained. The injunction was extended for a further two years at a later hearing on the 13th of April 2026. This does not prevent the landowner from applying for permission to redevelop the plot.

Drone Visit Photographs





April 2026 – Photos taken ahead of Easter Bank Holiday



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

4.1 EXAMPLE 1

Enforcement Ref: 25/00330/ENFC
Site Address: Churchill Drive, Newark
Alleged Breach: Alleged outbuilding to frontage of property
Action To Date: Structure removed following negotiation with occupier. Case closed.

Background:

- 4.1.1 A number of complaints were received in late October 2025 concerning a particularly large and prominent outbuilding at a property on the corner of Churchill Drive and Pierson Street.
- 4.1.2 Contact with the occupier was attempted on numerous occasions. Following communication with the owner in January 2026, letters were forwarded to the occupiers who were responsible for the structure.
- 4.1.3 It was advised that an 'Enforcement Notice' would be issued if the structure was not dismantled and removed.
- 4.1.4 On a site visit in February 2026 to issue this notice, it was noted that the structure had been removed as requested, which resolved the breach and meant the issuing of the notice was no longer necessary.

Initial Photo



After Compliance Photos



4.2 EXAMPLE 2

Enforcement Ref: 25/00005/ENFC
Site Address: Long House, Chapel Lane, Epperstone
Alleged Breach: Alleged breach of conditions linked to 21/02533/FUL
Action To Date: Positive example of developer / contractor co-operation with the planning enforcement team during a large-scale new-build development.

Background:

- 4.2.1 The case was raised following the commencement of this multi-million-pound dwellinghouse development and concerns over the actions of the builders and their adherence with the approved plans, but mainly the contractors ongoing behaviour and what has become a 'sensitive site' with neighbours.
- 4.2.2 Enforcement Officers subsequently attended the site on numerous occasions to discuss the matter first the site manager and then the Project Manager. These ongoing conversations have resulted in an ongoing dialogue and much better behaviours from the developer, who has now gone on to implement several measures to improve relations between the site operatives and neighbours, such as employing a road sweeper (even though it appears that much of the mud on the land comes from local farms), contractor parking off site (to alleviate traffic) and ongoing letter drops to neighbours to warn when noisy or destructive

operations will be taking place (such as the delivery of a large crane that closed the lane one day). In addition, this line of communication has also enabled us to deal with minor issues (such as working outside of the hours specified within the CMP) quickly.

4.2.3 The development has resulted in some issues with residents but the proactive action of Enforcement Officers and the willingness of the developer to engage should be commended. This approach – with this and many other sites across the district - is one that the Enforcement team believes can be successfully followed.

4.2.4 The development is expected to be completed in late 2026.

Progress Photo – July 2025



Progress Photo - October 2025



Artist's impressions of finished development



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00214/ENFB
Site Address: The Crossings, Newark
Alleged Breach: Alleged untidy land
Action To Date: Section 215 Notice Issued

Background:

- 5.1.1 The case followed from 21/00439/ENFB that related to untidy land north of Vernon Avenue, affecting the amenity of neighbouring properties. The land was identified as being in three separate ownerships. Two owners resolved matters amicably. Initial verbal requests were made to the occupier of 6 The Crossings to tidy their land. Despite time being allowed, no works were carried out.
- 5.1.2 This 'new' case was subsequently opened, where it was established that the occupier was a private renter and not the landowner. Ownership of the section of land in question was disputed by the letting agent, but title documents were provided. A new deadline for works was set but no compliance followed.
- 5.1.3 As a result, a Section 215 Notice was issued in October 2024 requiring the land to be cleared of detritus, vegetation, and litter, with a compliance date of 30.01.2025. Site inspections in May, November, and December 2025 confirmed non-compliance, despite partial works being undertaken by neighbouring residents due to ongoing impacts on their properties.
- 5.1.4 Legal proceedings were initiated. However, following renewed works by the owner in January 2026, a site visit at the end of January confirmed full compliance. The matter was then withdrawn from court as it was no longer in the public interest to pursue.
- 5.1.5 The breach has now been remedied, restoring amenity. As the land is currently going through a sale, the prospective purchaser has been made aware of future land maintenance responsibilities.

Initial photos



Compliance Photo



5.2 EXAMPLE 2

Enforcement Ref: 24/00127/ENFC
Site Address: Normanton Road, Newark
Alleged Breach: Alleged extension of residential curtilage
Action To Date: Enforcement Notice Issued February 2025

Background:

- 5.2.1 This case forms part of a series of cases where residents had extended their residential curtilage into the open countryside (onto open scrubland they backed on to) to provide themselves with a greater amenity space without seeking express consent.
- 5.2.2 Within this case the owners of this property had developed a patio area and demarcated the space as their own.
- 5.2.3 Following contact with the owners, they refused to remedy the breach of planning, so an Enforcement Notice was issued in February 2025 requiring them to (a) cease the use of the residential use of the land; (b) demolish all operational development on the land; and (c) remove any resultant waste from the land.
- 5.2.4 A site inspection was undertaken by drone in January 2026, which confirmed all requirements of the notice were found to have been completed and therefore remedying the breach.

Initial Photo



Compliance Drone Photo



5.3 EXAMPLE 3

Enforcement Ref: 25/00181/ENFB
Site Address: The Old Cottage, Kirklington Road, Bilsthorpe
Alleged Breach: Alleged window replacements following refusal of 25/00427/LBC
Action To Date: Listed Building Enforcement Notice (LB EN) issued June 2025

Background:

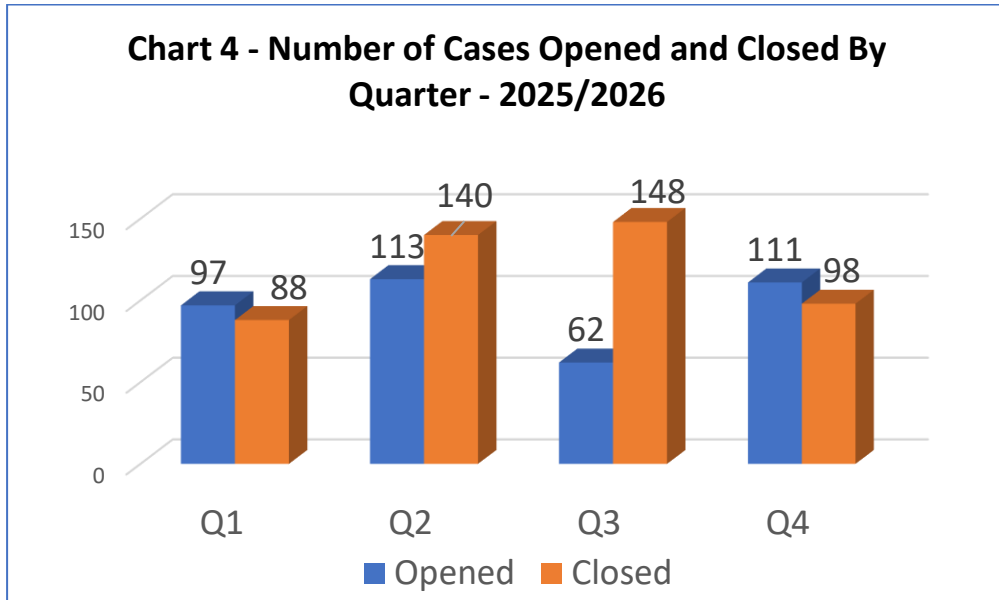
- 5.3.1 This case originated from the submission of an application for an LBC for the 'Replacement of 9 x 20th Century wooden single glazed window casements with wooden casement and double-glazed units' - 25/00427/LBC.
- 5.3.2 It was noted during the application that windows had already been replaced. Unfortunately, whilst the windows that had been replaced were timber, they were storm clad, and so the joinery details were not deemed to be acceptable.
- 5.3.3 Therefore, it was deemed expedient to issue a Listed Building Enforcement Notice (LB EN). The Notice requires that a number of windows should be changed in accordance with specifications as set out within the EN.
- 5.3.4 The owner of the property subsequently complied with the requirements of the LB EN, and the Cons Officer has confirmed that they are satisfied with the outcome of the notice.

Compliance Photos

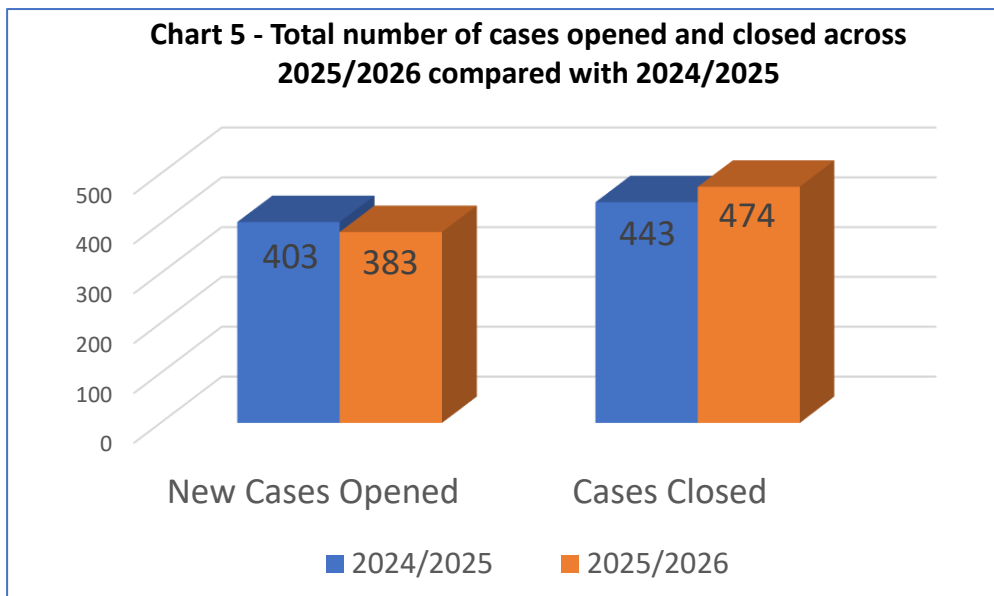


6.0 SCHEDULE E - YEAR END ENFORCEMENT TEAM STATS / DATA

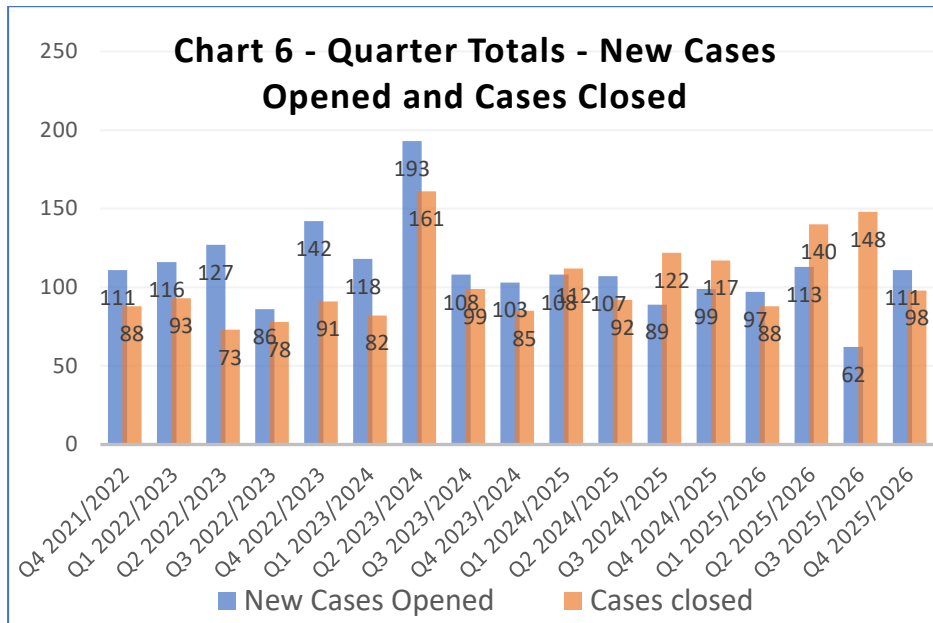
- 6.1 In addition to the quarterly stats and graphs presented in Schedule A of this report, it was decided to also provide a short insight into the activity and overall performance of the planning enforcement team across the 2024/2025 year.
- 6.2 **Chart 4** shows the total number of cases received (opened) and closed across the 2024/2025 year. This is a combination of the totals previously reported in the quarterly reports.



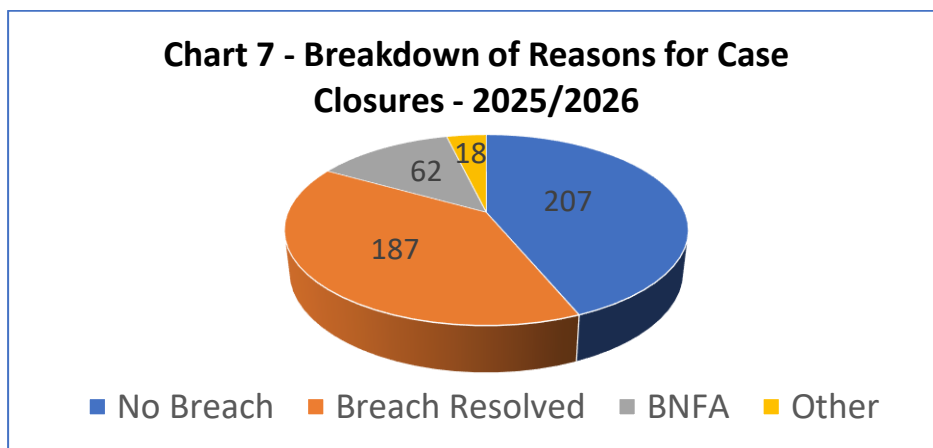
- 6.3 **Chart 5** gives context to the total numbers of cases opened and closed in 2025/2026 by providing a comparison with the totals from the previous year (2024/2025).



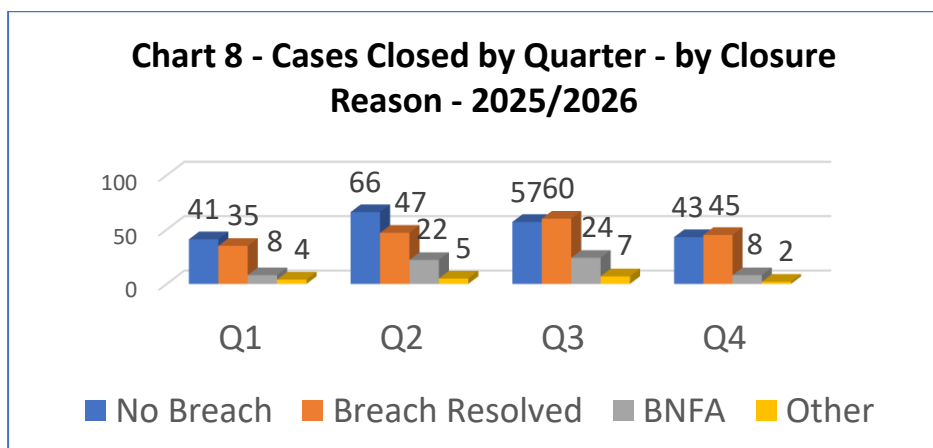
6.4 **Chart 6** provides a longer-term view on the quarterly totals of new cases opened and cases closed.



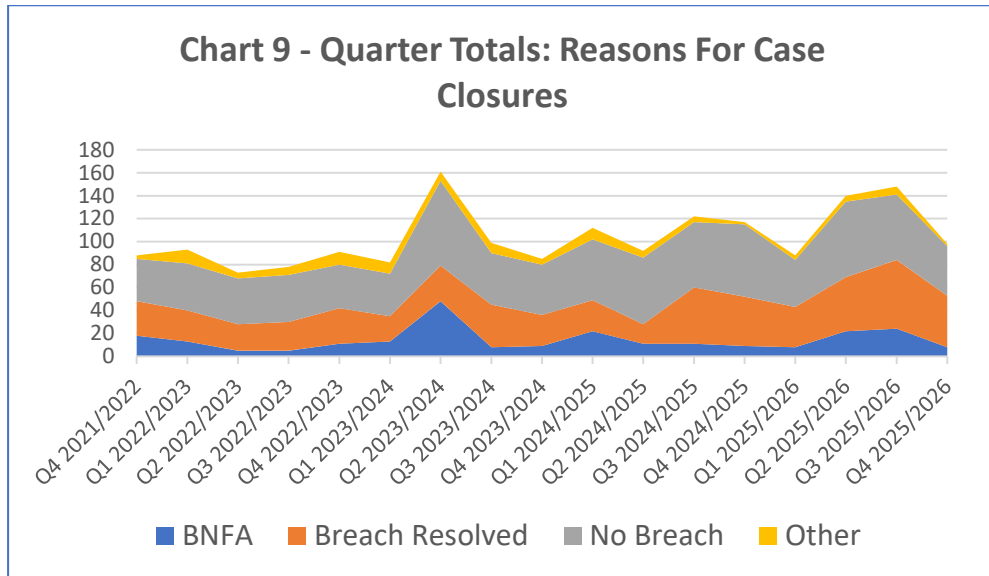
6.5 **Chart 7** shows the reasons for case closures across the entire 2025/2026 year. Members will note



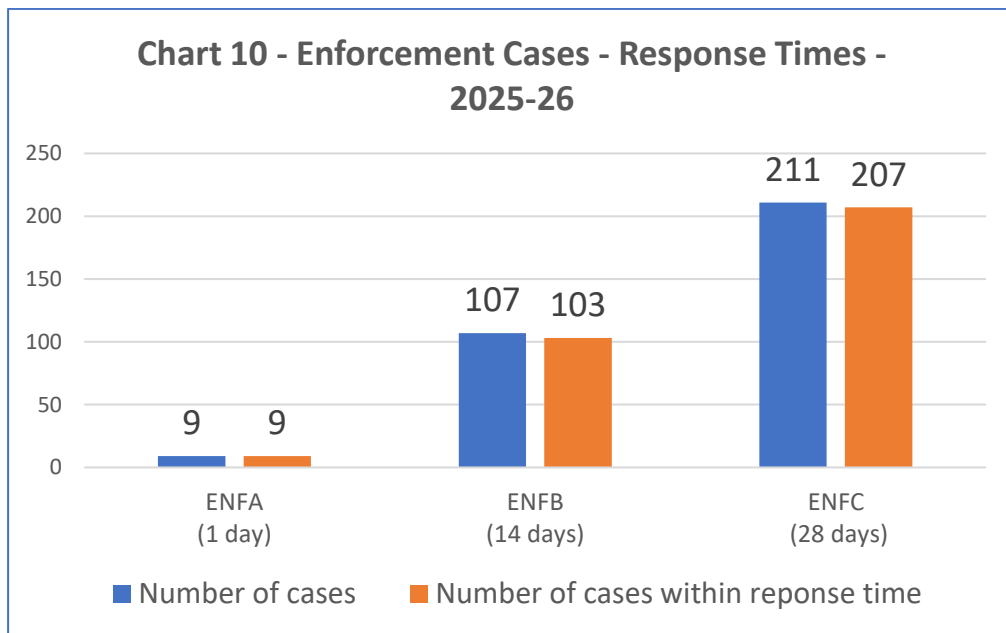
6.6 **Chart 8** expands on the above and provides a quarterly breakdown and comparison of the case closures reasons.



6.7 **Chart 9** shows another long-term view of performance, with the below giving context of the numbers per quarter for the reasons for case closures.



6.8 **Chart 10** – The final chart of this report – provides the response times from the entire 2025/2026 year. Overall performance sits at 98%. This is the same overall percentage as the performance in the previous year (2024/2025).



7.0 IMPLICATIONS

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

8.0 RECOMMENDATIONS

- 8.1 The report is noted.

9.0 BACKGROUND PAPERS

- 9.1 None.