

Report to Planning Committee 8 May 2025

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Report Summary			
Application Number	25/00512/PIP		
Proposal	Application for permission in principle for a residential development of between two and four dwellings following the demolition of agricultural buildings.		
Location	Smallholding Rear Of 55 Beacon Hill Road Newark On Trent NG24 2JH		
Applicant	Mr Richard Griffin	Agent	TOWN-PLANNING.CO.UK Anthony Northcote
Registered	3rd March 2025	Target Date/EOT	7th April 2025/10 th May 2025
Recommendation	Grant Permission in Principle		

Link to Planning Application website:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STH35TLB04M00>

Procedural Matters

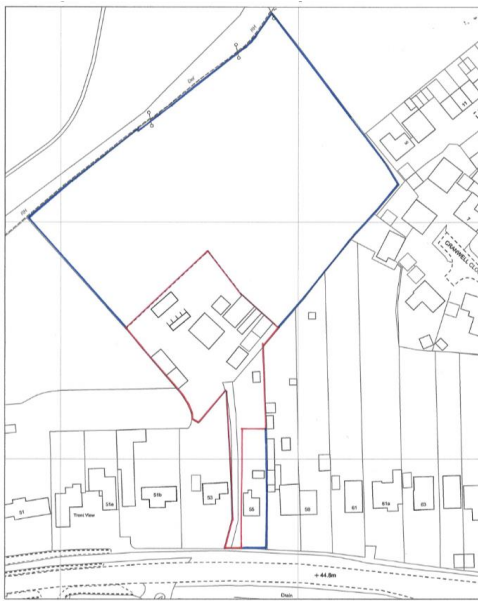
Departure from the Development Plan.

This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside).

1.0 The Site

- 1.1 The application site is located to the north of 55 Beacon Hill Road, and just outside the defined Urban Boundary of Newark Urban Area (as defined on the Policies map) aside from the access. The site is not within a conservation area, is not nearby to any listed buildings, and is not within an area at high risk of flooding (from rivers or surface water).
- 1.2 To the north of the site is Beacon Hill Conservation Park. There is built form to the south, with some built form to the east (residential). To the west and north is open countryside.

1.3 The site location plan is shown below:



1.4

1.5 The site has a range of redundant agricultural buildings (the agricultural use was last operated around 30 years ago). The buildings are single storey in scale and are not of any architectural or historical merit. Photos of the site are shown below:





1.6 The site has the following constraints:

- Open countryside
- Adjacent Beacon Hill Conservation Park

2.0 **Relevant Planning History**

2.1 No recent planning history.

3.0 The Proposal

- 3.1 This application seeks permission in principle for residential development of 2 to 4 dwellings, following demolition of the agricultural buildings on site.
- 3.2 The proposed dwellings would share use of the existing access off Beacon Hill Road through a shared private drive. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.3 Documents assessed in this appraisal:
- Planning Statement February 2025
 - Application Form received 21 March 2025
 - Site Location Plan received 21 March 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 13 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 04.04.2025.

5.0 Policy Planning Framework

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
NAP1 - Newark Urban Area

- 5.3 Allocations and Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development

- 5.4 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation. The DPD was examined in November 2024 albeit the Inspector's report is awaited. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new

policies can be afforded is currently limited. As such, the application has been assessed against the adopted Development Plan.

5.5 Other Material Planning Considerations

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

6.0 Consultations and Representations

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

Newark Town Council: Object to the application on grounds of DM5 (over intensification within a conservation area)

Representations/Non-Statutory Consultation:

6.1. Comments have been received from 4 third parties/local residents that can be summarised as follows:

- Unsuitable development – adjacent to Beacon Hill Nature Reserve
- Development will be visible from conservation area
- Contrary to Council policies as expressed in pre-application advice
- Concern over road safety on busy road
- Backland development similar to 23/01125/FUL and 22/01517/FUL which were both refused
- Narrow access will lead to houses at the rear – concerns of further development on north side of Beacon Hill as a result
- Site is very close to Newark tip
- Increase in traffic
- Concerns for wildlife on and adjacent to site
- Safety concern due to 'spongy' soil type and stability

The above matters are addressed within the appraisal section of this report.

7.0 Appraisal

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage if permission in principle is approved):

- Location
- Land Use
- Amount 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.

Principle of Development

- 7.3 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

- 7.4 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.5 The site is located just outside of the Newark Urban Boundary as defined on the Policies Map therefore as a matter of principle is within the open countryside. The proposal is for the removal of the existing agricultural buildings and the construction of 2-4 new dwellings. Policy DM8 strictly controls development within the open countryside and only supports 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 are sensitive to the defining characteristics of the local area.
- 7.6 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 7.7 The existing site comprises redundant agricultural buildings, however the scale of the buildings (mainly height) is not practical for conversion to residential, and therefore would not be capable of being re-used as dwellings. Notwithstanding the above, it is not considered the site is in an isolated position, as it is located directly adjacent to the Newark Urban Boundary.
- 7.8 The existing buildings are not of historic or architectural merit and are constructed in breeze block, metal sheeting and timber. All of the structures are single storey. There is no objection to the removal of the buildings. In relation to the construction of 2-4 new dwellings, it is not proposed that these would be of 'exceptional or innovative design' therefore there is no provision in Policy DM8 to support the development.

Land Use

- 7.9 As above, Policy DM8 does not support the proposed use on the site for residential development. Nonetheless it is acknowledged that the site is immediately adjacent to the boundary of Newark Urban Area (the Sub-regional centre) whereby new development is directed first and foremost as a sustainable location. The site is also adjacent to a predominantly residential area (to the rear of dwellings on Beacon Hill road). As such, despite the conflict with DM8 in terms of location, the residential use would complement the surrounding use of the area.

Amount of Development

- 7.10 The application proposes between 2 and 4 dwellings. The site covers approximately 2873sqm (including the access). The main part of the site where the agricultural buildings are currently sited is approximately 2245sqm in area. This equates to 0.22 hectares. The generally accepted density for new residential development within the District is 30 dwellings per hectare. The maximum number of dwellings on site would be 4, which equates to an approximate density of 18 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable, as any higher density would likely result in an unacceptable visual impact (this would be a matter for the Technical Details Consent stage).
- 7.11 It is also noted that the access would be a shared drive, which would be private. The maximum number of dwellings that NCC Highways would usually support with a private access is 5. Therefore, a maximum number of 4 dwellings (plus the existing dwelling) would be acceptable in principle.
- 7.12 The fact that the proposed amount is considered acceptable in principle does not automatically mean that a scheme of 4 dwellings would be acceptable on site – site specific matters including (but not limited to) scale, design, and layout would all be considered at Technical Details Stage.

Council's Position on 5 Year Housing Land Supply and the Presumption in Favour of Sustainable Development

- 7.13 Due to the location, the proposal would usually be refused as the principle of development is contrary to DM8. However, paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- 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-date ⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination ⁹.

- 7.14 Footnote 8 (in relation to out of date policies) states, 'this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'
- 7.15 The Council's current position is that it can demonstrate a total housing land supply of 3.43 years. The Council cannot demonstrate a 5 year housing land supply, therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits.
- 7.16 Given the above, the Council's development plan is not up-to-date in relation to housing delivery for the purposes of decision making. The District's housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.
- 7.17 In this instance, the location is directly adjacent to the boundary of Newark Urban Area (with the access included within the boundary off Beacon Hill Road), whereby development is directed as a sustainable location. The land is currently occupied by disused, dilapidated agricultural buildings, therefore utilising the land for residential development, adjacent to existing residential development would be an effective use of the land. Considering the close proximity to the urban boundary, the site is considered a sustainable location for residential development, and with the presumption in favour of sustainable in mind, is acceptable.

Technical Details Consent

- 7.18 The Technical Details Consent application is required to be submitted within three years of the decision date. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These include (but are not limited to): safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, biodiversity and green infrastructure, and flood risk.
- 7.19 The Technical Details Consent application would need to carefully consider these criteria.
- 7.20 Impact on Visual Amenity and the Character of the Area
- 7.21 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.

- 7.22 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.
- 7.23 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.
- 7.24 The site is within the ES PZ 04 Winthorpe Village Farmlands character area. Characteristics include flat with occasional undulating landform around village, medium distance views to frequent shelterbelts and mixed plantations, dominant views to the west of power stations and power lines, a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture in the vicinity of the village.
- 7.25 No details of the proposed scheme have been submitted at this stage. The existing site is in a state of disrepair and the buildings do not contribute to the character of the area. Nonetheless they are agricultural in appearance and within the open countryside this type of building is not uncommon. The single storey scale of the buildings and proximity to the built form of Newark Urban Area means that the buildings as existing do not have a harmful impact on the character of the area. There are no objections in principle to the removal of the buildings, however the construction of 2-4 new dwellings would likely be more prominent than the existing structures. The design should aim to minimise the visual impact due to the edge of settlement location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

Impact on Residential Amenity

- 7.26 Policy DM5 explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.27 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are 53 and 55 Beacon Hill which lie to the south a minimum of 20m from the main part of the site. The access to the site is the existing access to no.55 therefore would run in between 53 and 55. Given the separation distance it is not considered that there would be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy. There may be an increase in noise due to the increased use of the driveway, however a development of 2-4 dwellings would not generate a significant number of vehicular movements per day, and therefore the level of noise would not be considered unacceptable.

Impact on Highways

- 7.28 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle

and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.

- 7.29 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.
- 7.30 The existing access to no.55 Beacon Hill Road would be utilised for the development as a shared drive. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 5 dwellings this would require a width of 4.8m within 8.0m of the highway, plus 0.5m clearance on both sides, additional width for bin storage. Subject to access improvements, it is considered the scheme would be acceptable in relation to highway safety and the highway network. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.

Trees and Landscaping

- 7.31 Policy DM5 of the Allocations and Development Management DPD states, 'in accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.'
- 7.32 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. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.33 The site is quite overgrown with some mature trees along the boundary. If the site was to be developed, a tree survey would be required to assess the existing trees on site. Unless dying or damaged, any existing trees should ideally be retained on site, and additional trees planted as part of a landscaping scheme. The full impact on trees would need to be assessed at Technical Details Consent stage.

Ecology

- 7.34 Policy DM5 states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.
- 7.35 Considering the adjacent nature reserve, and the buildings on site, a preliminary ecology survey (and any further recommended surveys) would be required as part of the Technical Details Consent application, to fully assess the impact on protected species and recommend the necessary mitigation measures. For the avoidance of doubt, this survey

cannot be requested at the Permission in Principle stage (local validation lists do not apply to permission in principle applications).

Contamination Risk

- 7.36 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.
- 7.37 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.
- 7.38 Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application.
- 7.39 It is noted that comments have been received regarding the proximity to Newark tip. A contamination survey would assess any potential risk in this respect and the Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL) -

- 7.40 The site is located within the Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £45m² for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

Biodiversity Net Gain

- 7.41 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. Permission in principle is not planning permission, and if approved requires the submission of a Technical Details Consent application to form the full permission. Biodiversity Net Gain would be applicable at this stage.

Other Matters

- 7.42 The comments from the Town Council are noted regarding the conservation area. It is

assumed this refers to the adjacent Beacon Hill Conservation Park. For the avoidance of doubt, the site is not within a conservation area. As assessed above, it is not considered that the number of dwellings proposed would represent over intensification, however this would be subject to final design, scale and layout at Technical Details Consent stage.

8.0 Implications

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

8.2 Legal Implications – LEG2425/1834

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

9.0 Conclusion and Recommendation

- 9.1 Further to the above assessment, it is recommended that permission in principle for 2-4 dwellings on the site is approved.

10.0 Conditions

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the Technical Details Consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Informatives

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An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the

documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 25/00512/PIP

