



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Wednesday, 24 June 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, 2 July 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 4 June 2026	4 - 10
Part 1 - Items for Decision	
5. Land At London Road, Balderton - 26/00473/FUL Site Visit: 11.10am	11 - 24
6. Land Off Kestrel Rise, Rainworth - 25/00197/FULM	25 - 100
7. Land Adjacent The Elms, Cotham Lane, Hawton NG24 3RL - 26/00545/PIP Site Visit: 10.35am	101 - 121
8. 14 Market Place, Newark On Trent, NG24 1DU - 26/00648/FUL	122 - 134
9. 32 Stodman Street, Newark On Trent, NG24 1AW - 26/00541/S73M	135 - 153
10. Land Adjacent Church View Farm, Swinderby Road, South Scarle, NG23 7JW - 26/00643/FUL	154 - 178
Part 2 - Items for Information	
11. Appeals Lodged	179 - 181
12. Appeals Determined	182
Part 3 - Statistical and Performance Review Items	
There are none.	
Part 4 - Exempt and Confidential Items	
13. Exclusion of the Press and Public	
To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
14. Land adjoining Chestnut Farm, Corkhill Lane, Normanton, Notts NG25 0PR	183 - 184

Note – Fire Alarm Evacuation In the event of an alarm sounding please evacuate the building using the nearest fire exit in the Civic Suite. You should assemble at the designated fire assembly point located in the rear car park and remain there until the Fire Service arrive and advise it is safe to return into the building

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 4 June 2026 at 4.00 pm.

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

Councillor N Allen, Councillor A Brazier, Councillor L Dales, Councillor S Forde, Councillor M Home, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor C Brooks, Councillor K Melton and Councillor M Spors

1 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.

Further to the changes to the Planning Committee membership, the Chair thanked Councillor P Harris and Councillor T Smith for their work and commitment to the Planning Committee and welcomed Councillor A Brazier and Councillor N Allen to the Planning Committee.

2 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor A Brazier declared an other registerable interest regarding Agenda Item 6 – Land at Rufford Avenue, Ollerton – 25/01999/FULM, as she was a Member of Ollerton and Boughton Town Council and took no part in the debate or vote.

Councillor D Moore declared an other registrable interest regarding Agenda Item 9 – First Floor, The Buttermarket, Middle Gate, Newark – 26/00477/LBC, as he was a Member of Newark Town Council.

The Director of Planning & Growth declared an other registrable interest on Agenda Item No. 6 – Land at Rufford Avenue, Ollerton – 25/01999/FULM, as he was acting on behalf of the applicant and developer and left the room when the application was considered.

3 MINUTES OF THE MEETING HELD ON 7 MAY 2026

AGREED that the minutes from the meeting held on 7 May 2026 were agreed as a correct record and signed by the Chair.

4 LAND OFF KESTREL RISE, RAINWORTH - 25/00197/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought a proposed residential development.

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.

Members considered the presentation from the Principal Planning 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 a correction to the Committee Report from the Planning Case Officer.

Mr M Peet, objector, spoke against the application.

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

Members considered the application and it was commented that the housing mix was excellent including the affordable housing on this allocated site and that existing bungalows would not be overlooked. The buffer zone was good but needed to be correctly managed. The development however was over intensive, would put a strain on the services within Rainworth including doctors, dentists and schools who were already stretched to capacity. It was commented on that although the site formed part of an allocated site, the quantum proposed was too high and a considerable uplift to original allocation number. It was noted that six plots did not meet parking standards and it was a step back having on-road parking for those six properties. It was commented on that the access roads were inadequate and weren't built for this level of development. It was felt that a number of plots should be removed from the plan to provide adequate space for car parking, which would also alleviate pressure onto the access roads. The foul sewage system was also raised as a current problem. Concern was raised regarding the lack of access to open land North and North-West of the development and whether that was public open land.

The Principal Planning Officer confirmed that six properties did not meet the parking standards as they had a tandem parking arrangement, although each plot had three car parking spaces and had designated on-street parking within the plan. It was confirmed that the on-street parking would not hinder large and refuse vehicles, which had been agreed with NCC Highways. The Committee was advised that if the layout was reconfigured that could have an impact on the open-space and landscaping, a balance which would need to be taken on board. NCC Highways had also undertaken an evening assessment regarding the junction with Nightjar Way and were satisfied with the movements at that junction. The developer had also engaged with Severn Trent water who had confirmed that there was capacity in the system to cope with this development. The Section 106 process could address the Management Company or Council management arrangements for public open space. It was further

confirmed that comments from the NHS had confirmed that improvements were required and the money from this development would be invested in either of the two existing facilities. It was confirmed that the land to the North of the site was public open space. The developer had informed the Council that they had tried to engage with Rainworth Parish Council to provide access to the land to the north of the site, which had not been resolved.

AGREED (unanimously) that the application be deferred to the 2 July 2026 Planning Committee in order for further discussion to take place with the developer regarding the six plots that do not have adequate car parking and the access to the open land to the north.

5 LAND AT RUFFORD AVENUE, OLLERTON - 25/01999/FULM

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

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 Principal Planning Officer, which included photographs and plans of the proposed development. The recommendation contained within the report was also amended from a “unilateral undertakings” to “Planning Obligation” if the Planning Committee were minded to approve the application.

Ms E Buchanan, the Applicant spoke in support of the application.

Members considered the application and commented that this was of good design and a fantastic scheme. It was commented that permeable surface should be used for the driveways and may provide increased moveability on the driveways for parallel parking. The Principal Planning Officer confirmed that there was a hard and soft landscaping condition, permeable surfacing could be considered under that condition. Parking provision for users of the development was discussed and the agreement with Tesco for use of the carpark was clarified by the Principal Planning Officer, along with clarification that employee and Town Council spaces would be provided in the Council owned car park at the top of Sherwood Drive.

It was confirmed that increased CCTV would be provided around the site and that secure cycle parking would be provided for employees in the rear gated area and public cycle parking would be to the front of the development in the open area, which should be a deterrent for any potential theft.

AGREED (with 10 votes For and 1 Abstention) that Planning Permission be approved, subject to the amendment regarding Planning Obligation.

6 THE GRANGE, KIRKLINGTON ROAD, HOCKERTON, NEWARK ON TRENT, NG25 0PJ - 25/01982/OUT

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning for a residential development, all matters reserved except access.

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.

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

Mr P Wade, objector, spoke against the application.

Ms S Clark, the Agent spoke in support of the application.

Members considered the application, and concern was raised regarding the cumulative impact of this site and including other sites that had recently been granted planning permission in this area. The site was in the open countryside and considered perhaps one house too many for this field, although the development did not front the road. The bus service was considered non-existent and concerns were raised about reference to the church as an amenity when it was actually used as a jewellery workshop. Whilst there was a footpath along the road into Hockerton, it was considered not safe due to the high and fast volume of traffic travelling along the A617. It was commented that this application had been considered in the past and had been refused on appeal. Other Members felt that the proposed development sat well on the proposed site, which was removed from the main road and would not detract when driving into Hockerton. It was also felt that it was a good use of scrubland. It was commented that plot 3 however looked like it had been shoehorned in and the plan would be improved if this plot was removed.

AGREED (with 9 votes For and 2 votes Against) that Planning Permission be approved, subject to the conditions contained in the report.

7 LAND ADJACENT ORCHARD COTTAGE, KIRKLINGTON ROAD, HOCKERTON, NG25 0PJ - 26/00468/PIP

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

A schedule of communication had been circulated prior to the meeting in accordance with the Planning Committee Protocol, to all Members which included consultation response received from Newark and Sherwood District Council Conservation Team.

Mr J Pope, the Agent spoke in support of the application.

Members considered the application and concerns were raised regarding the proposed development being in the open countryside, the cumulative impact this development would have on this part of Hockerton and that it was not in-keeping with the ribbon pattern. Concerns regarding safety were raised as there was no pavement on this side of a busy road and the site would need another access onto the A617. The loss of good quality agricultural land was also taken into consideration. It was commented that part of the site jutted out which was incongruous and taking the site right up to the edge of the public footpath. Location and quantum of development were considered to be the key issues, with Members feeling that too many were proposed and that this would be too intensive in this location and impact the character of the settlement.

A vote for approval was taken and lost with 4 votes For and 7 votes Against.

Councillor S Saddington arrived during the debate of this item and took no part in the vote.

AGREED Moved Councillor L Dales and Seconded Councillor P Rainbow (with 7 votes For and 4 votes Against) that contrary to Officer recommendation Permission in Principle be Refused, for the reason: DM5 location and quantum, DM8 open countryside and highway concerns – inappropriate location of access.

The wording for the reason for refusal 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
N Allen	For
A Brazier	For
L Dales	For
S Forde	Against
A Freeman	Against

M Home	For
D Moore	For
P Rainbow	For
M Shakeshaft	Against
L Tift	For
T Wildgust	Against

The Chair indicated that the meeting duration had exceeded three hours, a motion was moved and seconded to continue the meeting with unanimous agreement for a further hour.

8 FIRST FLOOR, THE BUTTERMARKEt, MIDDLE GATE, NEWARK ON TRENT, NG24 1BF - 26/00477/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the creation of an internal office and storage spaces to first floor mezzanine.

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

Members considered the application acceptable and found no harm to the special character and appearance of the listed building subject to the proposed conditions.

AGREED (unanimously) that Planning be approved, subject to conditions.

9 93 MICKLEDALE LANE, BILSTHORPE, NG22 8RF - 26/00005/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of a dropped kerb and driveway.

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

Members considered the application acceptable.

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

10 NOMINATIONS TO THE PLANNING POLICY BOARD FOUR MEMBERS OF THE PLANNING COMMITTEE TO BE NOMINATED TO THE PLANNING POLICY BOARD.

The Committee were asked to nominate four Members of the Planning Committee to sit on the Planning Policy Board.

AGREED (unanimously) that Councillors A Freeman (Chair), D Moore (Vice-Chair), M Home and K Melton be appointed as the Planning Committee representatives on the Planning Policy Board for 2026/27.

11 APPEALS LODGED

AGREED that the report be noted.

12 APPEALS DETERMINED

AGREED that the report be noted.

13 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Senior Planner (Enforcement) – Planning Development updating Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.

The report provided Members with examples of cases that had been resolved, both through negotiation and via the service of notices and provided detailed and explanations of notices that had been issued during the period covered 1 January 2026 to 31 March 2026.

The report was broken down into Schedule A to D. Schedule A outlined the enforcement activity for Q4 in terms of numbers of cases received, the reasons for cases being closed and response times. Schedule B included a small number of examples of where formal planning enforcement action had been taken (such as a notice being issued) in the quarter. Schedule C provided examples of cases where officers had managed to resolve the breaches through dialogue and negotiation during the quarter; and Schedule D provided examples of Notices having been complied with. The examples within the report showed considerable success that had been achieved by the enforcement team.

The Planning Committee Chair expressed his thanks to the Enforcement Team for their commitment and hard work.

AGREED that the contents of the report and the ongoing work of the planning enforcement team be noted.

Meeting closed at 7.44 pm.

Chair



Report to Planning Committee – 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

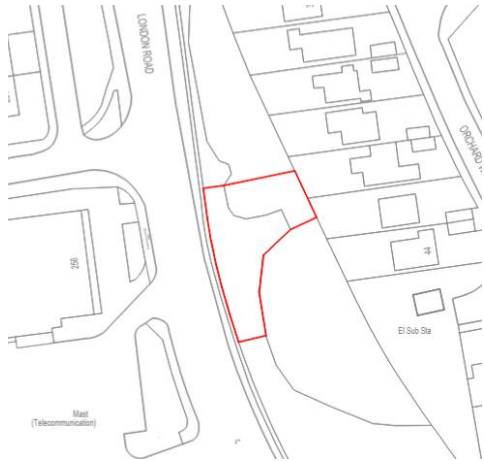
Lead Officer: Jamie Pegram, Planner

Report Summary			
Application Number	26/00473/FUL		
Proposal	Construction and operation of a micro energy storage project.		
Location	Land At London Road, Balderton		
Applicant	Ms Ashleigh Boyce – AMP Clean Energy	Agent	N/A
Registered	27.03.2026	Target Date	25.05.2026
		Extension of Time	03.07.2026
Web Link to Case	26/00473/FUL Construction and operation of a micro energy storage project. Land At London Road Balderton		
Recommendation	That Planning Permission be APPROVED, subject to the conditions set out at Section 10.0.		

This application has been referred to planning committee as it has been called in by Councillor Simon Forde due to concerns of the siting and appearance of the proposed battery box.

1.0 The Site

1.1 The application relates to an area of grass verge located on London Road in Balderton, to the east of the site on the opposite side of the road is Sainsburys and the turning into Belvoir Road, to the west are residential dwellings, with mature trees lining the boundary between the verge and the houses. London Road runs from North to South and there are residential and commercial buildings all along London Road with a number of telephone masts and telecom cabinets along the road.



1.2 In terms of site constraints, the site is located within Flood Zone 1 according to the Environment Agency Flood Maps and in an area at low risk of surface water flooding.

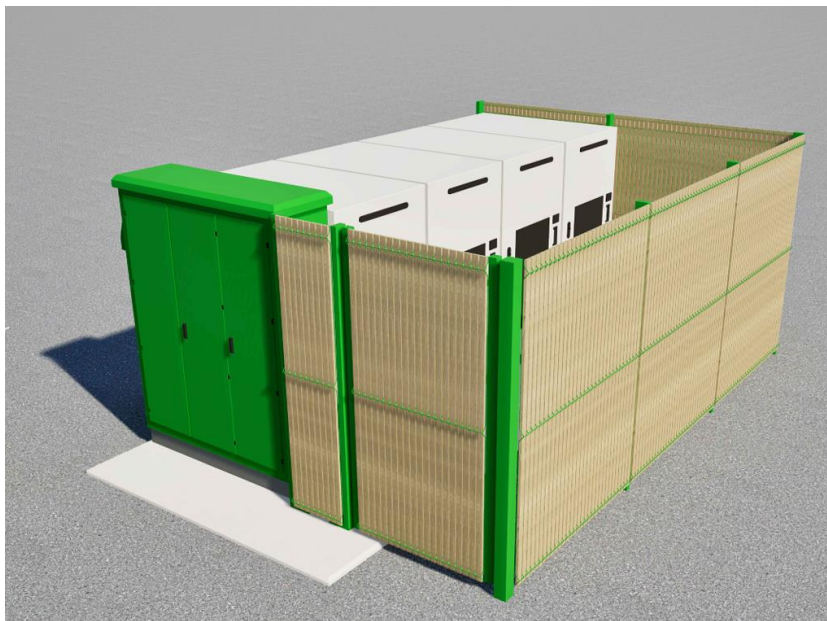
2.0 Relevant Planning History

2.1 No relevant history.

3.0 The Proposal

3.1 The application seeks planning permission for a 200kw (800kWhr) Energy Storage System, known as a 'Battery Box'.

3.2 The battery box would measure approximately 6m by 2.75m, with a height of 2.45m. The battery and electrical cabinets would be steel, white and green in colour, and enclosed by a wire fence slotted with wooden panels.



3.3 The proposed battery box is to be located on the western side of London Road opposite the junction of Belvoir Road.

3.4 Documents assessed in this appraisal: -

Location Plan BB-03941 01 Rev A
Layout Plan BB-03941 02 Rev A
Elevations Plan 04 REV B
Wooden Mesh Fence 03 Rev A
Application Form
Noise Assessment
Planning Statement

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 18.05.2025.

5.0 Planning Policy Framework

5.1 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure

5.2 Allocations and Development Management DPD (adopted 2013)

Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. 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 representations 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 following emerging policies are considered to carry weight in the consideration of this application.

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5(b) – Design

Policy DM7 – Biodiversity and Green Infrastructure

5.5 **Other Material Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (on-line resource)

6.0 **Consultations**

(Relevant comments copied/summarised below. Full comments can be viewed on the Council's planning applications website via the web link included in the Report Summary).

6.1 **Balderton Parish Council** – Concerns of noise generated and whether this has been tested in isolation and would have liked to have seen highways and environmental health submissions.

6.2 **NCC Highways** – No objection, the proposed location does not impact on highway safety.

6.3 **NSDC Environmental Health Officer** – No objections. The noise assessment provided with this application indicates noise will not be an issue. Noise from the battery box appears directional, and therefore installation should ensure correct orientation with respect to the houses located to the east of the site.

6.4 **Joint Radio Company** – JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm (or other development) change, particularly the disposition or scale of any turbine(s) or structure(s), it will be necessary to re-evaluate the proposal.

Representations

6.5 30 public objections have been received with concerns over the scale of the proposal, including character and outlook, the loss of greenspace, safety risk from lithium batteries

such as risk of fire, noise impacts, impact on the value of properties and location, impact on wildlife and questions regarding the benefits vs harm. There has also been concerns over anti-social behaviour being an issue due to vandalism of the batteries and graffiti.

6.6 Cllr Jean Hall – Raised objection to the proposal on the grounds of visual impact, over development, loss of green space and safety reasons.

7.0 Appraisal

7.1 The key issues are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Ecology and Biodiversity
- Flood risk

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD (2013).

Principle of Development

7.3 Core Policy 10 'Climate Change' states that the Council is committed to tackling the causes and impact of climate change and to delivering a reduction in the District's carbon footprint.

7.4 Policy DM4 'Renewable and Low Carbon Energy Generation' states that planning permission will be granted for renewable and low carbon energy generation development and its associated infrastructure, where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development on the landscape character, heritage assets, amenity, highway safety, aviation and ecology.

7.5 Paragraph 161 of the NPPF states that support should be given to renewable and low carbon energy and associated infrastructure. Furthermore, paragraph 168 of the NPPF, states that when determining all forms of renewable and low carbon energy development significant weight should be given to the benefits associated with renewal and low-carbon energy generation and to recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

7.6 The overarching National Policy Statement for Energy (EN-1), January 2026, sets out the national policy for energy infrastructure. Paragraph 2.1.2 identifies that a significant

amount of infrastructure is needed at both local and national scale to transport energy to where it is needed. Paragraph 3.3.25 relates to the role of electricity storage and states that;

'Storage has a key role to play in meeting the Clean Power 2030 Mission, achieving net zero, and providing flexibility to the energy system, reducing the amount of generation and associated network that needs to be built to meet peak demand, helping Britain reach clean power in a cost-effective way and reducing delivery risk associated with other types of energy infrastructure.'

Paragraph 3.3.26 goes on to advise that;

'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher.'

- 7.7 The proposal relates to the installation of a micro energy storage unit which imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports electricity back to the grid when required during periods of high demand. The supporting statement details that the storage unit provides a solution to the growing need for network flexibility and helps address grid reliability issues prompted by an increase of intermittent (wind and solar) generation of the electricity system. The battery storage unit and ancillary infrastructure would be relatively small scale and would provide low-carbon energy infrastructure and grid flexibility.
- 7.8 The site is within the Newark Urban Area. This location has been chosen due to the proximity to the substation and being the optimal distance for connections. The location was queried with the applicant during the application process, and it was advised that additional distance from the substation results in voltage drop off and therefore results in efficiency losses and sub-optimal operating conditions. Therefore, the location of the equipment is suitably justified and accepted.
- 7.9 The applicant has provided justification for the location stating that it falls under an ideal distance from the substation for the battery to operate optimally. Ideal distance is within 50 metres of a secondary substation this is predominantly due to voltage rise. The further away from the substation the more energy is lost to resistance in the cable, and the less viable a connection is. Furthermore, the applicant advises that they try to locate them an optimal distance from neighbouring buildings at c20m to reduce any potential noise or visual impacts. It was raised and explored whether the battery box could be moved further down the road and placed with existing infrastructure. However, due to existing telecoms cabinets having cables underground, the proposal would interfere with existing infrastructure. The proposal also seeks to reinforce the local energy grid and therefore the applicant has argued that the development has to be positioned within the locality.

- 7.10 The applicants have provided information dated the 22.06.2026 on the benefits the scheme would provide to address some of the concerns raised. The battery box will help reinforce the local electricity grid. This is achieved by managing the supply and demand for example storing energy when there is an abundance of energy and exporting it back to the grid when it is needed, when demand is high. By doing this Battery Box artificially increases the capacity of the network and reduces the need for extensive costly grid upgrades. Depending on where the fault is in the network the battery can help keep lights on during a power cut. AMP has been told by the network operator that this area is struggling and requires grid flexibility, which the Battery Box would provide. According to the network maps that the applicant has access to, the additional supporting information states that the network is actively procuring and offering contracts for flexibility and therefore need these services.
- 7.10 Having considered all the provided information the proposal is therefore considered to comply with Core Policy 10 of the Amended Core Strategy, emerging Policy DM4 of the Amended Allocations and Development Management DPD and the guidance contained within the NPPF. It is therefore considered that the principle of development could be acceptable, subject to a site-specific assessment of the impacts of the development, including the impacts upon the character and appearance of the open countryside.

Impact upon Character and Appearance of Area

- 7.11 Core Policy 9 (Sustainable Design) 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. Emerging Policy DM5(b) (Design) states that the rich local distinctiveness of the district's landscape and character should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.
- 7.12 The battery box would measure approximately 6m by 2.75m, with a height of 2.45m. The battery and electrical cabinets would be steel, white and green in colour, and enclosed by a wire fence slotted with wooden panels. The unit would be sited on an existing grass verge, set back from the highway, opposite another verge outside Sainsbury's, which has a mast and telecommunication cabinets. The site is within the Newark Urban Area opposite Sainsbury's in Balderton; there is a number of telecommunications cabinets as well as two telephone masts on the opposite side of the road.
- 7.13 Whilst the unit would be visible from the highway, due to the scale and nature of the proposal, and the character of the immediate surroundings, it is not considered that the development would appear visually intrusive or have a detrimental impact upon the landscape character of the area. Whilst the battery unit would look better situated nearby other cabinets and telephone masts that are situated across the road or further down the road, Officers have to consider the proposal as presented. The location has been suitably justified by the applicant, and it is not considered that the proposal is demonstrably harmful to warrant refusal. Officers have engaged with the applicant to visually improve the battery box as far as possible with timber cladding and a planting condition is proposed to further soften its impacts.

- 7.14 For the reasons outlined above, the proposal would not result in harm to the character or appearance of the area and would accord with the aims of Core Policies 9, DM4 and DM5(b).

Impact on Residential Amenity

- 7.15 Emerging 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.
- 7.16 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.17 The site lies within an existing grass verge; there is a telephone mast and cabinets across the road to the west and another set of cabinets located further down the road to the south. The application has been accompanied by a Noise Assessment which concludes that there would be no low frequency noise impact at noise sensitive receptors.
- 7.18 Following consultation with the Council's Environmental Health Team, they have reviewed the Noise Assessment and confirmed that the noise emitted from the proposed unit would not be considered significant and would not result in harm to the living conditions of nearby residential occupiers, provided it is installed in the correct orientation as the noise emitted is directional.
- 7.19 Due to the modest scale and nature of the proposed development, the existing noise environment and the separation distances to the nearest neighbouring properties, it is not considered that the proposal would have an unacceptable impact upon the residential amenities of nearby residents, in accordance with policy DM5b and Paragraph 135 of the NPPF.

Impact on the Highway

- 7.20 Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Emerging Policy DM5(b) requires the provision of safe access to new development and appropriate parking provision.
- 7.21 The site is within an existing wide grass verge on London Road opposite Sainsburys in Balderton within the Newark Urban Area. The plant is set approximately 7.8 metres from the edge of the highway and would not interfere with any visibility splays. In terms of construction, the electrical equipment is manufactured off-site and lifted into position on a concrete plinth before the electrical connection is complete. This process takes approximately 4 weeks, with a total of 6 HGV movements (3 arrival and 3 departures). Once installed the plant is controlled remotely with operational visits only carried out in response to faults or for maintenance purposes. Following consultation with the Local Highways Authority, they have confirmed that they raise no objections to the proposal on highway safety grounds. As a result of the limited scale of the proposed micro energy

storage unit, and the low levels of vehicular traffic generated, the proposal would not have any adverse impacts upon highway safety or the wider highway network in the vicinity of the site.

- 7.22 On the basis of the above it is therefore considered that the development would not result in harm to highway safety and would accord with Spatial Policy 7, emerging Policy DM5(b), and the guidance contained within the Nottinghamshire Highway Design Code.

Impact on Ecology and Biodiversity

- 7.23 Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Emerging Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Emerging Policy DM5(b) seeks to avoid adverse impacts upon ecological interest and protected species.
- 7.24 The proposal site is sited on an existing grass verge there are trees along the whole length of this section of London Road, however the battery units are proposed to be placed on an area of the verge away from the trees and their root protection areas. As such no trees will be impacted by the proposal.
- 7.25 As a result, the proposal is considered to adhere to Core Policy 12 (Biodiversity and Green Infrastructure) of the ACS and emerging Policies DM5(b) and DM7.
- 7.26 Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for 'minor sites' such as this on 2 April 2024. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some exemptions to where BNG is applicable – these are set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 ([legislation.gov.uk](https://www.legislation.gov.uk)). One exception is the 'de minimis' exemption that sets out that BNG does not apply where the development would not impact an onsite priority habitat and impacts less than 25 square metres (5m by 5m) of non-priority on-site habitat (such as modified grassland) or 5 metres of non-priority on-site linear habitats such as hedgerows. This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
- 7.27 The battery store would result in the loss of 23.9 square metres of on-site habitat, under the 25 square metre thresholds, and is therefore exempt from Mandatory Net Gain.

Flood Risk

- 7.28 The site lies within flood zone 1 and at a low risk of surface water flooding according to the Environment Agency Flood Data. Core Policy 9 expects development proposals to proactively manage surface water. Core Policy 10 requires new development to minimise its

potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk.

- 7.29 The Council will, in line with Policy DM5(b) aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.
- 7.30 Given that the development is located within flood zone 1 and at very low risk of surface water flooding, a flood risk assessment and sequential test is not required. Like many utilities boxes along the street, the battery unit is not considered a high-risk building to flooding i.e. it's not a habitable building with this in mind and given that it is in flood zone 1 it is not considered that there would be adverse impact on flooding in accordance with policy DM5(b) of the Allocations and Development Management DPD, as well as Core Policy 9 Sustainable Design and Core Policy 10 Climate Change of the Amended Core Strategy and the NPPF and PPG which are material planning considerations.

Other Matters

- 7.31 Community Infrastructure Levy (CIL) – Officers have considered whether CIL would be applicable to the proposal, however buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery are exempt from CIL.
- 7.32 It is noted that concerns have been raised in relation to fire risk, whilst these concerns are noted it is not considered that the development would put residential properties or business at risk of fire due to the distance from the nearest residential properties which are over 20m way with the closest building being Sainsbury's on the opposite side of the road.
- 7.33 Public comments raise concern over the loss of green space. Whilst officer's note that the proposal site forms part of a green space along London road, it is considered that a planting scheme (to be conditioned) would soften the appearance of the development and provide ecological benefits. It is accepted that a small amount of green space would be lost. However, it is considered that the public benefits that come from the battery storage outweigh the minor harm from the small section of green space lost.
- 7.34 There have been concerns raised in regard to antisocial behaviour. The proposal is for infrastructure to support the grid and the storage of energy to offload when most needed, it is not considered that this development will have a significant impact upon or encourage antisocial behaviour. Furthermore, conditioning a planting scheme will help to reduce the chances of graffiti on the front of the battery box as it will be screened with a natural screen. The proposal is considered acceptable and the meet the aims of Policy DM5(b) as well as the relevant provisions set out within the NPPF 2024.

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 – LEG2627/3371

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

9.0 Conclusion

9.1 The proposal comprises of a small battery compound to provide additional storage to the local electricity networks when required. Such low carbon energy infrastructure is supported by policies contained within the Local Plan and policies contained within the NPPF. The proposal would not result in harm to the character of the urban area, residential amenity, highway safety or ecology. The proposals therefore comply with the Policies contained within the development plan and the guidance contained within the NPPF, when taken as a whole.

10.0 RECOMMENDATION

That planning permission is granted, subject to the following conditions;

10.0 Conditions

01

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

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

02

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

- Location Plan BB-03941 01 Rev A
- Layout Plan BB-03941 02 Rev A
- Elevations Plan 04 REV B
- Wooden Mesh Fence 03 Rev A

Reason: So as to define this permission.

03

Prior to the installation of the battery box a planting scheme to screen the battery box shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season after the development is complete. 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. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

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 given that people will only enter the buildings intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

03

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

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

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

OR

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

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

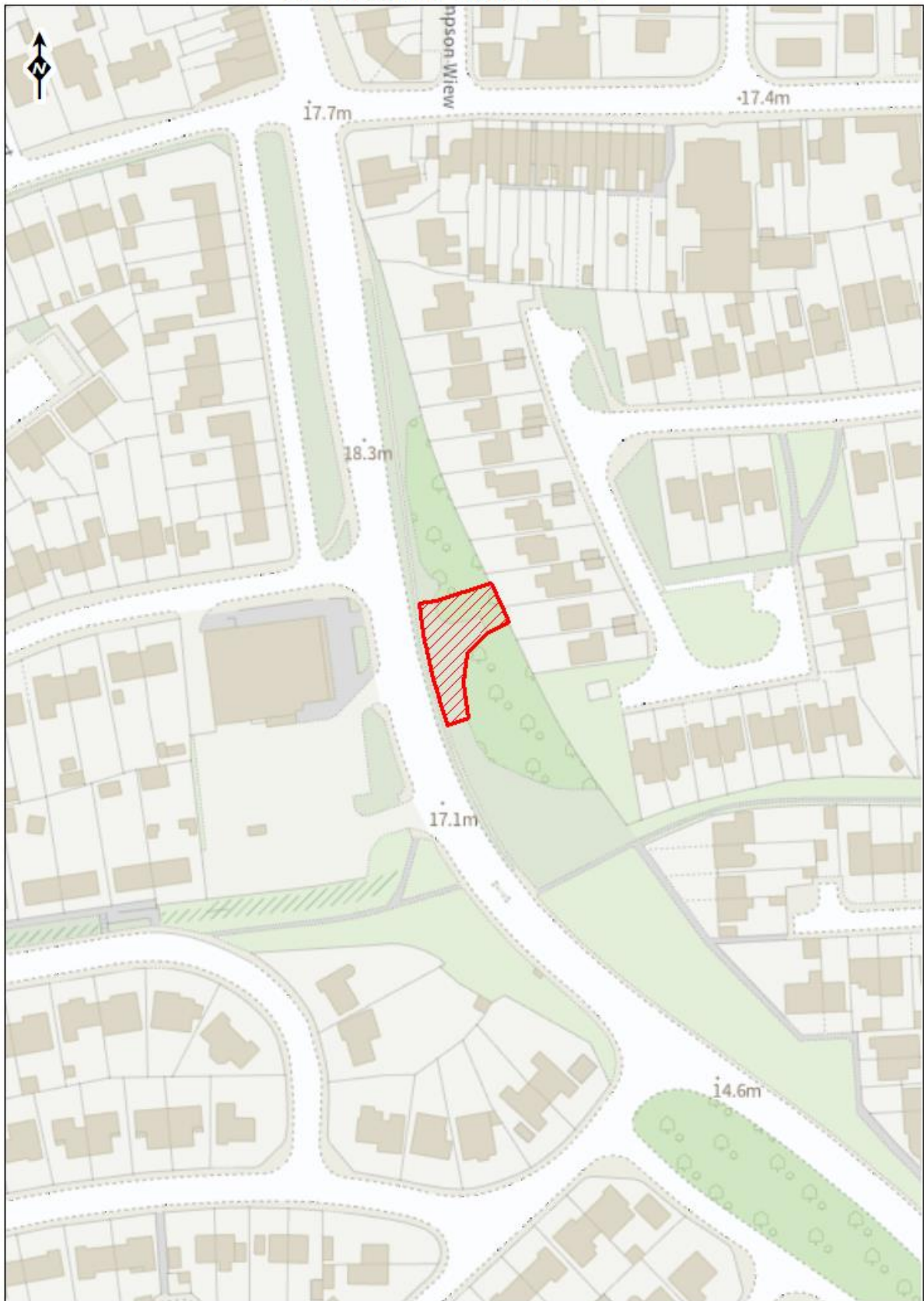
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set

out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK ([<http://www.gov.uk>])www.gov.uk)

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

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.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn - Senior Planner

Addendum 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 updated condition(s) originally detailed at Section 10.0 of the report contained in Appendix A and as updated in paragraph 14 of this report, and subject to the completion of a S106 legal agreement.		

The application was previously 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 decision was deferred for two reasons:

- Incorporating a footpath connection to the open space to the north of the site
- Seeing if anything can be done to improve the parking situation for 6 of the plots

As such, this addendum report has been prepared following the deferral to address these two points.

Footpath connections to the north

1. The open space to the north of the site is designated open space, as per the local plan, which is managed and maintained by Rainworth Parish Council. An early version of the site layout included two footpath connections to link the site to this open space to the

north. However, following objections from Rainworth Parish Council the applicant removed these connections. Following the debate at the previous committee meeting, the applicant has reinstated two footpath connections that would link the site to the open space to the north. The applicant has contacted the Parish Council via a letter to explain this decision and try to engage in a discussion about the benefits of these footpath linkages. A copy of this letter has been sent to Officers and is on the application file.

2. The plans have been updated to include these two footpath links and the updated landscape plan showing the footpaths is below. The red circles highlight where these two footpath connections are proposed to be located:



3. These footway linkages will lead up to the site boundary and will allow access of future residents to this open space to the north, and will also allow existing residents to access the open spaces and children's play facilities on the proposed development site. As such, Officers are satisfied this matter has been suitably addressed and adequate connectivity is demonstrated to the open space.

Parking

4. It was previously identified that six plots had an under provision of parking based on the technical standards. This is not due to lack of on-site spaces, but due to their configuration as tandem spaces.
5. The six plots in question each have two on-site spaces, five of the plots have garages and all of them have been assigned on-street spaces to compensate for the tandem parking arrangements. The applicant has therefore sought to provide as many options for parking as possible for these six plots. Five of the plots are four bedroom properties with a need for 3 spaces, and one is a three bedroom property with a need for 2 spaces, as per the Parking SPD. The applicant has provided a clearer breakdown of the six plots in plan reference NJW-VL-01-I, see screenshot below:



6. The plots are individually identified below and their parking provision is outlined for ease:

Plot number	No. of spaces required under Parking SPD	Number of on-site spaces	Number of on-street spaces	Total number of spaces
6 (4bed)	3	3 – two spaces and a garage	1	4
16 (4bed)	3	3 – two spaces and a garage	1	4
17 (4bed)	3	3 – two spaces and a garage	1	4
38 (4bed)	3	3 – two spaces and a garage	1	4
50 (3bed)	2	2 – two spaces	2	4
54 (4bed)	3	3 – two spaces and a garage	1	4

7. The exact parking is broken down further below with closer extracts from the Parking Heat Map:

Plot 6 – two on-site, a garage and one on-street space



Plot 16 – two on-site, a garage and one on-street space



Plot 17 – two on-site, a garage and one on-street space



Plot 38 – two on-site, a garage and one on-street space



Plot 50 – two on-site and two on-street spaces



Plot 54 – two on-site spaces, a garage and one on-street space



8. Officers are satisfied that whilst there are six plots that do not technically meet the parking standards in the SPD, due to the configuration, these six plots will still have a range of parking options available to them. It is noted that the SPD provides recommended parking standards and cannot be imposed as policy. Moreover, paragraph 116 of the NPPF states that an application should not be refused on highways grounds unless there would be an 'unacceptable impact on highway safety' or the impacts on the highway network would be 'severe'. Neither of these parts of paragraph 116 are considered to apply here. The impacts of the scheme are not considered to be 'severe' nor pose harm to highways safety. NCC Highways have not raised any objections on the grounds of parking or highways safety, noting that all the plots (bar these six) are fully compliant. The six that are not compliant offer a range of parking options and this is considered acceptable.

9. Based on the above, Officers consider the matter of parking to have been addressed as far as is reasonably possible, with clarity provided on the six highlighted plots.

Other Updates

10. It is noted that the Council has updated its Developer Contributions and Planning Obligations Supplementary Planning Document (SPD). The draft version is available on the Council's website and has gone through a public consultation. Whilst still in draft form, the document can be given weight and can be used now. That said, this application is based on the previous version of the document, as set out in the committee report in Appendix A. The S106 contributions have been negotiated and agreed on the former version of the SPD and therefore will remain as so. The applicant has put forwards a viability argument which has been independently reviewed and verified, as such, further contributions in line with the new draft version of the SPD are not sought. The S106 contributions remain as outlined in the committee report in Appendix A.

Conditions

11. As revised plans have been received it is proposed to update conditions 2 (plans and details), 15 (landscaping), 20 (Visibility and Landscaping) and 21 (Pedestrian Visibility) to reflect this, see updated wording below, the changes are highlighted in bold.:

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 J (received June 2026)**
- Landscape Master Plan, reference **R/2918/1G (received June 2026)**
- Open Space Plan, reference **2456.07 Rev L (received June 2026)**
- Boundary Treatment Plan, reference **2456.06 Rev L (received June 2026)**
- Street Scene Plan, reference **2456.04 Rev H (received June 2026)**
- Materials Layout Plan, reference **2456.03 Ref K (received June 2026)**
- EVCP, Refuse and Cycle Plan, reference **2456.08 Rev L (received June 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.

015 - Landscaping

Notwithstanding the Landscape Masterplan reference **R/2918/1G**, 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.

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/2918/1G**.

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/2918/1G**, shall be kept clear of all obstructions above 0.6m in height.

Reason: In the interests of pedestrian safety.

Conclusion

12. Considering the above, Officers consider the two grounds for deferring the scheme have been adequately dealt with and addressed. The footpath links have been shown on the revised plans and all 6 plots highlighted in the last committee meeting have been shown as having a range of parking options available, through on-site provision, garages and on-street spaces. Any further revisions to the layout would likely lead to a reduced number of units which would have implications for the on-site affordable housing secured, the S106 contributions secured and the overall viability of the scheme.

Implications

13. 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.

13.1. Legal Implications - LEG2627/9478

13.2. 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.

13.3. Following deferral by Planning Committee on 04 June 2026, investigations have been made in relation to the ownership of the public open space to the north of the site. It has been ascertained from Land Registry that there is currently a 125 year lease to Rainworth Parish Council which started in January 1997. Any access to this space would need to be agreed between the Applicant and the Parish Council.

Recommendation

14. That permission be granted subject to the condition(s) detailed below, and subject to the completion of a S106 legal agreement.

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 J (received June 2026)
- Landscape Master Plan, reference R/2918/1G (received June 2026)
- Open Space Plan, reference 2456.07 Rev L (received June 2026)
- Boundary Treatment Plan, reference 2456.06 Rev L (received June 2026)
- Street Scene Plan, reference 2456.04 Rev H (received June 2026)
- Materials Layout Plan, reference 2456.03 Ref K (received June 2026)
- EVCP, Refuse and Cycle Plan, reference 2456.08 Rev L (received June 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 6months 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/2918/1G, 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/2918/1G.

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/2918/1G, 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 finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five 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 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.

APPENDIX A – Committee Report



Report to Planning Committee 4th June 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn - Senior Planner

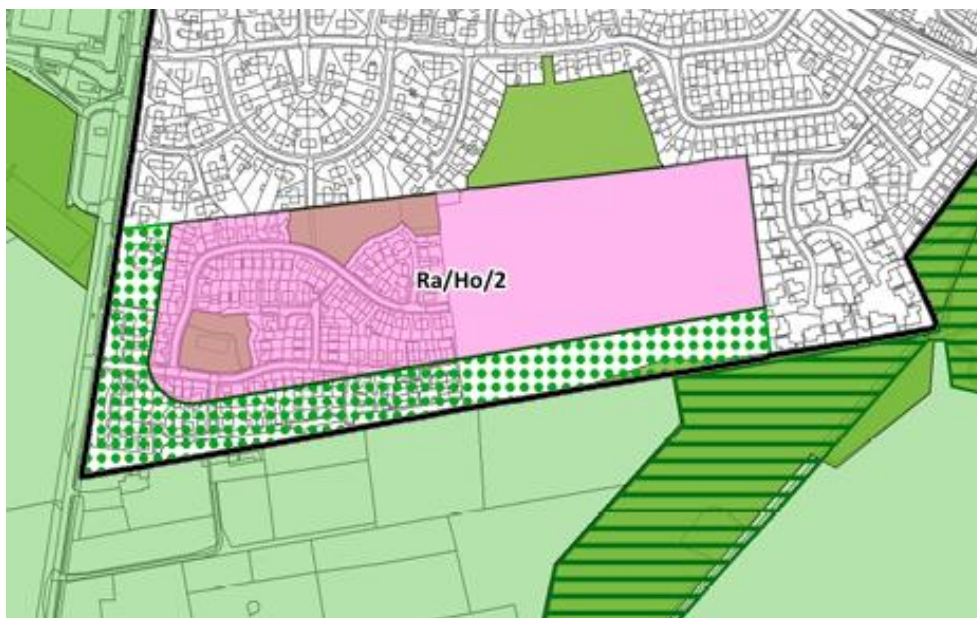
Report Summary			
Application No.	25/00197/FULM		
Proposal	Proposed residential development.		
Location	Land Off Kestrel Rise Rainworth		
Applicant	Homes by Honey	Agent	IBA Planning Limited
Registered	27.02.2025	Target Date / Extension of Time	29.05.2025/ 08.06.2026
Recommendation	That Planning Permission 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 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:

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

- 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%).

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 compliant 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	<p>15 units which equates to 11%. Justified through the viability work.</p> <p>6 units for affordable rent 5 units for shared ownership 4 units for First Homes</p>	On site
Community facilities	<p>Off-site community facilities contribution $\pounds 1,384.07 \times 133 = \pounds 184,081.31$</p> <p>Sought for improvements and investments to various community assets in the Rainworth Parish/locality. Examples include but not limited to:</p> <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	<p>$\pounds 737.72$ per dwelling x 133 = $\pounds 98,116.76$</p> <p>Sought for improvements and investments as per examples detailed above under 'community facilities'.</p>	Off site
Education - Primary	<p>$\pounds 2,203 \times 133 = \pounds 269,059$</p> <p>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.</p>	Off site
Education - Secondary and Post 16 years	Funded by CIL.	-
Education - SEND	<p>1 place x $\pounds 104,566 = \pounds 104,566$</p> <p>Sought for expanding special school facilities or to fund the provision of specialist provision attached to a mainstream school.</p>	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

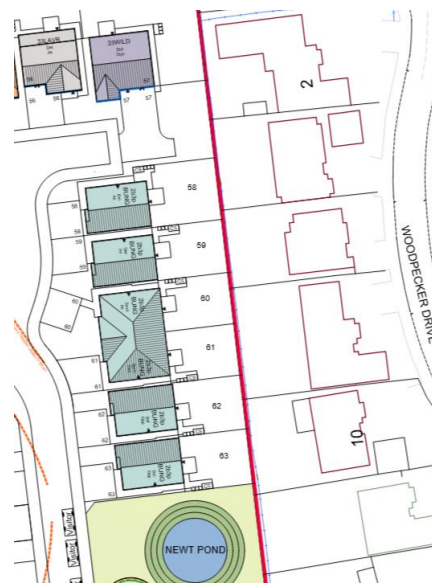
- 7.49 There are existing residential properties to the northeast, east and west of the site. In the northeastern corner of the site, plots 53-57 would be two storey and would back onto the rear gardens of numbers 31-41 Cambridge Road. The separation distance between the rear elevations of these proposed 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.



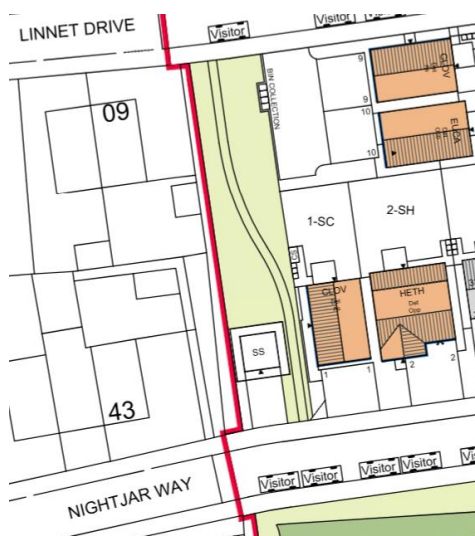
Extract from the Site Layout Plan showing the eastern site boundary

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		
	Development	2030 Base	Development Effect	Development	2030 Base	Development 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.

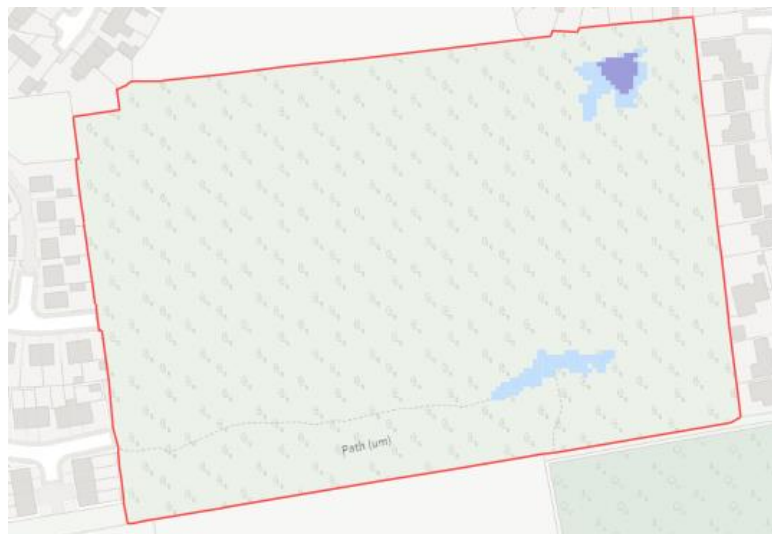
Construction

- 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

- G. 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.
- H. 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.
- I. Notice in writing shall be given to the local planning authority when the HMMP works have started.
- J. Notice in writing shall be given to the local planning authority when the site construction compound has been removed.
- K. 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.
- L. 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 finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five 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 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.

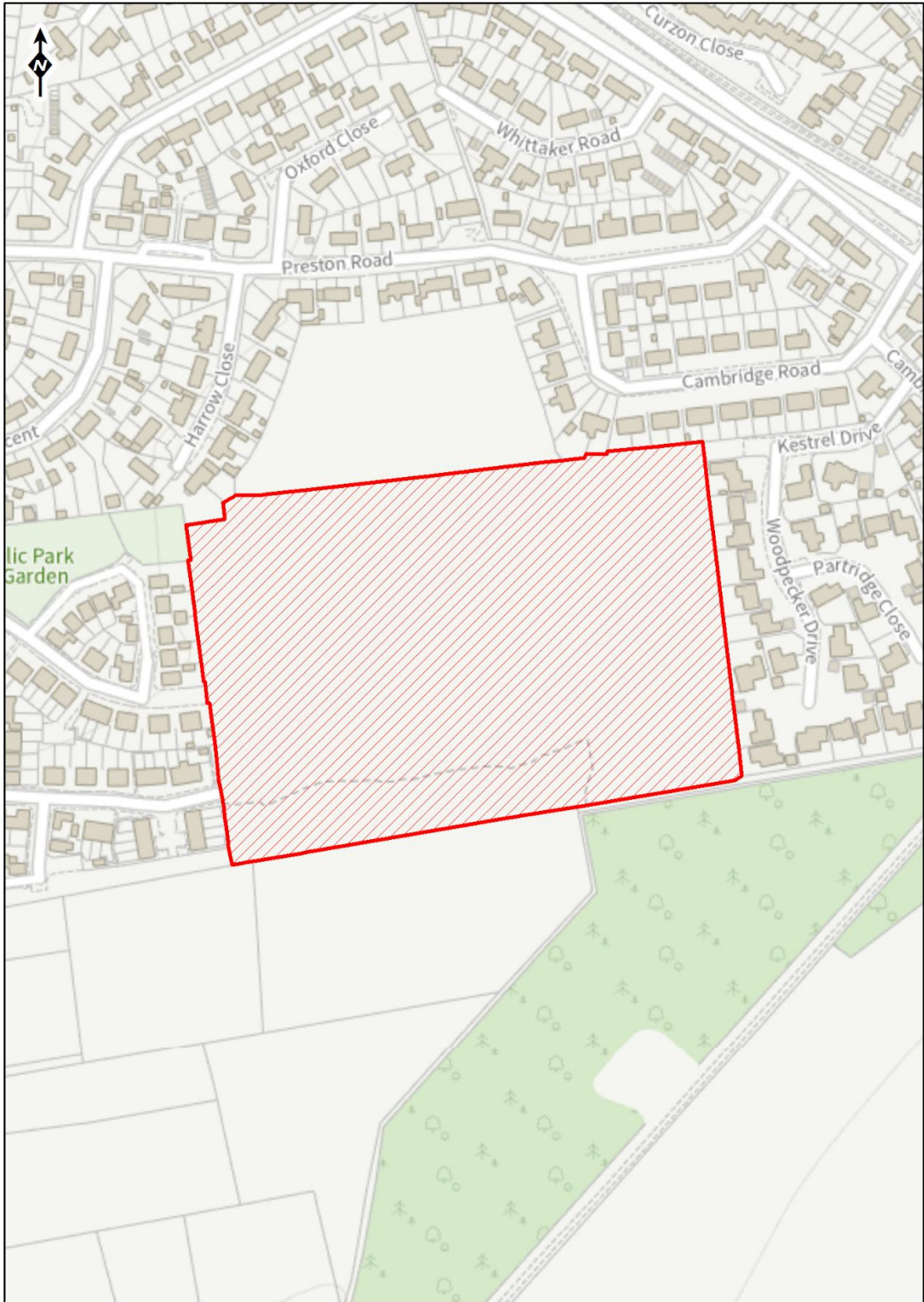
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Newark and Sherwood District Council (NSDC).

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.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee – 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary

Application Number	26/00545/PIP		
Proposal	Application for permission in principle for a residential development of a minimum of 3 dwellings and maximum of 6 dwellings		
Location	Land Adjacent The Elms, Cotham Lane, Hawton NG24 3RL		
Applicant	Mrs Carolyn Pykett	Agent	Mr Nick Hill
Web Link	26/00545/PIP Application for permission in principle for a residential development of a minimum of 3 dwellings and maximum of 6 dwellings Land Adjacent The Elms Cotham Lane Hawton		
Registered	16.04.2026	Target Date	28.05.2026
		Ext of Time Agreed	10.07.2026
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 rectangular parcel of agricultural land measuring 0.45 hectares in area, located to the south of Cotham Lane towards the southeast of

Hawton. The site currently comprises of flat agricultural land bounded by established trees and hedges.

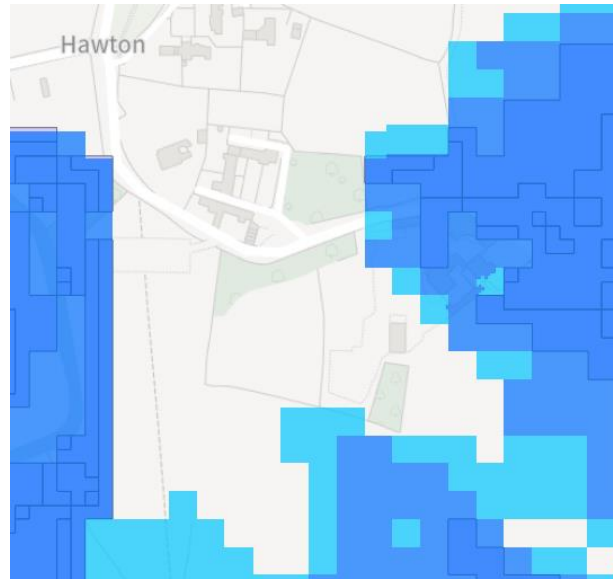


Photographs taken from the east across the site

- 1.2 The site is surrounded by a mix of rural land uses, including agricultural land, farm buildings and residential development to the north off Sycamore Close. To the east of the site is The Elms, a mixed commercial site including a timber yard. To the north is Cotham Lane with the remainder of the site surrounded by open fields.



- 1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The Elms, to the east, Sycamore Close and The Poplars to the north, are non-designated heritage assets. There is a Scheduled Monument known as Hawton moated site, located approx. 350m to the north west. The site is located within Flood Zone 1 and is therefore at a low risk of flooding from rivers and seas. However, there are areas within Flood Zones 2 and 3 located to the south, east and west of the site. Part of the site, to the western boundary is at risk of surface water flooding.



1.4 The site is located outside of a built-up settlement and within the open countryside.

2.0 Relevant Planning History

2.1 The application site has no relevant planning 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 3 dwellings and a maximum of 6 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, a new access would be required off Cotham Lane. As the proposal is for permission in principle, no site plan or elevational details are required to be submitted at this stage. Such details would be considered at the Technical Details Consent stage, if permission in principle is approved.

3.5 Documents assessed in this appraisal:

Application Form
Site Location Plan

Supporting Statement

Received by the Local Planning Authority on 13th April 2026

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 8 properties have been individually notified by letter and a site notice has also been displayed near to the site.
- 4.2 Site Visit undertaken: 11.05.2026.

5.0 Planning Policy Framework

5.1 The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

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

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

- 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 consulta on. Therefore, where content in the Submission DPD is either;

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

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

5.5 The following emerging policies are considered to carry weight in the consideration of this application:-

Policy DM5(b): Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

5.6 **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 **Hawton Parish Council** – The Parish Council were not quorate so could not consider the application.

6.2 **NCC Highway** – Given the limited scale of development proposed, the increase in vehicle trips associated with up to six dwellings would not be expected to result in a material detriment to traffic flows along this section of Cotham Lane, Hawton. Further

supporting increased traffic flows will be of nil detriment, this road has an Annual Average Daily Traffic (AADT) of below 1,500, implying there will be no noticeable change with the added traffic six dwellings would generate. Additionally, based on the available frontage to the site seen in the provided Site Plan, it is considered that a suitable vehicular access of adequate width could be achieved.

On this basis, subject to the documentation provided at the design stage, the Highway Authority has no concerns regarding this application.

Representations/Non-Statutory Consultation

6.3 Two letters of representation, one from The Poplars, and one on behalf of the residents of 1, 2, 3, 4 and 6 Sycamore Close, have been received objecting to the application on the following grounds;

- The site is not in a sustainable location. Hawton is a small and historic hamlet, separate from the planned expansion of Newark
- The development would lead to urban creep in the open countryside, contrary to the Development Plan and set a harmful precedent
- The Middlebeck urban extension will deliver over 3000 dwellings
- 3-6 dwellings would have a disproportionate impact on the village of Hawton, an expansion of approximately 20%, which would harm the rural setting of the hamlet.
- Lack of a five-year housing land supply does not override the need to protect the countryside.
- Adverse impacts upon landscape character, heritage significance, highway safety and the character of the hamlet are substantial.
- The Elms and Sycamore Close are non-designated heritage assets and the proposal would materially alter the setting and significance of these assets
- No heritage impact assessment has been submitted
- The proposed access is on a dangerous bend
- Hawton does not have a regular bus service, just a demand-responsive services which is not regular, reliable and accessible
- Future residents would be depended on private car use
- Paragraph 11(d) of the NPPF requires the planning balance to be undertaken at the PIP stage. That balance cannot be properly struck where all of the potential adverse impacts of the development have been withheld from assessment. In a case such as this– where the impacts on landscape, heritage, highways and ecology are known to be potentially significant– it is not appropriate to conclude that the balance is neutral or positive simply because the detail has been deliberately deferred.

7.0 Appraisal

7.1 The key issues are:

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

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

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

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

Principle of Development

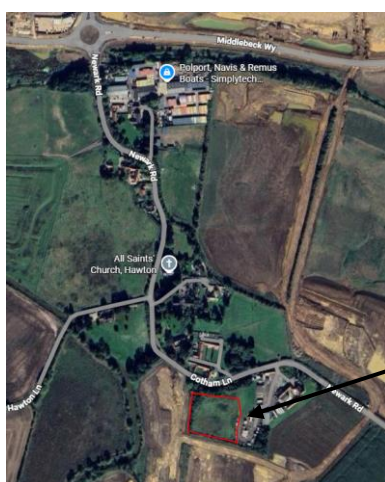
7.5 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered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

Location

7.6 The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth

and development in the District (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Hawton is identified as an 'other village' and the site lies outside the village within the countryside, as such the proposal will be assessed against Policy DM8 of the Allocations and Development Management DPD.

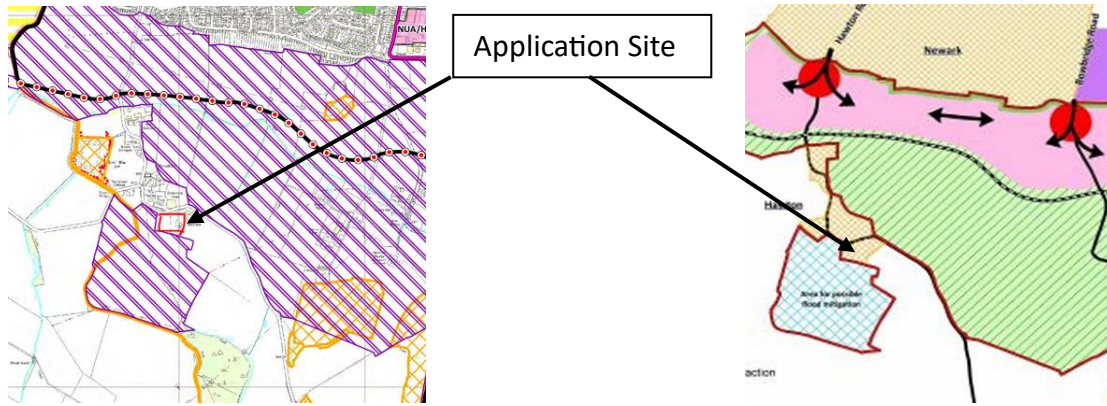
- 7.7 The site is located outside the built-up area of Hawton within the open countryside. The site is detached from the small hamlet of Hawton but is within approximately 2 miles of Newark Urban Area and only 0.5 miles from Middlebeck Way – Newark's new Southern Link Road connecting the A46 to the west to the A1 to the east.



Application site

Aerial photograph of the site

- 7.8 Policy DM8 states that Planning Permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
- 7.9 The site is physically separated from the main built-up part of the settlement but is within close proximity of the Newark Urban Area, albeit trips would be mostly car orientated, and it is not in an entirely isolated location. Land to the north of the southern link road is allocated for residential, with associated flood alleviation to the southeast of the site and green infrastructure via a new country park, to the northeast of the site.



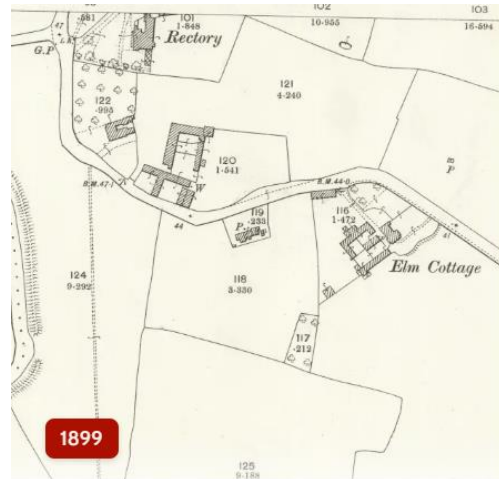
Application Site

Extract from DPD Newark proposals map

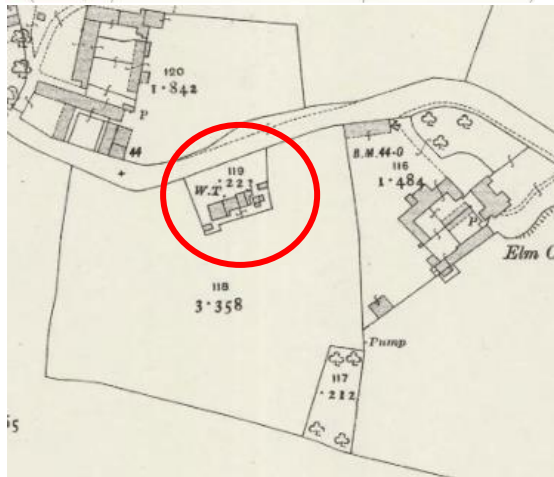
7.10 Furthermore, there is evidence of historical buildings on part of the site which is shown below.



1883



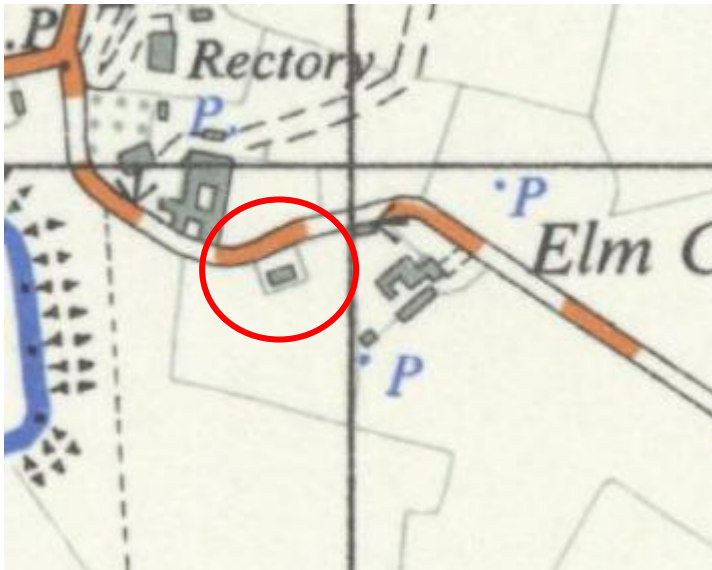
1899



Historical OS map from 1915



1958



Historical OS map from c.1968

- 7.11 Whilst the site is located within the open countryside, given its proximity to the Newark Urban Area, and Newark's southern link road it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.
- 7.12 Following the publication of the NPPF on 12th December 2024, the Local Planning Authority can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing, and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.13 The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. Despite the proposals to build 3000 houses at Middlebeck, and elsewhere throughout the District, the Local Planning Authority is currently only able to demonstrate a housing land supply of 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.14 The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to '...grant permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.15 Footnote 8 (in relation to out of date policies) states, *'this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*
- 7.16 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the District to meet its housing targets and identified housing needs and given its location close to a large urban area this is considered acceptable.
- 7.17 The site will provide between 3 and 6 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 scheme would be modest and proportionate, reflecting the site's location and relationship to Hawton. Officers are of the view that such an approach would, in principle, be acceptable on this site, due to its transitional nature, located close to a hamlet and open countryside.

Land Use

- 7.18 Residential use of the land is considered acceptable, given its proximity to existing development and its connections to the urban area of Newark and beyond.

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 2 land (very good).
- 7.23 The impacts of the loss of this 'very good' agricultural land measuring a modest 0.45 hectares would be limited, and would not weight significantly against the proposal, in the overall planning balance.

Amount of Development

- 7.24 The application proposes between 3 and 6 dwellings. The site covers approximately 0.45 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 6, which equates to an approximate density of 13.33 dwellings per hectare. Given the location of the site, in an area which forms part of the transition from a small hamlet to the open countryside, 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 Details Stage.
- 7.25 The maximum number of dwellings proposed here would be 6 units. Whilst the hamlet of Hawton is modest, with 80 residents at the time of the 2021 census, given the modest scale of the proposed development, it would not overwhelm the existing village. Given the proximity of the site to the urban area of Newark, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed. With regards to the provision of affordable housing, there is no policy requirement to provide affordable housing provision on developments of less than 11 dwellings or where the combines gross floorspace is less than 1,000 square metres (gross internal area).

Planning Balance

- 7.26 In this instance, the site is considered to be within the open countryside outside the built-up hamlet of Hawton and close to the urban area of Newark. Officers are of the view that there are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of sustainable development unless there are convincing issues which would warrant refusal. The site is close to the Newark Urban Area which contains the main services and facilities for the District. The removal of 0.45 hectares of very good agricultural land would not be a significant loss. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

Matters for Technical Details Consent Stage

- 7.27 The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD, and emerging Policy DM5b, set out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

Impact on Visual Amenity and the Character of the Area

- 7.28 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.29 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.30 Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.31 The District Council has undertaken a Landscape Character Assessment ("LCA") 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.

- 7.32 The site falls within the South-Nottinghamshire Farmlands Character Area and Policy Zone SN PZ 07 (Elston Village Farmlands) of the SPD, where the detailed landscape action is to 'Conserve and Create.' The landscape comprises of flat and open topography, predominately intensive arable land with well-trimmed hawthorn hedgerows to boundaries. The landscape condition and landscape sensitivity are both defined as moderate. In terms of landscape features, the Council's SPD seeks to create new hedgerows and enhance tree cover and landscape planting. For built form this seeks to create new development which reflects the local built vernacular and concentrate development around existing settlements.
- 7.33 In terms of heritage impact, there is a Scheduled Monument some 350 metre to the north west, and separated by fields, The Elms, to the east, and Sycamore Close, to the north, are non-designated heritage assets (NDHA). Given the separation distances involved, and the limited scale of the proposals, it is not considered that the scheme would have a detrimental impact on the setting of the Scheduled Monument or have an unacceptable impact on the interest or significance of the NDHA.
- 7.34 No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Consent stage. The construction of up to 6 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. The site has strong hedgerow boundaries which should be retained where possible.

Impact upon Residential Amenity

- 7.35 Policy DM5(b) of the Emerging 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. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.36 The site is in a relatively isolated location in the open countryside. There are no residential properties adjoining the site that would be directly impacted upon by the proposed development. Given the size of the site, it is considered that acceptable

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

Impact on Highways

- 7.37 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5(b) of the Emerging DPD states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.38 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.39 No details of the proposed access arrangements have been submitted. The site lies to the south of Cotham Lane which is single-carriageway subject to a 30mph speed limit. The Highway Authority have advised that given the limited scale of development proposed, the increase in vehicle trips associated with up to six dwellings would not be expected to result in a material detriment to traffic flows along this section of Cotham Lane, Hawton. Further supporting increased traffic flows would be of nil detriment, this road has an Annual Average Daily Traffic (AADT) of below 1,500, implying there will be no noticeable change with the added traffic six dwellings would generate. Additionally, based on the available frontage to the site seen in the provided Site Plan, it is considered that a suitable vehicular access of adequate width could be achieved. The design of any access/junction would be required at Technical Details Consent stage, and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed, having regard to the NCC Highways Design Guide. Parking provision would need to adhere to the recommendations set out in Table 2 of the NSDC SPD on car and cycle parking. For dwellings with 3 or more bedrooms 3 car parking spaces would be required.
- 7.40 Overall, it is considered that the scheme could provide a safe access to the site, however this would be subject to detailed assessment at the technical design stage.

Trees, Landscaping and Ecology

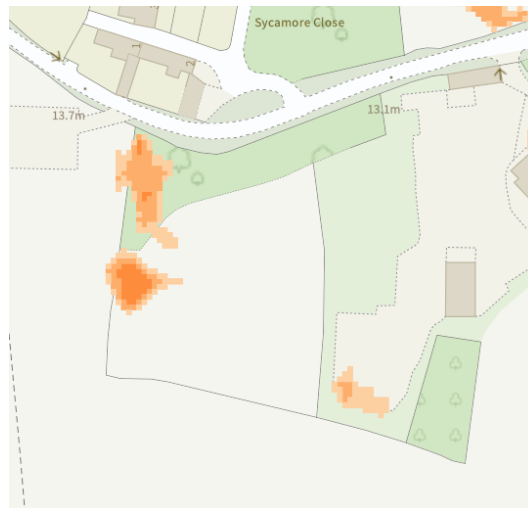
- 7.41 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the Emerging DPD states that natural features of importance within or adjacent to

development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged.

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

Flood Risk

- 7.45 Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5. Core Policy 9 requires new development proposals to pro-actively manage surface water.
- 7.46 The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. Parts of the western area of the application site is at risk of flooding from surface water.



- 7.47 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 Technical Details Consent stage.

Contamination Risk

- 7.48 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.
- 7.49 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.
- 7.50 Due to the previous agricultural use of the site there is potential for contamination to be present. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL)

- 7.51 The site is located within the Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £45m² for CIL purposes. This would apply at Technical Details stage when the floor area is known.

Biodiversity Net Gain (BNG)

- 7.52 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 – LEG2627/8011

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

9.0 Conclusion

- 9.1 The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for between 3 and 6 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

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

10.0 Informative Notes to the Applicant

01. The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The Technical Details Consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
02. The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
03. You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/
04. The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and

proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

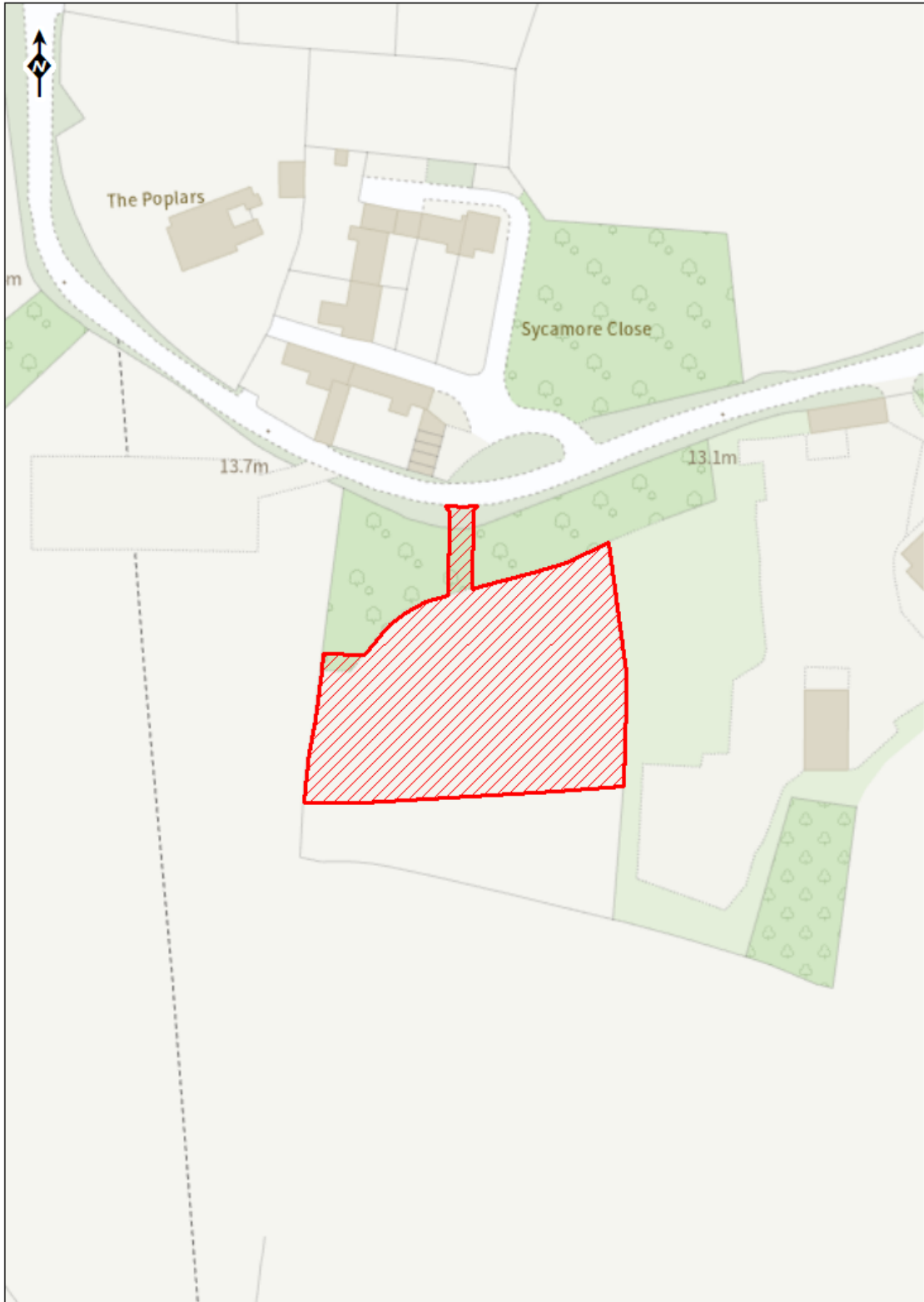
BACKGROUND PAPERS

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

Application case file.



Committee Plan - 26/00545/PIP



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Raheel Pasha – Planner (Trainee)

Report Summary			
Application No.	26/00648/FUL		
Proposal	Vary the use from class E to classes E and F - Ground floor only		
Location	14 Market Place Newark On Trent NG24 1DU		
Applicant	Newark And Sherwood District Council - Miss Lauren Anthony	Agent	N/A
Registered	30.04.2026	Target Date	15.07.2026
Web Link	26/00648/FUL Vary the use from class E to classes E and F - Ground floor only 14 Market Place Newark On Trent NG24 1DU		
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

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

1.0 The Site

1.1 The application site relates to a 3 storey building located within the defined Newark Town Centre and its Market Place as defined within the Allocations and Development Management DPD. The site is within the Newark Conservation Area and historic core of the market town and is adjacent to 12 and 12A Market Place (Toni and Guy), Grade II listed building. The site is also located within a highly sensitive historical location due to the setting of a number of other high quality listed buildings including the Grade I Newark Town Hall and St Mary Magdalene Church. The application building itself is not listed.

- 1.2 The commercial unit has been vacant since 2022 and its last use was for a Café (Use Class E). The site sits within the primary shopping frontage/area as defined by the Proposals Map within the Allocated and Development Management DPD. Within the Emerging Amended Allocations and Development Management DPD, the policies map removes the primary shopping frontages description on the maps, but the site is still allocated as a primary shopping area and the Town Centre.
- 1.3 The floors above the commercial unit comprises of one residential apartment, which is also vacant.
- 1.4 The building sits within Flood Zone 1 according to the Environment Agency Flood Maps meaning it is at low risk of flooding from rivers and is also at very low risk of surface water flooding.

2.0 Relevant Planning History

- 2.1. 05/00096/ADV - Illuminated fascia signs and retractable awnings at front and rear over shop windows (retrospective) – Refused 09.03.2005. Reason: *The proposal for an illuminated fascia signs and retractable awnings is considered inappropriate for the historic character and appearance of the Newark Conservation Area. As such its contrary to Policy C15, Policy DD6 of the adopted Local Plan and guidance contained within the Supplementary Planning Guidance "Shop fronts and Advertisements Guidelines - Design and Policy" adopted in 1995.*
- 2.2. 02/00867/FUL - Change of use from retail shop to office for Markets & Car Parks section Application Withdrawn 11.06.2002

3.0 The Proposal

- 3.1 The application seeks permission to change the use of the building from Use Class E (Commercial, Business and Service) to a mixed use (both Use Class E and F (F.1 – Learning and non-residential institutions)). This change of use would be on ground floor level and basement only and would house an art school.
- 3.2 The opening hours for the art school would be 08:30 – 18:00hrs Monday to Saturday and 09:00 - 13:00hrs on Sundays and Bank Holidays.
- 3.3 The proposal only refers to a change of use and no physical changes or alterations to the building are proposed.
- 3.4 Documents assessed in this appraisal:
- Application form received 30.04.2026
 - Site Location Plan received 20.05.2026
 - Heritage Statement received 19.05.2026

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 9 properties have been individually notified by letter. A site notice has

also been displayed near to the site, and an advert has been made in the local press.

4.2 Site visit undertaken on 5th June 2026.

5.0 Planning Policy Framework

5.1. The Development Plan

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

Spatial Policy 7 – Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail and Town Centres

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

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

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

NUA/TC/1 – Newark Urban Area – Newark Town Centre

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

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. 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

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

[Submission Amended Allocations & Development Management DPD
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

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

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

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Main Town Centre Uses

5.8. On 16th December 2025 the Government published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government policy or guidance.

5.9. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance

Nottinghamshire County Council Highways Design Guide

6.0 **Consultations and Representations**

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

Statutory Consultations

6.1. Historic England – No bespoke comments provided.

Town/Parish Council

6.2. Newark Town Council — No objections (support).

Representations/Non-Statutory Consultation

6.3. **NSDC Conservation**

6.4. No technical comments provided by conservation.

6.5. **Newark Business Club**

- 6.6. Support the application as it would enhance Newark's business environment and would benefit visitors and residents.

No further comments were received.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of development
- Impact on the Character of the Conservation Area and Heritage Impacts
- Impact on Residential Amenity
- Impact on Highway Safety

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. 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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

- 7.4. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.5. Section 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

7.6. Principle of Development

- 7.7. Core Policy 6 (Shaping our Employment Profile) states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range

of employment opportunities maintaining and enhancing the employment base of our towns and settlements including in their town and village centres.

- 7.8. Core Policy 8 (Retail & Town Centres) seeks to maintain and enhance the vitality and viability of centres through creating a balanced range of retail and other main Town Centre uses.
- 7.9. Policy DM11 (Retail and Town Centre Uses) of the Allocations and Development Management DPD provides that within Newark, new and enhanced retail development and other town centre uses that consolidate the composition of the town centre will be supported within the Town Centre Boundary, as defined on the Policies Map. This is similar to Policy DM11 (Retail and Main Town Centre Uses) of the emerging Allocations and Development Management DPD, with the addition that the design and layout of in-Centre schemes should secure active frontages and that where a mix of uses is proposed, to give careful consideration to their distribution in order that ensure that vitality and viability is optimised. Policy DM11 of the emerging Allocations and Development Management plan carries substantial weight and its consideration is also applicable in this instance.
- 7.10. The proposal would vary the existing use from Use Class E (commercial) to Use Classes E and F (F.1 – Learning and non-residential institutions) in the form of an art school. The building is currently located on a Primary Shopping Frontage, whereby under policy DM11, the retention of such areas are key to maintaining the vitality and viability of the Local Centre. Non-retail uses would require justification. Given this is a mixed use which does still include retail development, Officers are satisfied that there is no conflict with this current policy. However, it is noted that the Emerging Plan removes these frontage designations, but that given the proposal is a main town centre use, there is no conflict in any case to the use in this location.
- 7.11. This proposal would contribute to the range of town centres uses in this location by providing a varied learning and commercial environment in the area, which could also encourage further foot traffic to the shop and revive a vacant shop. In addition, it is considered that the proposal would enhance an existing retail unit in the centre thereby consolidating the composition of the town centre through an appropriate use and optimising the vitality and viability of the town centre.
- 7.12. Although the application form does not state the contribution to employment, it is expected that the use would generate some employment opportunities, and although this would be limited, given the scale of the use, this would still comply with Core Policy 6 , which advocates maintaining and enhancing the employment base of our towns and settlements and providing economic growth in the Sub-Regional Centre of Newark.
- 7.13. Given the above, the proposal is considered to enhance retail development and other town centre uses which is accepted and encouraged within Newark Town Centre. Therefore, the proposal is considered to accord with policies NAP1, Core Policy 6, Core Policy 8 and Policy DM11 of the existing Development Plan Document and Policy DM11 of the Emerging Local Plan, as well as the NPPF which is a material planning consideration.

- 7.14. Therefore, the proposed change of use is considered acceptable, in principle, subject to site specific impact which is assessed below.

Impact on the Character of the Conservation Area and Heritage Impacts

- 7.15. Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, “achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”. In accordance with Core Policy 9, all proposals for new development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District’s landscape and character through scale, form, mass, layout, design, materials, and detailing.
- 7.16. As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Emerging Allocations and Development Management Plan) amongst other things, seek to conserve heritage assets in a manner appropriate to their significance and for development proposals to take into account the distinctiveness and setting of conservation areas through layout, design, form, scale, mass and use of materials and detailing.
- 7.17. Section 12 of the NPPF (2024) refers to achieving well designed places. Paragraph 131 states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 139 of the NPPF (2024) advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.
- 7.18. The proposal would result in no physical changes, and it is only the change of use that is proposed. The varying of the use to an art school is not considered to impact the character of the Newark Conservation Area or setting of the nearby listed buildings. The application building would retain its existing painted timber exterior and canted fascia board, all of which contribute to the late Victorian shopfront design and is reflective of the Newark Conservation Area and town centre. This existing shopfront and building would remain unaltered as a result of the proposal and would therefore result in no visual impact to the character of the conservation area or setting of listed buildings.
- 7.19. It is expected that advertisements would be required, and these would be applied for and assessed against separate legislation.
- 7.20. With the above in mind, it is considered that the proposal accords with the aims of Policies DM5(b) and DM9 of the Emerging Allocations and Development Management DPD, CP9 and CP14 of the Amended Core Strategy, the provisions of the NPPF, which are material considerations. The special duty to preserve or enhance under sections 66 and 72 of the Act has been given appropriate consideration in this case.

Impact on Residential Amenity

- 7.21. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.22. Given there will be no change in relationship with the existing neighbouring properties and the site orientation, it is not considered that the proposal will have an adverse impact such as overbearing, loss of light or privacy upon occupiers of neighbouring buildings including residents living above the neighbouring retail units.
- 7.23. The nature of the proposal to a varied learning and commercial use could result in further foot traffic to the shop from both customers and students, however, given that the previous use of the ground floor was for a café, this use would not vary significantly from the existing use in terms of intensity or number of customers and students coming to and from the site. Furthermore, given that the proposal is for a learning and commercial use, the proposal would be appropriate in this town centre location and would not operate at a scale that would result in overbearing, overshadowing or loss of light impact and is not considered to result in increased noise in the area.
- 7.24. It is noted that above ground floor the uses are residential, although currently vacant. It is considered by Officers that the use as proposed, would not result in harm from increased or unacceptable noise levels which would harm the amenity of the future occupiers in any upper floor accommodation in this building or the surrounding area.
- 7.25. The proposal would therefore be in accordance with Policy DM5 of the DPD, Policy DM5(b) of the Emerging Local Plan and guidance within the NPPF.
- 7.26. Impact on Highway Safety
- 7.27. Policy DM5 of the Allocations and Development Management DPD requires provision of safe and inclusive access to new development and appropriate parking provision as does Policy DM5(b) of the emerging Allocations and Development Management DPD. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. The NCC Highways Design Guide recommends a minimum of at least 2 parking spaces per retail unit. As for schools – the NCC Highways Design Guide recommends a minimum of 1 space per teaching member of staff plus 2 spaces per 3 non-teaching staff.
- 7.28. The application site is located within Newark Town Centre which is a highly sustainable location which is easily accessible by public transport. The proposal does include changing the use of the ground floor of the unit into an art school. Although NCC Highways Design Guide recommends a minimum of 1 space per teaching member of staff plus 2 spaces per 3 non-teaching staff, it is acknowledged that the site location does not provide dedicated parking spaces for this building. Nonetheless, it is considered that parking for staff and pupils is achievable in nearby Appleton Gate and Kirk Gate. Furthermore, given the bus routes to and from the town centre, it is reasonable that students or staff members would take public transportation to the

school, thereby reducing the need for cars.

- 7.29. As for customers – it is considered that the proposal could result in further foot fall to the unit, especially as it would bring a vacant unit back into use. However, as stated above, the application site is within a sustainable location with bus routes going to and from the town centre. Therefore, it is considered that customers can rely on public transportation, and the business would not operate at a scale that would result in increased vehicular traffic to and from the site. As stated above, there are parking spaces achievable on nearby Appleton Gate and Kirk Gate.
- 7.30. With the above in mind, it is considered that the proposal accords with Policy DM5, DM5(b) and Spatial Policy 7, and guidance within the NPPF and NCC Highways Design Guide.

Community Infrastructure Levy (CIL)

- 7.31. The proposed development would result in no additional floorspace/Gross Internal Area and is therefore not CIL liable.

Other Matters

- 7.32. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from BNG such as developments that are 'de minimis'. This applies to development that does not impact a priority habitat, has an impact less than 25 square metres of non priority onsite habitat and impacts less than 5 metres of non priority onsite linear habitats. (under Regulation 4¹). The proposed development falls within this threshold and BNG is therefore not applicable in this case.

8.0 Implications

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

8.2. Legal Implications – LEG2627/1064

- 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

¹ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)

arise during consideration of the application.

9.0 Conclusion

- 9.1. In conclusion, it is considered that the proposal accords with Spatial Policy 7, Core Policy 6, Core Policy 8, Core Policy 9, Core Policy 12, Core Policy 14 and NAP1 of the Amended Core Strategy DPD and policies DM5(b), DM9, DM11 of the Emerging Allocations and Development Management DPD, Policy DM12, as well as the guidance within the NPPF and NCC Highways Design Guide, therefore there are no material reasons why this application should not be permitted, subject to conditions. The duty to preserve or enhance under Section 66 and 72 of the Act has been given appropriate consideration in this case.

10.0 Conditions

01

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

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

02

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

- Site Location Plan received 20.05.2026

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

The premises hereby approved shall only operate between the following hours:

- 08:30am to 6pm Monday to Saturday
- 09:00am to 1pm on Sundays and Bank Holidays

Reason: In the interests of residential amenity.

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 would be no floorspace created.

03

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

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

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

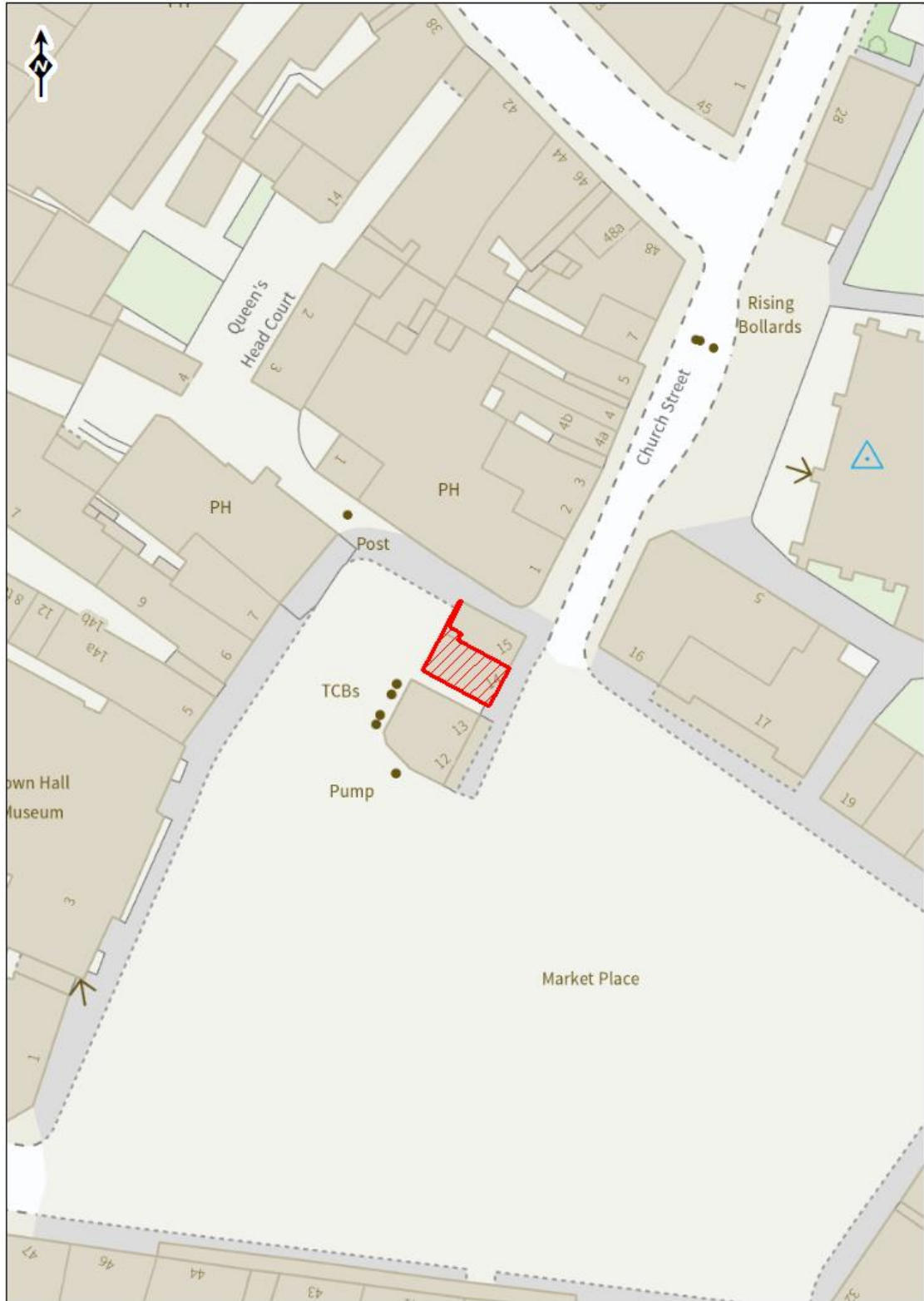
gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – Proposal is considered ‘de minimis’.

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 - 26/00648/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn, Principal Planner

Report Summary			
Application No.	26/00541/S73M		
Proposal	Variation of condition 18 attached to planning permission 21/00699/FULM to vary the opening times of the ground floor units		
Location	32 Stodman Street Newark On Trent NG24 1AW		
Applicant	Newark And Sherwood District Council - Miss Lauren Anthony	Agent	N/A
Registered	15.04.2026	Target Date	15.07.2026
Web Link	26/00541/S73M Variation of condition 18 attached to planning permission 21/00699/FULM to vary the opening times of the ground floor units 32 Stodman Street Newark On Trent NG24 1AW		
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

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

1.0 The Site

1.1 The application site comprises the former Marks and Spencer building and is located within the defined Newark Town Centre. The distinctive classical Art Deco frontage has been retained as part of an important mixed use redevelopment scheme (ref 21/00699/FULM). The site is within the Newark Conservation Area (CA) and historic core of the market town and is adjacent to Costa, a Grade II listed building. The site is located within the medieval planned town which is considered to be a highly sensitive

historic environment. 32 Stodman Street is not listed, but is considered to make a positive contribution to the CA.

- 1.2 The redevelopment scheme (ref 21/00699/FULM) approved a new 4 storey complex behind the retained shop front façade with parking, services and mixed use (Class E) at ground floor with apartments above. This development is significantly constructed and due to be completed within the next few months.
- 1.3 The site sits within the primary shopping frontage/area as defined by the Proposals Map within the Allocated and Development Management DPD. Within the Emerging Amended Allocations and Development Management DPD, the policies map removes the primary shopping frontages description on the maps, but the site is still allocated as a primary shopping area within the Town Centre.
- 1.4 The floors above the commercial unit comprise 29 residential apartments. As construction has not finished, these are currently vacant.
- 1.5 The building sits within Flood Zone 1 according to the Environment Agency Flood Maps meaning it is at low risk of flooding from rivers and is also at very low risk of surface water flooding.

2.0 Relevant Planning History

- 2.1. 21/00699/FULM - Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above. Approved by Committee 15.02.2022.
- 2.2. 22/01618/NMA - Application for non material amendment to include additional external doors to commercial units, column added to parking layout and basement water tank allowance attached to planning permission 21/00699/FULM. Approved 22.09.2022.
- 2.3. 23/01737/ADV - Advertising Hoardings for 32 Stodman Street. Approved by Committee 24.11.2023.
- 2.4. Various approved discharge of condition application requests: 23/01748/DISCON, 24/00953/DISCON, 24/00954/DISCON, 24/01899/DISCON, 25/01108/DISCON, 25/01655/DISCON, 25/01951/DISCON.
- 2.5. 24/01915/NMA - Application for non material amendment to substitute approved drawings with revised plans and elevations as per approved plans table attached to planning permission 21/00699/FULM approved plans table. Approved 04.12.2024.
- 2.6. 25/01300/NMA - Application for non material amendment to amend bin store/parking layout and elevation details to planning permission 21/00699/FULM; Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above. Approved 27.08.2025.

3.0 The Proposal

3.1 The application seeks permission to vary condition 18 attached to 21/00699/FULM to vary the opening times of the ground floor units.

3.2 Condition 18 states that:

The use of the ground floor units hereby permitted shall only take place during the following hours:-

07:30h to 23:00h Monday - Friday

08:30h to 23:00h Saturdays

10:00h to 22:00h Sundays

3.3 The proposed change to this condition is as follows:

The use of the ground floor units hereby permitted shall only take place during the following hours:-

06:30h to 23:00h Monday – Friday

07:00h to 23:00h Saturdays

08:00h to 22:00h Sundays

3.4 The proposal only refers to a change of the opening timings and no physical changes or alterations to the building are proposed.

3.5 Documents assessed in this appraisal:

- Application form received 13.04.2026.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 47 properties have been individually notified by letter. A site notice has also been displayed near to the site (posted on the 13.05.2026), and an advert has been published in the Newark Advertiser (printed 24.04.2026).

4.2 Site visit undertaken on 13th May 2026.

5.0 Planning Policy Framework

5.1. The Development Plan

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

Spatial Policy 7 – Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail and Town Centres

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

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

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

NUA/TC/1 – Newark Urban Area – Newark Town Centre

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

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. 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

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

[Submission Amended Allocations & Development Management DPD
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

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

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

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Main Town Centre Uses

- 5.8. On 16th December 2025 the Government published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government policy or guidance.

5.9. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance

Nottinghamshire County Council Highways Design Guide

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. None.

Town/Parish Council

- 6.2. Newark Town Council — No objections (support), received 01.05.2026, Town Council planning meeting held on the 29th April 2026.

Representations/Non-Statutory Consultation

None.

No further comments were received.

7.0 **Appraisal**

- 7.1. The key issues are:

- Principle of development
- Impact on Residential Amenity

- 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. Core Policy 6 (Shaping our Employment Profile) states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities maintaining and enhancing the employment base of our towns and settlements including in their town and village centres.
- 7.4. Core Policy 8 (Retail & Town Centres) seeks to maintain and enhance the vitality and viability of centres through creating a balanced range of retail and other main Town Centre uses.
- 7.5. Policy DM11 (Retail and Town Centre Uses) of the Allocations and Development Management DPD provides that within Newark, new and enhanced retail development and other town centre uses that consolidate the composition of the town centre will be supported within the Town Centre Boundary, as defined on the Policies Map. This is similar to Policy DM11 (Retail and Main Town Centre Uses) of the emerging Allocations and Development Management DPD, with the addition that the design and layout of in-Centre schemes should secure active frontages and that where a mix of uses is proposed, to give careful consideration to their distribution in order that ensure that vitality and viability is optimised. Policy DM11 of the emerging Allocations and Development Management plan carries substantial weight and its consideration is also applicable in this instance.
- 7.6. The proposal would vary the opening times of an already approved Class E use (commercial). The applicant states that varying the opening hours as proposed would bring potential uses in-line with neighbouring businesses such as Costa Coffee.
- 7.7. Given the above, the proposal is considered to enhance retail development and other town centre uses which is accepted and encouraged within Newark Town Centre. Therefore, the proposal is considered to accord with policies NAP1, Core Policy 6, Core Policy 8 and Policy DM11 of the existing Development Plan Document and Policy DM11 of the Emerging Local Plan, as well as the NPPF which is a material planning consideration.

Impact on Residential Amenity

- 7.8. Policy DM5(b) of the Emerging 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 a high standard of amenity for all existing and future occupants of land and buildings.
- 7.9. The proposal would see the opening hours extend. The previously approved and proposed hours are below:
- 7.10. Previously approved:

07:30h to 23:00h Monday - Friday
 08:30h to 23:00h Saturdays
 10:00h to 22:00h Sundays

- 7.11. The proposed hours are as below:

06:30h to 23:00h Monday – Friday
 07:00h to 23:00h Saturdays
 08:00h to 22:00h Sundays

- 7.12. As demonstrated, the proposal would see the units able to open an hour earlier in the mornings Monday-Friday, an hour and a half earlier on Saturdays and two hours earlier on Sunday.
- 7.13. The site is located within the town centre, a built up and commercial area. The proposal includes residential properties above the ground floor units that could be impacted by the proposed change in opening hours. That said, the site is located in a town centre location, with other commercial premises with similar early opening hours in the immediate area, including Costa Coffee and Greggs which both open at 06:30am.
- 7.14. Considering the alterations to the opening hours are fairly minor, and the site is within a town centre location, it is not considered that the proposal will have an adverse impact, such as overbearing, loss of light or privacy, upon occupiers of neighbouring buildings, including residents living above the neighbouring retail units.
- 7.15. It is noted that above ground floor the uses are residential, although currently vacant. It is considered by Officers that the use as proposed, would not result in harm from increased or unacceptable noise levels which would harm the amenity of the future occupiers in any upper floor accommodation in this building or the surrounding area.
- 7.16. The proposal would therefore be in accordance with Policy DM5 of the DPD, Policy DM5(b) of the Emerging Local Plan and guidance within the NPPF.

Community Infrastructure Levy (CIL)

- 7.17. The proposed development would result in no additional floorspace/Gross Internal Area and is therefore not CIL liable.

Other Matters

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

not impact a priority habitat, has an impact less than 25 square metres of non priority onsite habitat and impacts less than 5 metres of non priority onsite linear habitats. (under Regulation 4¹). The proposed development falls within this threshold and BNG is therefore not applicable in this case.

- 7.19. **Legal Agreement** - the legal agreement completed and secured as part of 21/00699/FULM will continue to apply to the new permission due to clauses contained within the undertaking relating to S73 applications.

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 – LEG2627/6687

- 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 conclusion, it is considered that the proposal accords with Spatial Policy 7, Core Policy 6, Core Policy 8, Core Policy 9, Core Policy 12, Core Policy 14 and NAP1 of the Amended Core Strategy DPD and policies DM5(b), DM9, DM11 of the Emerging Allocations and Development Management DPD, Policy DM12, as well as the guidance within the NPPF and NCC Highways Design Guide, therefore there are no material reasons why this application should not be permitted, subject to conditions. The duty to preserve or enhance designated heritage assets under Section 66 and 72 of the Act has been given appropriate consideration in this case.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of permission 21/00699/FULM.

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

02

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

¹ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)

- Site Location Plan - Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA)
- Proposed 1st and 2nd Floors – 101 137 RGP XX XX M3 A P 002 ISSUE P04 (as approved under 24/01915/NMA)
- Proposed 3rd Floor – 101 137 RGP XX 03 M3 A P 003 ISSUE P04 (as approved under 24/01915/NMA)
- Proposed Roof Plan - Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections - Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Proposed Elevations – 101 137 RGP XX XX M3 A P 018 Rev P08 (as approved under 25/01300/NMA)
- Demolition Plan - Ref. 101-137 (P) 027 B (as approved under 22/01618/NMA)
- Bay Studies – 101 137 RGP XX XX M3 A P 028 P03 (as approved under 24/01915/NMA)
- Wall Position Overlay (deposited 25.11.24)
- Wall Position Overlay 2 (deposited 25.11.24)
- Proposed General Arrangement - Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
- Proposed General Arrangement with annotations - Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
- Proposed Visibility Splays - Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
- Car Vehicle Tracking - Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
- Delivery Vehicle Tracking - Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Reason: So as to define this permission.

03

The development shall be carried out in accordance with the signed Unilateral Undertaking dated 24.10.2023, or as subsequently amended.

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

04

The development shall be carried out in accordance with the approved timeline, as outlined in the below documents as part of 23/01748/DISCON:

- Outline Methodology – Demolition of the Former M&S Store, by Total Reclaims Demolition, Ref. 5682, dated 18.08.2023
- Project Office and Welfare Facilities Plans, by Stepnell
- Phasing of Work/Key Project Dates (Condition 4) Spreadsheet deposited 18.01.2024.
- Repair Scope (Condition 9) Spreadsheet deposited 31.01.2024

As the development progresses, updated timelines shall be submitted to and approved in writing by the Local Planning Authority for agreement once precise dates/timeframes for the key milestone of the project are known.

Reason: To ensure the heritage benefits secured by the redevelopment of the site are delivered in a timely manner following the demolition works in accordance with the NPPF.

05

The development shall be carried out in accordance with the material details submitted and approved under 24/01899/DISCON, relating to:

Facing materials
 Bricks Stone
 Roofing materials
 Green Roof Specifications
 Cladding Lime/White Wash
 All metal work including balustrades

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

Notwithstanding the details submitted and part discharged under 25/01655/DISCON and 25/01108/DISCON, no development shall be commenced in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows, doors and their immediate surroundings, including details of glazing and glazing bars; (required for ground floor)
 Window and Door Headers and Cills; (required for ground floor)
 Material finish of all external windows and doors; (required for ground floor)
 Verges and eaves; (required for ground floor)
 Rainwater goods; (remains outstanding for front facade)
 Coping; (required for ground floor)
 Extractor vents; (remains outstanding for all floors)
 Airbricks; (remains outstanding for all floors)
 Soil and vent pipes. (remains outstanding for all floors)

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

The development shall be carried out in accordance with the detailed elevation plans as approved under 24/01899/DISCON and amended under 24/01915/NMA in terms of precise details of brickwork and decorative features.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

08

The development shall be carried out in accordance with the details and specifications relating to brick bond, mortar, pointing, lime/whitewash and architectural decoration, as approved under 24/01899/DISCON and amended under 24/01915/NMA.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

09

The development shall be carried out in accordance with the approved full specification and methodology for undertaking structural support/repair works to the retained façade, as approved under 23/01748/DISCON. If specific technical elements need to be agreed with the Local Planning Authority Conservation Team, then contact shall be made with the Local Planning Authority to agree these elements as they arise.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

010

Prior to the use of the ground floor commercial units hereby approved, a scheme for the improvement of the shop front within the Art Deco Façade on Stodman Street shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

011

Notwithstanding the annotations on the approved plans indicating indicative areas of signage, prior to the installation of any signage on the building full details of the signage (including but not limited to: size, design, materials, illumination and

positioning) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

012

The development shall be carried out in accordance with the approved full details for the hard and soft landscaping to the 'Shared Amenity Terrace' as approved under 25/01655/DISCON.

Reason: In the interests of residential and visual amenity.

013

Notwithstanding the part discharged details under 25/01655/DISCON, prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- green roof specifications;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, raised planters/seating, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity and to ensure that the development takes the form envisaged through the application submission.

014

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.

015

The development shall be carried out in accordance with the approved details relating to the interim treatment of the site prior to the redevelopment taking place, as approved under 24/01899/DISCON.

Reason: In recognition of the site's location within the designated conservation area.

016

The bin and cycle storage facilities as shown on plan: Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA), shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development.

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

017

Prior to any landscape work being undertaken (including the installation of any planting within the building design, public realm, green roofs or shared amenity spaces) a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

018

The use of the ground floor units hereby permitted shall only take place during the following hours:-

06:30h to 23:00h Monday – Friday

07:00h to 23:00h Saturdays

08:00h to 22:00h Sundays

Reason: In the interests of residential amenity.

019

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA) shall only be used for uses falling within Use Class E of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015, (or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: In the interests of residential amenity.

020

The development shall be carried out in accordance with the external lighting details as approved under 25/01951/DISCON.

Reason: In the interests of visual and residential amenity.

021

The development shall be carried out in accordance with the approved Archaeological information as submitted and approved under 24/00954/DISCON and 23/01748/DISCON.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

022

The development shall be carried out in accordance with the approved surface and foul water details, as approved under 24/00953/DISCON. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

023

The development shall be carried out in accordance with the approved Demolition and Construction Method Statement, as approved under 23/01748/DISCON, including the following approved plans/documents:

- Outline Methodology – Demolition of the Former M&S Store, by Total Reclaims Demolition, Ref. 5682, dated 18.08.2023
- Project Office and Welfare Facilities Plans, by Stepnell
- Total Reclaims Demolition Safe System of Work & Risk Assessment dated 26.10.2023
- Email from Agent 24.11.2023 detailing additional Demolition and Construction Measures

Reason: In the interests of residential amenity.

024

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA) shall not be brought into use until the recommended acoustic mitigation and ventilation works embedded within Sections 7 & 8 of the Noise Impact Assessment Report (Ref. P4466-R1-V4, dated 04.10.2021, Version 4) undertaken by Noise Air are implemented in full. These measures shall also be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

025

Prior to the commencement of any E(d) Use (indoor sport, recreation or fitness) of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) at ground floor, an updated Noise Assessment report must be provided which includes a detailed assessment of the impact of this use (including tap testing) and any acoustic mitigation works required. Any mitigation measures recommended shall be implemented in full prior to the commencement of any E(d) Use and shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity as the submitted noise assessment does not adequately consider the potential noise disturbance to residents associated with Use Class E(d).

026

The Travel Plan for the development shall be implemented in accordance with the Travel Plan Measures and Action Plan detailed in Sections 5 & 6 of the Travel Plan Statement (Ref. C3441, Rev A, dated Oct 2021) produced by HSP Consulting.

Reason: To promote sustainable travel.

027

The development shall be carried out in accordance with the programme of historic building recording as approved under 23/01748/DISCON.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

028

The development shall be carried out in accordance with the approved off-site traffic management works as approved under 23/01748/DISCON and 25/01108/DISCON.

Reason: To ensure a safe area within the highway is provided for loading and unloading of vehicles and in the interest of highway safety.

029

No part of the development shall be occupied on any part of the application site unless or until the new pedestrian footway and street lighting have been provided along Howitts Yard as shown for indicative purposes only on the approved plan ref. HSP-00-00-DR--C-951. All highway works shall be carried out to Highway Authority's specification and to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

030

No part of the development shall be occupied on any part of the application site unless or until the KEEP CLEAR road marking has been provided on Lombard Street opposite the access to Howitts Yard, in accordance with the details approved under 25/01951/DISCON, drawing reference ST-HSP-00-00-DR-C-0007 rev P01.

Reason: In the interest of pedestrian safety.

031

No part of the development hereby permitted shall be brought into use until the access to the site and off-street parking areas have been completed and surfaced in a bound material (not loose gravel) for a minimum distance of 8.0m behind the highway boundary in accordance with approved plan reference STHSP-00-00-DR--C-951.

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

032

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. ST-HSP-00-00-DR--C-952 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

033

No part of the development hereby permitted shall be brought into use until the parking, turning, and servicing areas are provided in accordance with the approved plan ref. ST-HSP-00 00-DR--C-951. The parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

Reason: In the interest of highway safety and to enable service vehicles to safety load and unload without obstructing the highway.

034

The development shall be carried out in accordance with the details relating to the drainage of surface water from the driveway, parking, and turning areas to the public highway, as approved under 25/01951/DISCON, drawing reference STS-EML-XX-ZZ-DR-L-0002. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

035

No part of the development hereby permitted shall be brought into use until the cycle parking and storage area has been provided and that area shall not thereafter be used for any purpose other than the parking and storage of cycles.

Reason: To ensure that adequate cycle parking provision is made to promote sustainable modes of transport.

036

The new doors on the street frontage shall open inwards only. The approved doors shall then be retained for the life of the development.

Reason: In the interest of pedestrian safety.

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 would be no floorspace created.

03

Biodiversity Net Gain

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

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

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

OR

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

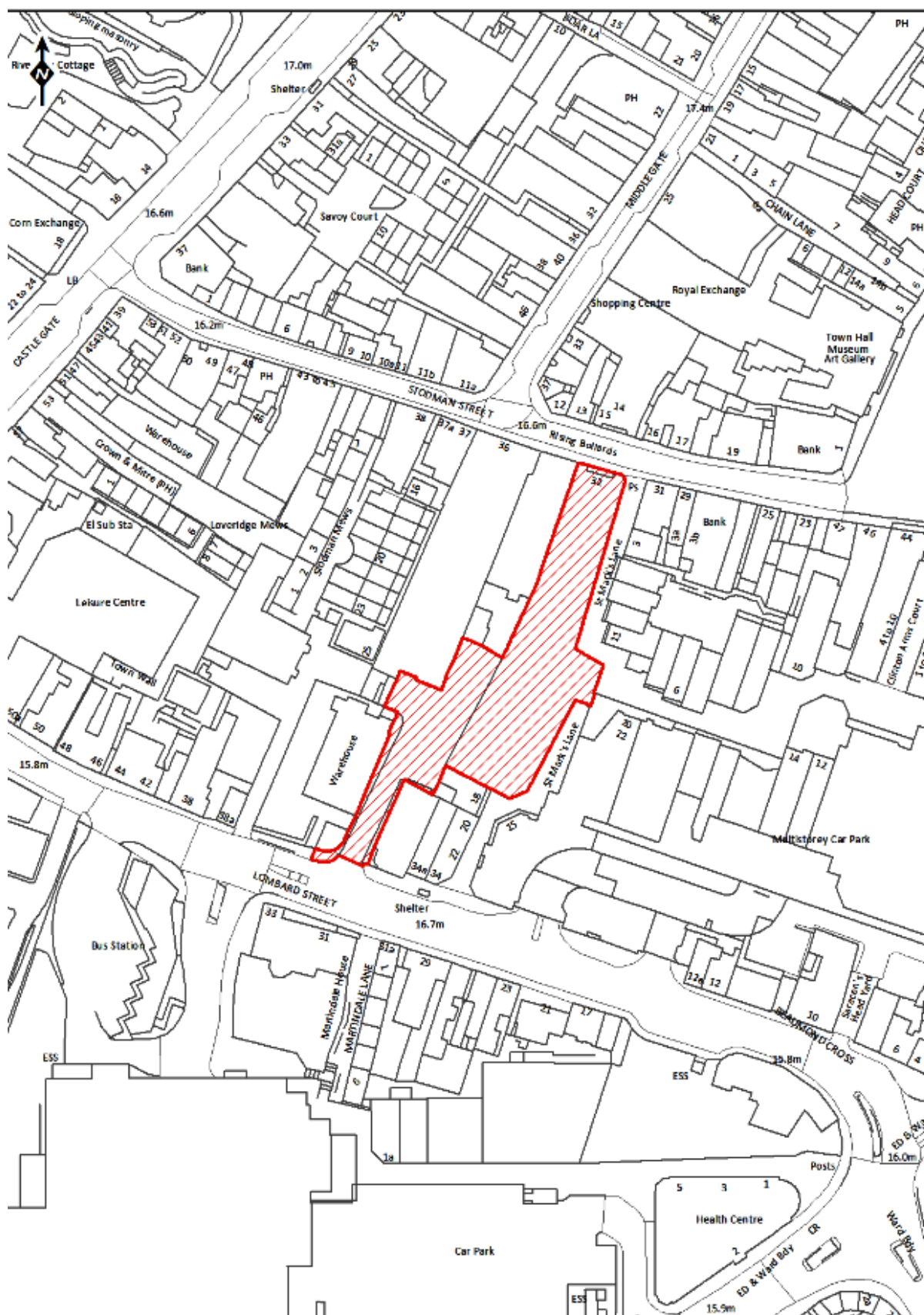
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

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

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.



© Crown Copyright and database right 2020 Ordnance Survey. Licence 100022288. Scale: Not to scale



Committee Report – 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Principal Planner (Development)

Report Summary			
Application Number	26/00643/FUL		
Proposal	Erection of 2No dwellings with attached garages		
Location	Land Adjacent Church View Farm Swinderby Road South Scarle NG23 7JW		
Applicant	Mr J Williams and Miss A Garner	Agent	John Halton Design Ltd
Registered	01.05.2026	Target Date	26.06.2026
Recommendation	Approve subject to conditions set out at Section 10.0 and a Unilateral Undertaking to secure self-build exemption for BNG.		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the site lies outside of the village and is contrary to DM8 – the proposal is therefore a departure from the development plan. The application was also called in by Cllr Dales due to the conflict with DM8 and impact on heritage assets.

1.0 The Site

- 1.1 The application site lies within the open countryside, next to the village of South Scarle. The site is currently agricultural land and is adjacent to a recently constructed new dwelling, and a bungalow which has extant permission to be demolished and a new two storey dwelling built in its place.
- 1.2 The village is within a conservation area, however the site is outside of the boundary. There are various listed buildings within the village, including St Helena’s Church which is Grade I listed and located to the south west of the site (a minimum of 60m away).
- 1.3 The site is approximately 0.31 hectares in size and is accessed from Swinderby Road which lies to the north. This access is an existing shared access for the bungalow and the recently constructed dwelling. To the south of the site is a large agricultural building, and to the east are open fields.

1.4 The site has the following constraints:

- Open Countryside
- Setting of Conservation Area
- Nearby Listed Buildings

2.0 **Relevant Planning History**

- 25/02049/FUL - 2 Dwellings with attached garages. Refused by Planning Committee for the following reason:

The site is located in the open countryside in an unsustainable location contrary to Policies SP1 and DM8. Notwithstanding the Council's lack of 5 year housing land supply, the large scale and form of the development would not reflect the character of the open countryside, the adjacent conservation area, nor the setting of the nearby listed buildings including the Grade I listed church, and the Grade II listed Vicarage and Church Farm, overall resulting in less than substantial harm, contrary to Core Policy 14, DM5(b), DM9, Parts 12 and 16 of the NPPF, and Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990. This harm is considered a strong reason for refusal when taking into account the titled balance, as 2 dwellings would not be a significant contribution that would outweigh the harm.

- PREAPP/00204/25 – Advice given.

3.0 **The Proposal**

3.1 This application seeks permission for 2 detached dwellings with attached garages. The proposal is a revised version of a scheme previously refused by the planning committee earlier this year. The current scheme has reduced the scale of the proposed dwellings, to reduce the visual impact. Plot 1 would have 3 bedrooms and Plot 2 would have 4 bedrooms (including one on the ground floor). The proposed elevations and indicative 3D visuals are shown below:



NORTH ELEVATION
Scale 1:100 @ A1



SOUTH ELEVATION
Scale 1:100 @ A1



WEST ELEVATION
Scale 1:100 @ A1



EAST ELEVATION
Scale 1:100 @ A1

All dimensions are approximate



No. 1: 100 @ 1:100 @ A1
No. 2: 100 @ 1:100 @ A1
No. 3: 100 @ 1:100 @ A1
No. 4: 100 @ 1:100 @ A1
No. 5: 100 @ 1:100 @ A1

PLOT 1

JOHN HALL DESIGN LTD
11, ST. PATRICKS ROAD, DUBLIN 15, IRELAND

Project: 11, St. Patrick's Road, Dublin 15
Client: Mr. & Mrs. J. Hall
Date: April 2024

JH1443G - 21H

Scale: 1:100 @ A1
Drawing No: JH1443G - 21H



SOUTH ELEVATION
Scale 1:100 @ A1



NORTH ELEVATION
Scale 1:100 @ A1



WEST ELEVATION
Scale 1:100 @ A1



EAST ELEVATION
Scale 1:100 @ A1

All dimensions are approximate



No. 1: 100 @ 1:100 @ A1
No. 2: 100 @ 1:100 @ A1
No. 3: 100 @ 1:100 @ A1
No. 4: 100 @ 1:100 @ A1
No. 5: 100 @ 1:100 @ A1

PLOT 2

JOHN HALL DESIGN LTD
11, ST. PATRICKS ROAD, DUBLIN 15, IRELAND

Project: 11, St. Patrick's Road, Dublin 15
Client: Mr. & Mrs. J. Hall
Date: April 2024

JH1443G - 22H

Scale: 1:100 @ A1
Drawing No: JH1443G - 22H



3.2 Documents assess in this appraisal:

- Site Location Plan received 30th April 2026
- Visual of Plot 1 received 30th April 2026
- Visual of Plot 2 received 30th April 2026
- Existing Block Plan 01A received 30th April 2026
- Revised Proposed Block Plan 20F received 3rd June 2026
- Plot 1 Proposed Floor Plans and Elevations 21H received 30th April 2026
- Plot 2 Proposed Floor Plans and Elevations 22H received 30th April 2026
- Site context plan and site selection 24 received 30th April 2026
- Swept Path Analysis received 30th April 2026
- Access Details JH1443G – 25 received 3rd June 2026
- Preliminary Ecology Appraisal received 20th May 2026
- Design and Access Statement including Heritage Statement received 7th May 2026

4.0 **Departure/Public Advertisement Procedure**

4.1 Occupiers of 29 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 29.05.2026.

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 3 – Rural Areas

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

5.2 **Allocations and Development Management DPD (2013)**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified.

Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.4 Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

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

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

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

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

5.7 [Other Material Planning Considerations](#)

National Planning Policy Framework 2024 (amended Feb 2025)

Planning Practice Guidance (online resource)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations and Representations

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

Statutory Consultations:

Nottinghamshire County Council (Highways) – Requested further information regarding access width and visibility splays, demonstration of how the proposed passing places would be achieved within the width of the existing driveway, and parking provision. (This has been provided and is discussed in the Impact on Highways section of the report)

South Scarle Parish object to the proposal (11 votes in support and 15 votes objecting).

Comments as submitted:

The Chair outlined the reason for refusal last time – Building on open countryside.
 The applicant outlined his views, namely
 The scale of the properties has been scaled back dramatically, also taken into consideration on the ridge height which has now been reduced significantly, over 50% of the property is single story.
 One of the plots has been reduced to 3 bedrooms to scale back the house.
 Screening the asbestos building on approach to the village.
 Going out into the field has been reduced, now the two new dwellings only slightly fall on this (approximately 8 metres)
 Seven Trent have confirmed there is no issues with the drainage.
 The houses are for myself and for family it is not for a financial gain, there will be no further development at Church View Farm. The increase on traffic would be 1 vehicle.

Other comments from residents
 Entry to village (from Swinderby) will be blighted by view of new houses.
 Could there be financial gain in the future?
 If planning consent is given will any changes to plans to the properties be sent back to the Parish (it hasn't been in the past).
 No other comments a vote was taken. Results above.

Representations/Non-Statutory Consultation:

NSDC Conservation – The application has taken on board previous comments covering form, height, scale and materials. The use of stone, brick and pantiles, the traditional L-shaped plan forms, and reduced ridge heights mean there will be no harm to the conservation area and the setting will be preserved.

NSDC Ecology – With the proposed compensation, mitigation and enhancement measures implemented, I consider the proposal would be compliant with matters relating to biodiversity within the NPPF and relevant local planning policies. *Further detail on the comments is provided in the relevant section of this report.*

6.1. Comments have been received from 17 third parties/local residents (8 in support, and 9 objecting) that can be summarised as follows:

Support

- Development would have positive contribution on approach to South Scarle
- Buildings are low scale, only 2 so not substantial, and will hardly be noticeable, set back over 70m
- Buildings would be a positive enhancement and will hide the asbestos building
- This small part of field has not been used for agriculture for 20 years

- Design reflects agricultural style and will be in keeping with the village
- Applicants have taken on board reason for refusal from committee and have gone above and beyond to address the reason
- Often cycle through South Scarle on National Cycle Network Route 64 and think this is a suitable location for the development
- Development would have positive impact on house valuations in village

Objections

- Open countryside/edge of settlement location, conflict with DM8, need to protect the countryside
- This is the 2nd application for 2 dwellings on this site - the previous comments from villagers still stand, and having been refused at planning committee then, the decision should be no different.
- South Scarle is 'other village' and not for new dwellings
- Site is agricultural land
- Heritage concerns - Field contributes to the conservation area, development will have significant impact on conservation area and setting of listed buildings in village, including the church and Yew tree Cottage (opposite the access)
- Development will spoil view of the church
- Loss of amenity – noise and disruption due to construction
- Concerns regarding highway and pedestrian safety due to increased vehicular movements and construction traffic
- Concerns for wildlife including barn owls
- Likely to set precedent for further development
- Overdevelopment of Church View Farm, houses not needed
- All other recent development is within village
- No mention of BNG
- Concerns regarding sewer capacity

7.0 Appraisal

7.1 The key issues are:

- Principle of development
- Housing Mix
- Impact on Visual Amenity, Character of the Area, Heritage Assets (setting) and the Landscape
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology
- Flood Risk and Drainage
- Planning Balance

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

Principle of Development

7.3 The proposal seeks full planning permission for 2 dwellings and garages. The site is on the edge of South Scarle, a settlement identified in the Amended Core Strategy as an 'other village' whereby new development is considered against Spatial Policy 3. Development within other villages is not precluded, however there are criteria that must be met to be considered sustainable development. There is built form to the south and west of the site, however the site is on the edge of the village and is therefore within the open countryside. Policy DM8 strictly controls the type of development supported in the open countryside and only supports new dwellings where the design is exceptional. This is a very high bar and the proposal has not been put forward on this basis. The proposal would therefore conflict with Policy DM8. It is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply and therefore this is a material consideration to be considered in the planning balance.

Housing Mix

7.4 The District Wide Housing Needs Assessment carried out by Arc4 in 2020 is the most up to date Housing Need Survey for the district. South Scarle is within the Collingham sub area of 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	9.2	4.9	58.6	6.0
3-bedroom house	30.9	46.8	21.6	35.8
4 or more-bedroom house	31.5	17.9	16.6	35.8
1-bedroom flat	0.3	0.0	0.0	0.0
2 or more-bedroom flat	1.9	1.9	0.0	0.4
1-bedroom bungalow	0.9	2.0	0.0	2.4
2-bedroom bungalow	11.5	12.6	3.1	7.9
3 or more-bedroom bungalow	13.3	13.9	0.0	11.7
Other	0.5	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0

7.5

7.6 The above table sets out that the highest market need within the sub area is 3 bedroom dwellings, followed by 4 bedroom dwellings. The previous scheme proposed 2x 4 bed dwellings, however this scheme includes 1x 4 bed and 1x 3 bed, which better reflects the local need.

7.7 The dwellings would therefore contribute to the need within the sub area, as well as the overall district need for housing generally. The dwellings have been put forward as self builds therefore would meet the needs of the future occupants. This is considered an improvement upon the previous scheme, and is acceptable.

Impact on Visual Amenity, Character of the Area, Heritage Assets (setting) and the Landscape

7.8 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

7.9 Policy DM5(b) of the emerging local plan 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.

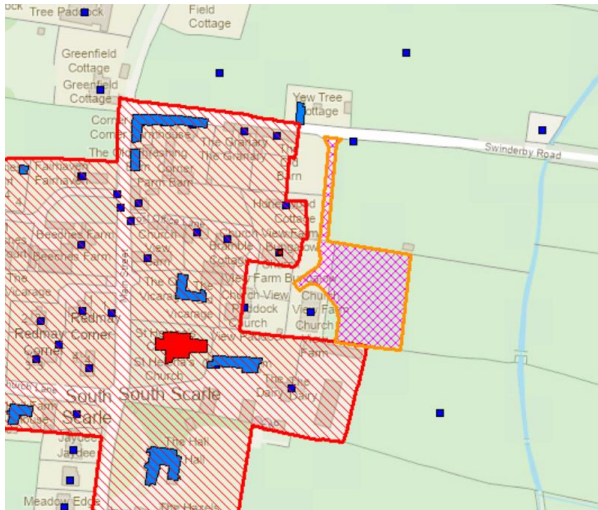
7.10 Paragraph 135 of the NPPF states that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.

7.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special regard to the desirability of preserving listed buildings or their settings when considering planning applications which affect them. Core Policy 14, DM9, and Part 16 of the NPPF seek to ensure designated heritage assets are preserved and enhanced. Any harm to designated heritage assets should be given great weight in the planning balance. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 7.13 The dwellings each have a smaller section which is two storey, compared to the previous scheme, with the rest being single storey. The maximum height has been reduced to 6.6m. Both dwellings would now be L-shaped. The amendments have simplified the design and reduced the overall visual impact. The mix of stone and red brick is considered acceptable as there are examples of stone buildings within South Scarle, therefore reflecting the character of the conservation area.
- 7.14 It is accepted that the scheme would encroach slightly into the countryside, with the dwellings positioned slightly further east than the existing agricultural building which lies to the south (see extract of block plan). The dwellings would reflect the designs of the adjacent approved dwellings to the west and would be positioned to be broadly in line with them.



- 7.15
- 7.16 The conservation area boundary lies to the west (indicated in red on the map extract below) and includes the adjacent bungalow (which has permission for a replacement dwelling). The site is shown in orange. The blue highlighted buildings are Grade II listed and the red highlighted building is the Grade I church. As can be seen from the map extract, there are a number of buildings sited between the site and the listed buildings.



7.17

7.18 It is considered that the significance of the church is experienced mostly from Main Street, where the church is prominent, and within the immediate surroundings of the church. The proposal would not impact the church from Main Street, nor its immediate setting.



7.19 Above – St Helena's Church from Main Street.



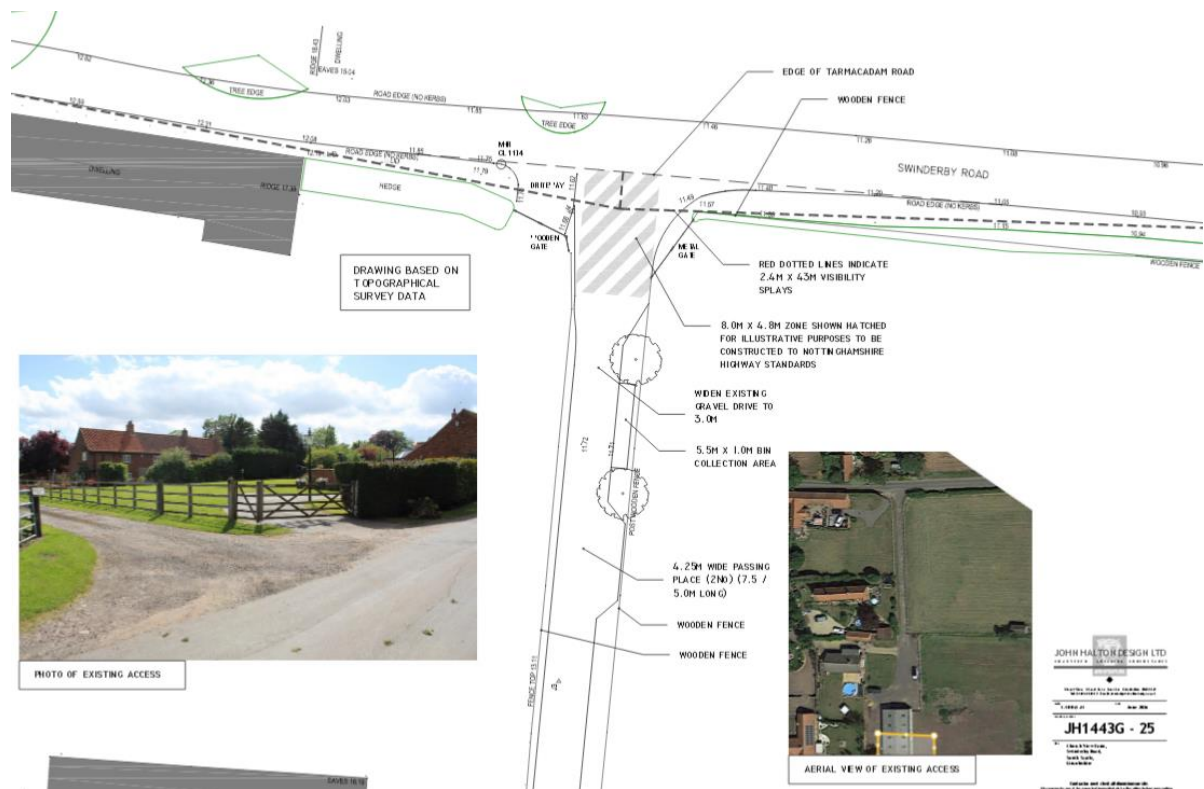
- 7.20 Above – View from Swinderby Road when approaching from the east.
- 7.21 The top of the church can be seen above the existing dwellings when approaching South Scarle from the east, and given the reduction scale from the previous scheme (maximum 6.6m) the development would not significantly alter this view. The proposed dwellings would be low enough in height that the scheme would not compete with the church, but would be viewed in context of the existing built form. In addition, the proposed layout of the scheme includes a gap between the 2 dwellings. The parts of the dwelling in closest proximity to this gap are single storey in height. This aspect of the scheme has been designed with the view of the church in mind to minimise any impact on views.
- 7.22 For the reasons above, it is not considered that the development would impact the setting of the Grade I Listed Church. It is also considered there would not be any impact to the setting of other listed buildings within the village due to the separation distances and intervening built form.
- 7.23 The Conservation Officer has concluded that this revised scheme would not result in harm to the setting of the conservation area and officers are in agreement with this view. The proposal therefore accords with Core Policy 14, DM9, part 16 of the NPPF.
- 7.24 The site lies within Character Zone ES PZ 4 as identified in the Landscape Character Assessment SPD. The landscape is characterised by mostly flat landform around villages. The landscape condition is described as moderate, as is the landscape sensitivity. The landscape actions are to conserve and create. In relation to built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements and creating new development which reflects the local built vernacular.
- 7.25 The proposal would alter the character of the area and the landscape due to the slight encroachment of built form to the east of the village where there is currently no development, however the dwellings would be sited immediately adjacent to the village, and the boundary of the site would be set back from Swinderby Road by a minimum of 66m, with an open field being retained between. This would retain the rural character of the area either side of Swinderby Road and on balance, when considering the design of the scheme (which reflects local vernacular), the visual impact is considered to accord with the policy aims of the Landscape SPD and is acceptable.
- 7.26 To ensure boundary treatments are acceptable, the details of hard and soft landscaping can be secured by condition, and permitted development rights for fencing and boundary treatments can be removed. This will enable the Council to retain control over any boundary treatments that are erected that could be prominent within the landscape. The proposed block plan indicates hedgerow and trees to the boundaries – this and/or post and rail fencing would be acceptable to retain the rural character of the area.
- 7.27 In summary, the visual impact of the proposal including impact on the character of the area, impact on the setting of heritage assets, and impact on the wider landscape is considered acceptable.

Impact on Residential Amenity

- 7.28 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.
- 7.29 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.30 The revised scheme has a reduced scale compared to the previous proposal. The dwellings would be positioned around a central courtyard and landscaped area, with sufficient separation distances from one another and to neighbouring dwellings that there would be no unacceptable impacts in relation to overlooking, overbearing impact or loss of light.
- 7.31 In terms of amenity space, each plot would have garden space to all sides, enclosed by hedgerow and trees. The garden space is considered acceptable and in proportion to the proposed dwellings.
- 7.32 Given the nature of the proposal (residential) there are no concerns in relation to noise generation. In respect of the adjacent agricultural land to the east, the area of land is not large, and it is not anticipated that intensive agricultural use would take place. As such, there would be limited impact to future occupants in relation to noise from agricultural vehicles or machinery. The land is also owned by the applicant therefore they would retain control over the intensity of the use.
- 7.33 It is noted that construction noise has been raised as a concern, however this would be temporary and therefore not a reason to refuse the application.
- 7.34 Overall, the impact on amenity for future occupiers and neighbouring occupiers would be acceptable.
- 7.35 Impact on Highways
- 7.36 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5(b) 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 The existing access is private and has been approved for shared use between the new dwelling (in place of a previous barn) and the existing bungalow. Typically, private drives should serve no more than 5 dwellings. In this instance the access would serve a total of 4 dwellings which is considered acceptable. Concerns from local residents have been noted,

however the addition of 2 dwellings would be highly unlikely to generate a significant increase in traffic movements on Swinderby Road.

7.40 Comments from NCC Highways requested further drawings to demonstrate visibility splays, the width of the access and passing places. The following drawing has been submitted in response, which shows the access will have 2.4m x 43m visibility splays and will be constructed to NCC standards with a 4.8m wide access at Swinderby Road, and 2x 4.25m wide passing places. The improvements to the access can be secured by condition.



7.41

7.42 The scheme includes a detached double garage to serve the new adjacent dwelling (neighbouring the site), as well as a double garage for each of the proposed dwellings, albeit the dimensions are slightly below the required dimensions set out in the SPD to be formally counted as parking spaces. The Parking SPD requires 3 spaces for each dwelling. Following NCC Highways comments, a revised proposed site plan has been submitted including 2 additional parking spaces off the driveway for Plot 2, and 1 additional space next to the turning head for Plot 1, and 1 in front of the garage as shown below. Although a third space for each plot is not explicitly shown, there would be space within the site for additional parking if needed and therefore the parking provision proposed is considered to accord with the Parking SPD.



7.43

7.44 Because the access is private, refuse vehicles would not be able to enter the site and occupants would be required to move their wheelie bins over 25m on collection days. This is not ideal, however this is the same situation for the other 2 recently approved dwellings and is not a reason to refuse planning permission. A bin collection point has been shown on the proposed plan, close to the site access.

7.45 Overall, the impact on highway safety, the highway network, and parking provision is considered acceptable.

7.46 Impact on Trees and Ecology

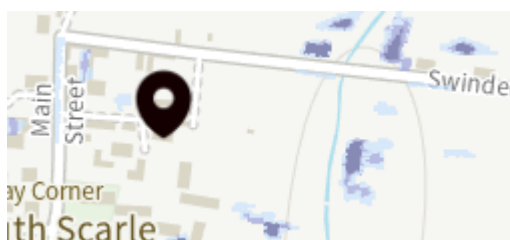
7.47 Policy DM5 and Core Policy 12 seek to protect and enhance natural features of importance within or adjacent to development sites. Paragraph 136 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

7.48 There are no trees which would require removal for the proposal and no mature trees on site – as such there would be no adverse impact on trees. There are new trees shown on the proposed block plan which is welcomed. Full details of the landscaping can be secured by condition.

7.49 A preliminary ecology appraisal (PEAR) was submitted during the lifetime of the application which has been reviewed by the Ecology Officer.

7.50 The site falls within an outer Impact Risk Zone (IRZ) for Besthorpe Meadows Site of Special Scientific Interest (SSSI); however, the proposed development does not fall within a category of development that Natural England would consider likely to pose a risk to the nature conservation status of this designation. The PEAR concludes that the proposed development would not have an adverse impact on any site designated for its nature conservation interest and the Council's Ecologist is in agreement.

- 7.51 In terms of habitats on site, these comprise of species-poor modified grassland, gravel, and small cherry and hawthorn standards along the northern boundary, as well as butterfly bush. None of the habitats have any significant nature conservation value therefore the impact of the proposal would be acceptable.
- 7.52 In relation to protected species, the PEAR confirms no potential roosting sites on the application site however the adjacent woodland provides potential foraging and commuting opportunities for the local bat population. However, the open and exposed character of the site and surrounding area meant that it was unlikely to represent a significant foraging resource for local bat populations. Ground nesting birds were highly unlikely to be present due to a lack of cover. There was no evidence of amphibians or reptiles. The habitats were considered to offer some suitability for badger and hedgehog and their presence could not be scoped out. Consequently, precautionary working methods are recommended at section 3.2 of the PEAR. These can be secured by condition.
- 7.53 Other recommendations include at least one bat tube on the western facing gable, and 2 bird boxes on the north eastern aspect such as swift nest boxes. This can also be secured by condition.
- 7.54 Concerns have been raised by local residents regarding barn owls. A barn owl box is located within a mature tree within the field boundary hedgerow located approximately 30m to the east of the proposed site. It is likely that barn owls use the surrounding arable landscape for hunting and may utilise the nest box; however, the Council's Ecology Officer considered that the proposals would not have a negative impact upon this species. No barn owl roosts would be lost and given the location on an active farm site, if the nearby nest box was used the additional noise and vibration levels associated with construction would be unlikely to affect this species.
- 7.55 It is considered that the proposed landscaping will maximise biodiversity enhancement within the proposed development. The provision of an integrated bat box and an integrated bird box as part of proposal would represent a proportionate level of provision to enhance biodiversity; therefore, if a bat box and a bird box were provided, the proposals would meet the requirements of Policy 12.
- 7.56 The Council's Ecology Officer comments conclude that 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.
- 7.57 Flood Risk and Drainage
- 7.58 The site is within Flood Zone 1 therefore at very low risk of fluvial flooding. The site is also at very low risk of surface water flooding (see map extract below).



7.59

- 7.60 The application form states that surface water will be dealt with via soakaways. This is in line with the hierarchy within the PPG, and considering the very low level of surface water risk, is likely to be suitable.
- 7.61 The application form states that the site will be connected to the main sewer for foul sewage which is also considered acceptable. Comments from local residents have been noted in regard to pressure on existing infrastructure, however the addition of 2 dwellings is not significant and the connection to the public sewer is dealt with via a separate legal process. Adequate drainage is also covered by Building Regulations. The site is not located within a critical drainage area and it would not require a consultation to the Lead Local Flood Authority or the Environment Agency on this matter.
- 7.62 Overall, there are no concerns in relation to drainage, and it is not considered the proposal would increase flood risk within the area (from any source).

Other Matters

- 7.63 The concerns raised by local residents and the Parish which are planning matters have been addressed in the relevant sections of this report. Some comments submitted however are not material planning considerations such as house values, precedents, and possible financial gain.
- 7.64 The comments from the Parish query whether notification would take place if any changes are made following the grant of planning permission. This would depend on the application type – if a non-material amendment is submitted there is no requirement for the Council to consult, however more significant changes to the scheme would trigger a consultation.

Community Infrastructure Levy (CIL) –

- 7.65 The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m² for CIL purposes. Details of the charge will be sent to the applicant separately.

Biodiversity Net Gain

- 7.66** In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as self builds. The applicant has stated that both dwellings would be self builds – this will need to be secured by a legal agreement which the applicant has agreed to.

8.0 Implications

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

Legal Implications – LEG2627/8292

- 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 Planning Balance and Conclusion

- 9.1 The principle of residential development on this site is contrary to Policy DM8 due to the open countryside location. A similar, albeit larger scheme, was refused earlier this year by the Planning Committee for this reason, as well as harm to the setting of the conservation area and nearby listed buildings. The Planning Committee felt that this was a strong reason for refusal in the context of paragraph 11 of the NPPF and footnote 7.

- 9.2 The applicant has considered the comments made at committee and revised the scheme to simplify the design and reduce the scale of the proposal.

- 9.3 The location has not been revised and the application site is still within the open countryside, however it is immediately adjacent to the village. The Council cannot demonstrate a 5 year housing land supply, with a current supply of 3.84 years. As such, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF is relevant.

- 9.4 For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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 importance⁷ provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

- 9.5 Due to the lack of 5-year housing supply, the relevant development plan policies are out of date. Therefore the proposal should only be refused if there is a strong reason for refusal relating to protected areas or assets of particular importance², or if the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. (Footnote 7 includes: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.)
- 9.6 The revised scheme is lower in height overall, with a much smaller portion of the dwellings at two storey height, and the remainder at single storey height. The revised design would not result in any harm to the setting of the nearby conservation area, or to the setting of any nearby listed buildings. The site is not within any of the protected areas and does not relate to assets of particular importance detailed in footnote 7. As such there would be no strong reason for refusal in relation to these areas/assets.
- 9.7 It must therefore be determined whether approving the scheme would result in any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.
- 9.8 The site is adjacent to an existing settlement which although does not have its own services, is close to Collingham (approximately 2.3 miles), a 'principal village', which has a range of services which would be easily accessible for future occupants. There would be a reliance on private vehicle, however the distance is reasonable for cyclists as a sustainable mode of transport. In addition, there is a nearby train station at Swinderby, 1.4 miles from the site. On balance, the site can be considered sustainable for this small scale proposal of 2 new dwellings. Given that the site is no longer used for agricultural purposes and is immediately adjacent to the village, it is considered the scheme would make effective use of the land. The design is also considered to reflect the former agricultural use of the site, and would be in keeping with the adjacent new dwelling, the approved replacement dwelling (yet to be constructed), as well as the vernacular within the village and conservation area.
- 9.9 The site specific impacts have been assessed within this report and no significant adverse impacts have been identified. Therefore, despite the conflict with DM8, the site is considered on balance to be in a sustainable location, and the proposal would make effective use of land and is considered good design. The recommendation is to approve the proposal in line with paragraph 11 of the NPPF. This is subject to conditions and a unilateral undertaking to secure the dwellings as self-builds.

10.0 Conditions

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

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

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

- Site Location Plan received 30th April 2026
- Revised Proposed Block Plan 20F received 3rd June 2026
- Plot 1 Proposed Floor Plans and Elevations 21H received 30th April 2026
- Plot 2 Proposed Floor Plans and Elevations 22H received 30th April 2026
- Access Details JH1443G – 25 received 3rd June 2026

Reason: So as to define this permission.

3. The precautionary construction methodology detailed in Section 3.2 of the submitted Preliminary Ecological Appraisal carried out by ACIEEM dated 19 May 2026 shall be adhered to fully throughout construction of the development hereby approved.

Reason: In the interests of protected species.

4. No development in relation to the following details shall be commenced until manufacturer details (samples upon request) have been submitted to and approved in writing by the Local Planning Authority:

- Bricks/Stone
- Roofing materials
- Windows
- Doors
- Garage doors

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

Reason: To ensure the development preserves the character and appearance of the setting of the Conservation Area.

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

- a) full details of all soft landscaping to be provided on site, to include every tree, shrub, hedge to be planted (including its proposed location, species and size). The

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

- b) full details of all hard surfacing materials to be provided to car parking, pedestrian access and circulation areas on site.
- c) means of enclosure.

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

6. Prior to first occupation of each dwelling, the hard landscaping approved for that dwelling shall have been completed in accordance with the approved details.

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

7. Within 3 months of completion of the dwellings hereby approved, the access improvements detailed on drawing JH1443G-25 shall have been completed. The access shall then be retained as approved for the lifetime of the development .

Reason: In the interests of highways safety.

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

9. No development above damp proof course shall commence until a Bat and Bird Box Plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type, location of the proposed boxes, and details for fixing them into place. The approved boxes shall be installed prior to first occupation of each associated dwelling and retained for the life of the development 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.

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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no walls or fencing, other than post and rail fencing no greater 1m in height, shall be erected within the site without written approval from the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the openness of the site is retained.

Informatives

01

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

02

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

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

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH - (tel: 01476 584800).

04

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.

05

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: Self-build.

BACKGROUND PAPERS

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

Application case file.

PLANNING COMMITTEE – 2 JULY 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
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 22 May and 22 June 2026)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
6006638 25/00726/OUT	Lowdham Cars Lowdham Road Gunthorpe NG14 7ER	Creation of 8 additional residential units.	Written Representation	refusal of a planning application
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
6010301 26/00382/PIP	Land To The East Of Hockerton Road Upton	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 5 dwellings	Written Representation	refusal of a planning application
6010389 26/00068/HOUSE	Shawfield Main Street Bleasby NG14 7FU	Part-demolition and rebuilding of dwelling, single storey extension, roof re-construction to a slightly higher ridge height, introduction of dormer windows and external alterations (part retrospective).	Fast Track Appeal	refusal of a planning application
6011064 25/01914/PIP	Land Off Swinderby Road South Scarle	Application for permission in principle for residential development for a minimum of two dwellings and a maximum of two dwellings.	Written Representation	refusal of a planning application

6011279 26/00400/FUL	Lodge Farm Lowdham Road Gunthorpe NG14 7ES	Conversion of barn to two dwellings.	Written Representation	refusal of a planning application
-------------------------	---	--------------------------------------	------------------------	-----------------------------------

6011419 26/00192/ADV	Field Reference Number 7880 Lowdham Road Gunthorpe	Retrospective advertisement consent for wheeled trailer sign.	Fast Track Appeal	refusal of a planning application
-------------------------	--	---	-------------------	-----------------------------------

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
25/02031/FUL	Change of use of two former farm storage buildings to storage (Use Class B8).	Hearing	Kirsty Catlow
24/00024/ENFB	Without planning permission, the material change of use of two buildings, labelled as Store Shed no.3 and Store Shed no.4 on the attached Plan A, from agricultural use to use for B8 Storage and Distribution.	Hearing	Christopher Briggs

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

PLANNING COMMITTEE – 2 JULY 2026

Appendix B: Appeals Determined (between 22 May and 22 June 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date

None

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation

That the report be noted.

Background papers

Application case files.

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

Oliver Scott
Business Manager – Planning Development

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

Document is Restricted

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

Document is Restricted