



Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Harry White – Planner/Conservation Planner

Report Summary			
Application No.	25/00637/FUL		
Proposal	Proposed Detached Dwelling		
Location	Land At The West Lawns, Southwell		
Applicant	Mr M & P Wagstaff	Agent	GraceMachin Planning & Property - Mr Nick Grace
Web Link	25/00637/FUL Proposed Detached Dwelling Land At The West Lawns Southwell		
Registered	29.04.2025	Target Date Extension of Time	24.06.2025 08.08.2025
Recommendation	Grant Planning Permission subject to conditions.		

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

This application is also being referred to the Planning Committee for determination by the local ward member, Councillor Rainbow due to concern for the character and appearance of the conservation area, the encroachment and loss of open green space, the loss of trees, and loss of light affecting neighbouring properties.

1.0 The Site

- 1.1 The application site is located on a parcel of grassland to the south of The West Lawns, off Westgate. The site is located outside the settlement boundary of Southwell, and within the Conservation Area of Southwell. The site is also within the Southwell Protected Views policy area.
- 1.2 Access to the site is by a shared hardstanding access used by three dwellings. The site is mostly flat and is bound by a mix of hedgerows and trees. The site is part of the 'Conserve and Reinforce' landscape character area.

1.3 The site is located within flood zone 1, at a low risk of flooding from rivers, and low-medium risk of surface water flooding. Potwell Dyke sits within a deep wooded channel to the south of the application site. Public Footpath FP34 is located to the south of Potwell Dyke which, including its banks forms a Main Open Area allocated in the neighbourhood plan.

1.4 The site has the following constraints:

- Outside Settlement boundary
- Conservation Area
- Southwell Protected Views

2.0 Relevant Planning History

2.1. 02/00365/FUL - Erection of 5 houses and garages – Refused 20.08.2002

2.2. 02/02155/FUL - Erection of 3 houses with garages – Permission 25.11.2002

2.3. 03/02942/FUL - Erection of two houses & associated works (Plots 3 & 4) – Refused 26.02.2004

2.4. Pre-application has been provided offering generally favourable views.

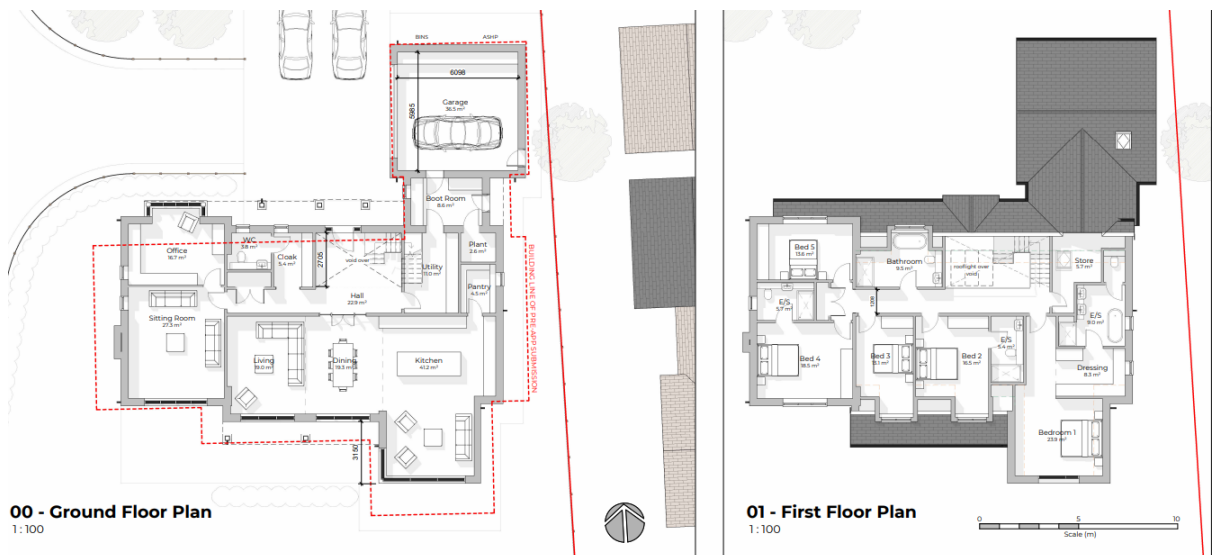
3.0 The Proposal

3.1 The application seeks permission for the construction of a two-storey 5-bedroom dwellinghouse with associated works at West Lawns in the parish of Southwell. The development would include the continuation of the access road to Westthorpe, and include a turning head, orchard, hedgerows and post and rail fencing.

3.2 The proposed elevations are shown below:



3.3 The proposed floorplans are shown below:



3.4 The proposed site plan is shown below:



3.5 Documents assessed in this appraisal:

- Application Form
 - Received 29 April 2025
- Site Location Plan - Drg. No. 2349-S03-001
- Site Plan – Drg. No. 2349-S03-061
- Proposed Floorplans and Elevations – Drg. No. 2349-S03-110
- Street Elevation and Site Section – Drg. No. 2349-S03-200 Rev.P01
- 3D views – Drg. No. 2349-S03-300 Rev.P01
- Transport Note – BSP Consulting – Project No. 24-0036

- Heritage Statement – Stone & Meadow- April 2025
- Daylight and Sunlight Report – MES Building Solutions – April 2025
- Arboricultural Report and Impact Assessment – AWA – Ref. AWA6540
- Arboricultural Method Statement – AWA – Ref. AWA6540
- Biodiversity Enhancement Strategy Report – JM Ecology – 14.01.2025
- Preliminary Ecological Appraisal – JM Ecology – JME_2324_PEA_01_V1
- Design & Access Statement – Reform Architecture & Interior Design Ltd – 2349 – Rev.B – 03/04/25
- Planning Statement – Grace Machin
- Flood Risk Assessment and Drainage Strategy – BSP Consulting – 24-0036 – 08 Apr 2025
- Statutory Biodiversity Metric – Completed by Joe McLaughlin – V1
 - All received 10 April 2025

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 and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 7th May 2025.

5.0 Planning Policy Framework

The Development Plan

5.1. Southwell Neighbourhood Plan (2016)

SD1 – Delivering Sustainable Development
 E3 – Green Infrastructure and Biodiversity
 DH1 – Sense of Place
 DH2 – Public realm
 DH3 – Historic Environment
 TA3 – Highways Impact
 TA4 – Parking Standards
 Southwell Design Guide

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 – Spatial Distribution of Growth
 Spatial policy 7 – Sustainable Transport
 Core Policy 9 - Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 10A – Local Drainage Designations.
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 14 – Historic Environment
 SoAP1 – Role and Setting of Southwell

5.3. Allocations & Development Management DPD (2013)

Policy So/HN/1 – Southwell Housing Need
 Policy So/MOA – Southwell – Main Open Areas
 Policy So/PV – Southwell Protected Views
 Policy DM3 – Developer Contributions and Planning Obligations
 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

- 5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 and completed its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan.

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (as amended Feb 2025)
 Planning Practice Guidance (online resource)
 National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019
 Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Southwell Conservation Area Appraisal (2006)
 Housing Needs Survey by Arc4 2020
 Emerging Southwell Neighbourhood Plan
 Emerging Southwell Conservation Area Appraisal

6.0 Consultations and Representations

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

Town Council

- 6.1. Southwell Town Council has raised concern for the encroachment and loss of open space, a loss of light/privacy to neighbouring occupants, significant loss of trees, habitat destruction, concern over the loss of habitat for bats, owls, and woodpeckers, and impacts to flooding.

Representations/Non-Statutory Consultation

- 6.2. Southwell Civic Society – Strongly object. Have raised concern that any development on this piece of land would be seriously detrimental to the environment and

conservation area. Need to preserve the wildlife corridor. Consider the development to be unnecessary which does not contribute to the housing need of Southwell.

6.3. Southwell Flood Forum – Have raised concerns for the historic loss of trees from the site. Proposed orchard would provide significant flood mitigation. SUDS for rain gardens, pervious paving, and sub-surface storage are important to the scheme. Raised the need for the riparian ownership responsibility. The development is an opportunity for good practice flood principles.

6.4. Mixed comments have been received from 17 third parties that can be summarised as follows:

- | | |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| - Loss of green space/buffer | - Construction disruption |
| - Harm to conservation area and setting of Orchard Cottage | - Housing need |
| - Planning site history for development and tree removal | - Harm to neighbouring amenity – Overlooking, overshadowing, overbearing, noise, disruption, outlook |
| - Impact on trees – retention of shelter belt, and trees alongside heritage trail | - Development outside town boundary and adjacent to a main open area. |
| - Impact on traffic | - Harm to greenbelt |
| - Drainage connection | - Self-build property or market housing |
| - Loss of habitat and impact on wildlife | - Not in line with housing strategy |
| - Setting a precedent for further development up to the Westhorpe Dumble | - Introduction of orchard is appreciated |
| - Flooding | - Impact on archaeology |
| - Sewage | |

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character and Appearance of the Area and Designated Heritage Assets
- Impact upon Residential Amenity
- Housing Need
- Impact upon Highway Safety

- Impact upon Ecology
- Impact on Trees
- Impact on Flooding

- 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 As the application concerns a designated heritage asset, Southwell Conservation Areas and therefore section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.4 The duties in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as a mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

- 7.5 The application site is located outside the Southwell urban boundary, and so is considered as open countryside. Spatial Policy 3 confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (Policy DM8).
- 7.6 Policy DM8 of the Allocations & Development Management Policies DPD (2013) sets out how the LPA will control development away from the main built-up areas of villages in the open countryside. New dwellings are only permitted in specific circumstances –
- it can demonstrate a functional and financial need in relation to the operation being served (new and replacement rural workers dwellings);
 - it represents a conversion of an existing building or replacement of an existing dwelling;
 - it is tourist accommodation where it is necessary to meet identified tourism needs;

- or 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.

- 7.7 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. The exceptions largely reflect that of Policy DM8 with two additions, which are set out below. The NPPF includes where:
- there is an essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - the development would represent the optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - the development would re-use redundant or disused buildings and enhance its immediate setting;
 - the development would involve the subdivision of an existing residential building; or
 - the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 7.8 No justification has been submitted with the application to demonstrate that the proposal would meet any of the exceptions of Policy DM8 of the Allocations & Development Management DPD (2013). Whilst the design of the proposed dwelling is not unattractive, is not truly outstanding or innovative and no evidence has been submitted to explain how the development would significantly enhance its immediate setting. The proposal would not accord with any of the exceptions set out and therefore, the principle of a new dwelling in this location would be contrary to the requirements set out in Policy DM8. Furthermore, the proposed development of this land would harm the open and undeveloped character of the surrounding countryside by encroaching into it. However, it is fully acknowledged that being on the edge of the settlement means any future occupants would be able to sustainably access the facilities within Southwell, which is well provisioned and classified as a service centre.
- 7.9 The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the District has increased significantly which means that the Authority is no longer able to demonstrate a five year supply of housing. The Local Planning Authority is currently only able to demonstrate a housing land supply of 3.43 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.10 The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to '...grant permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed^{7*}; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.
- 7.11 Footnote 7 of the NPPF (2024) sets out that where there are policies protecting designated heritage assets that provide a strong reason for refusal, the presumption in favour of sustainable development would not apply. As discussed later in this report, the impacts on heritage assets may override the presumption in favour of sustainable development.
- 7.12 As the application site affects a designated heritage asset, the Southwell Conservation Area, the proposed works would be subject to other heritage considerations, which have the potential to override the presumption in favour of sustainable development, as set out within part (i) above and will be discussed later in this report. Regard must be given to the distinctive character of the area and proposals must seek to preserve and enhance the character and appearance of the Conservation Area in accordance with Policy DM9 of the Allocations and Development Management DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019). These two policies seek, amongst other things, to protect the historic environment and ensure that heritage assets are managed in a way that best retains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, is expressed in Section 16 of the National Planning Policy Framework (NPPF) (2024). Paragraph 8 of the NPPF (2024) states that protecting and enhancing the historic environment is part of achieving sustainable development.
- 7.13 Overall, it is therefore considered that in the current policy context taking account of the 3.43 year housing land supply and the tilted balance, the proposal could be considered sustainable development on the edge of the settlement, provided it would not result in harm to the heritage asset of Southwell Conservation Area that would need to be given appropriate weight in the overall planning balance.

Impact on the character and appearance of the area and Designated Heritage Assets

- 7.14 Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD (2013) 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". Part 12 of the NPPF (2024) seeks to create high quality, beautiful and sustainable buildings and places, and makes good design a key aspect of sustainable development. Paragraph 135 of the NPPF (2024) sets out that planning decisions should ensure that developments function well and add to the quality of the area for their lifetime. As well as ensuring that developments are visually attractive as a result of good architecture, layout, and landscaping. This seeks to ensure that

developments are sympathetic to local character, landscape and history. This seeks to establish a strong sense of place, optimise the potential of a site and create safe and inclusive places.

- 7.15 Core Policy 14 of the Core Strategy (2019) seeks for continued conservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment in line with their significance as set out in national policy. Furthermore, Policy DM9 of the Allocations and Development Management Policies DPD (2013) seeks to secure the continued protection or enhancement of heritage assets, to ensure heritage assets contribute to the wider vitality, viability and regeneration of the areas in which they are located.

- 7.16 Paragraph 212 of the NPPF (2024) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of the level of harm to its significance. Paragraph 213 of the NPPF (2024) states that any harm to the significance of the heritage asset should require clear and convincing justification. Paragraph 215 of the NPPF (2024) sets out that less than substantial harm should be weighed against the public benefits of the proposal.

- 7.17 Policy DH1 of the Southwell Neighbourhood Plan (2016) requires new development to demonstrate how they have taken account of the guidance of the Southwell Design Guide and Conservation Area Appraisals. The Conservation Area Appraisal identifies the importance of maintaining the setting of Potwell Dyke and its natural character and not to allow building too close to it, in order to protect its historic landscape value and its flora and fauna.

- 7.18 The application site is located within the Southwell Conservation Area first allocated in 1970, and most recently revised in 2022. The conservation area is designated for its Roman and medieval origins, which were overlaid with Georgian, Victorian, and Edwardian buildings. The town is dominated by the Minster at the centre. Buildings are predominantly 2-3 storeys in height and constructed in local materials of brick and pantile. The conservation area has extensive rural landscape surroundings. The town and conservation area still retains its rural character with large areas of greenery and mature trees integrated within the built-up area.

- 7.19 The site is located within the Westgate character area of Southwell, where a strong linear pattern of development can be observed. Within the immediate setting of the application site are three large, detached dwellings, which sit within large plots. The development at West Lawns has tried to reflect the local material and style pallet, and while there are elements that respect the historic grain, this is clearly a 20th century development. The proposed dwelling would be located on an area of green space within the conservation area, which is adjacent to the green corridor around Potwell Dyke. This area of green space makes a positive contribution to the town's landscape setting, as well as helping to provide a visual transition from the agricultural land south of Potwell Dyke to the urban fringe and the loose grain of development found at West Lawns. The natural setting of Potwell Dyke is noted as an important feature within the Westgate character area, which should be protected from encroachment by

development. Development close to the green corridor should be sensitively designed to protect its historic landscape value and flora and fauna, the Appraisal advises.

- 7.20 The proposed siting of the dwelling would be roughly 10-14m back from the current site boundary and the site boundary is at least 10m away from the riverbank. Consequently, it is considered that the riparian setting has been preserved through the layout and massing of the built form within the site, along with the landscaping.
- 7.21 Nevertheless, the loss of this area of green space is considered to be harmful to the open character of Westgate, especially when viewed from nearby rights of way, as well as the riparian and woodland setting of Potwell Dyke. However, the proposed development would sit against a backdrop of two storey development at the adjacent Handford Court providing a more developed and less historic character to the site.
- 7.22 Consequently, it is considered that while the introduction of new development within a green space within the conservation area would be harmful, there would be limited enhancements to the landscape setting of Potwell Dyke through the provision of the orchard and provide a public benefit in the form of the provision of one house to add to the housing supply, as well as additional tree planting and landscaping to the wider site. Therefore, the modest less than substantial level of harm to the character and appearance of the conservation area, would be outweighed by the benefits to ecology, landscaping and housing delivery, notwithstanding the requirement for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, notwithstanding, footnote 7 of the NPPF (2024) that applies the policies within the NPPF in relation to designated heritage assets, on balance, the proposed single dwelling in principle, is considered to be sustainable due to its location on the edge of Southwell.

Impact upon Residential Amenity

- 7.23 Policy DM5 of the Allocations & Development Management DPD (2013) seeks to achieve good design and to protect residential amenity. The proposed works are unlikely to prove detrimental to the amenity of neighbouring occupiers due to the large plot sizes within West Lawns, which results in ample separation distance from neighbouring residential properties. The site is separated from the neighbouring plot on Handford Court by a close boarded timber fence.
- 7.24 The proposed dwelling would sit roughly 2.5m to 3.0m from the boundary to no.18 Handford Court. There are windows serving ground floor rooms within the western elevation of this neighbouring property, which are understood to serve a kitchen, dining room, and utility room. The kitchen of no.18 Handford Court is also served by a south facing window, which would not have its outlook affected by the proposed development as the proposed dwelling would sit behind the line of these windows. The window serving the utility room is less sensitive to overshadowing impacts due to this being a 'non-habitable room' for planning purposes. The third window on this side elevation is the patio doors for a dining room, the dining room also benefits from a

window on the opposite side, which ensures that this room would not be unacceptably affected by overshadowing impacts. Additionally, the site is bound by a 2.0m high close boarded timber fence and hedgerow of roughly 2.5m.

- 7.25 The windows within the first floor side elevation of the extension would be obscure glazed to ensure that there would be no significant overlooking impacts
- 7.26 While the proposed development would result in the loss of the open views across the Dumble from Eden House, a separation distance of roughly 28m to the rear of this neighbouring dwelling would ensure that there would not be an unacceptable overlooking impact.
- 7.27 Consequently, it is considered that the proposed development would be in accordance with Policy DM5 of the Allocations & Development Management DPD (2013) with regard to amenity impacts.

Housing Need

- 7.28 Core Policy 3 provides that the Council will seek to secure new housing which adequately addresses the housing need of the District based on any localised housing need information. This policy requires housing densities of no lower than an average of 30 dwellings per hectare. The development site measures roughly 0.13ha, and at 30pdh, could provide for at least three dwellings. However, it is acknowledged that in the previous pre-application enquiry advice provided, it was concluded that the development of 4 smaller detached dwellings on this and the adjoining land to the west, was considered to result in a harmful cramped development.
- 7.29 This policy also directs new development towards family housing, smaller houses, and housing for the elderly. Particular emphasis is placed on securing smaller houses and those for housing the elderly and disabled population. This policy also seeks to ensure that new housing reflects the local housing need and meet the needs of those on the Self-Build and Custom Housebuilding register.
- 7.30 The most recent Housing needs survey can be found in the evidence base for the emerging Southwell Neighbourhood Plan (2022). The suggested dwelling mix to balance the new housing to reach the target mix for 2031 is 70.4% 3-bedrooms, and 28.9% 2-bedrooms, with the remaining 0.7% 1-bedroom dwellings. This most recent and up to date evidence steers development away from the proposed 5-bedroom dwelling, and the proposal would result in a further imbalance to the housing stock in Southwell.
- 7.31 Although there is a housing need identified for a smaller bedroomed property within Southwell, the proposed large dwellinghouse would be commensurate to the character of West Lawns, which is exclusively composed of large, detached dwellings. The broader district need for dwellings would still be a benefit of the scheme.

Impact upon Highway Safety

- 7.32 Policy DM5 of the Allocations and Development Management Policies (ADMP) DPD (2013) requires provision of safe access to new development and appropriate parking provision. Spatial Policy 7 of the Amended Core Strategy (2019) seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF (2024) states that schemes can be supported where they provide safe and suitable access for all. The Council has also adopted a Residential Cycling and Car Parking Standards Design Guide SPD (2021) which is material to decision making.
- 7.33 The shared access can provide for up to 5 dwellings in accordance with the Nottinghamshire Highways Design Guide. The access point currently serves three dwellings, and the addition of one dwelling would be compliant with the design guidance of the technical guidance.
- 7.34 The proposed dwelling would be provided with a double garage, and additional parking in front of the garage for two more cars, which exceeds the requirement of three parking spaces as set out in the Cycle and Car Parking Standards SPD (2021). A large turning head is proposed at the site to allow for a vehicle to manoeuvre within the site to enter the public highway in a forward gear. Refuse collection would not take place from the property as it is more than 25m from the adopted highway, a suitable collection point will need to be provided as part of the development.
- 7.35 Consequently, it is considered that the development would be in accordance with Policy TA4 of the Southwell Neighbourhood Plan (2016), Policy DM5 of the Allocations & Development Management DPD (2013), paragraph 115 of the NPPF (2024), and the Residential Cycling and Car Parking Standards Design Guide SPD (2021).

Impact upon Ecology

- 7.36 Core Policy 12 of the Amended Core Strategy DPD (2019) and Policy DM7 of the A&DM DPD (2013) seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the A&DM DPD (2013) 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, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.
- 7.37 This application is supported by a Preliminary Ecological Appraisal and a Biodiversity Impact Assessment. A completed Statutory Biodiversity Metric (SBM) has been provided however the application form declares the proposed development would comprise custom self-build dwelling and as such would be exempt from the mandatory Biodiversity Net Gain requirement.
- 7.38 The Westhorpe Dumble Local Wildlife Site (LWS) is located 35m to the west which is

hydrologically linked to a watercourse known as Potwell Dyke located 10m to the south of the site within an area of off-site woodland.

- 7.39 The proposals would restore the historic orchard. From a review of historic mapping, it is confirmed that the whole of the site used to comprise an orchard, dating back to at least 1875. The provision of a new orchard in the western extent of the site is welcomed. It is recommended that fruit trees of local provenance are planted and are locally sourced where possible.
- 7.40 The site does not support any irreplaceable habitats and none of the habitats that would be affected by the proposals have any significant nature conservation value; however, loss of the area of grassland would need to be adequately compensated for.
- 7.41 Great crested newt and non-native invasive species (NNIS) have been scoped out of the ecological assessment due to an absence of suitable habitat, this approach is agreed by the Council's ecology team. There is negligible potential for roosting bats at the site. A sensitive lighting scheme is recommended both during construction and the operational period, this is to be secured by condition. Additionally, no evidence of water vole, otters, or white clawed crayfish.
- 7.42 It considered that the habitats present provided suitable conditions to potentially be utilised by birds, badgers and hedgehogs. Consequently, precautionary working methods are recommended to be provided by condition.
- 7.43 The preliminary ecological appraisal recommends that at least two integrated swift bricks are incorporated into the western or northern aspect of the new dwelling, that a general bird nest box is to be installed on the new building, and for two bat boxes to be installed on the south-facing aspect of the new dwelling.
- 7.44 Consequently, it is considered that the development is in accordance with Core Policy 12 of the Amended Core Strategy (2019), Policies DM5 & DM7 of the Allocations & Development Management DPD (2013) and Policy E3 of the Southwell Neighbourhood Plan (2016).

Impact on trees

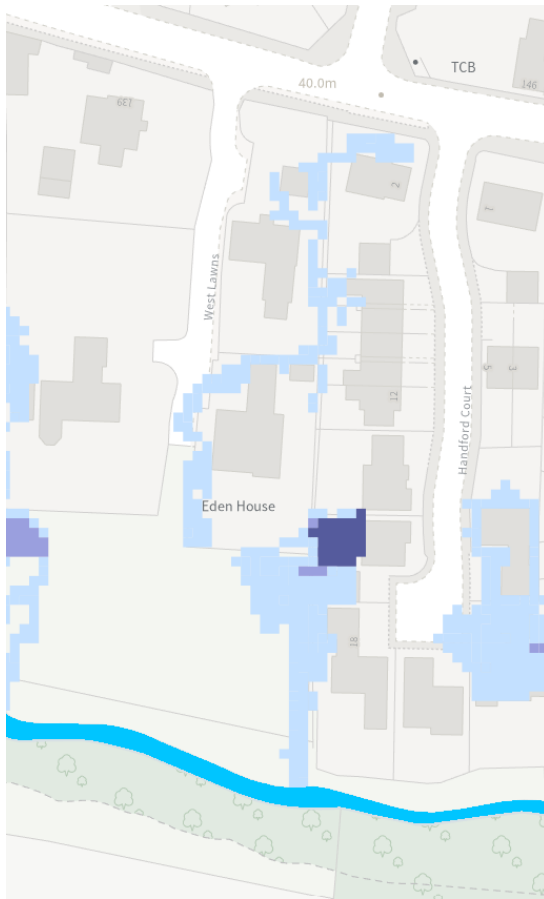
- 7.45 Core Policy 12 of the Core Strategy (2019) seeks to conserve and enhance the biodiversity and geological diversity of the District. The site is mostly grass lawn, notwithstanding the sapling which was planted as a replacement for the felled Elder, and a large copper beech is located adjacent to the access road within land controlled by the applicant. It is proposed to use a Geoweb structure around the tree to prevent the vehicle traffic from compacting the RPA and damaging the tree.
- 7.46 With regard to the historic removal of the elder tree from the application site in 2020, this was felled in September 2020 due to the tree being evidently dead. A replacement was requested by the District Council. A further visit on 12th October 2023 found that a replacement tree had been planted. The replacement tree remains in situ.
- 7.47 An Arboricultural Report and Impact Assessment by AWA Tree Consultants has been

provided. The majority of trees at the wider site are not affected by the proposed development. The copper beech is a category A tree with high amenity value in good structural and physiological condition with a life expectancy of more than 40 years. No works to this tree are required to facilitate the development. An Arboricultural method statement is provided for the proposed development by AWA Tree Consultants. Ground Protection and Heras tree protection fencing would be installed to the west of the proposed driveway and to the south of the proposed dwelling, as well as in the north-east corner of the site in order to protect the trees that are on site and bordering the site.

- 7.48 As a result, the proposed development would safeguard and enhance the biodiversity of the site, and would protect the trees on site. The protection of the trees is to be secured by condition to ensure compliance with Policy DM5 of the Allocations and Development Management DPD (2013).

Impact on flood risk

- 7.49 Core Policy 10 of the Amended Core Strategy (2019) seeks to steer new development away from those areas at highest risk of flooding. Policy DM5 of the Allocations & Development Management DPD (2013) also seeks to steer new development away from areas at highest risk of flooding. Development within 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 that it passes the sequential test. Policy SD1 of the Southwell Neighbourhood Plan (2016) requires new development to take account of the need to avoid increasing the risk of on- and off-site flooding. Policy E1 requires proposals to submit a flood risk assessment, Policy E2 requires development requiring a flood risk assessment to be designed to avoid increasing the risk of flooding.
- 7.50 The application site is located within Flood Zone 1 (low risk of fluvial flooding), but in an area at medium risk of surface water flooding, with a 0.1% to 3.3% chance of flooding each year. Therefore, a site-specific Flood Risk Assessment has been provided to show that the development would not increase flood risk to the new occupiers of the dwelling or elsewhere. The eastern side of the site is within the medium extent of surface water category, so a method of floodwater management has been demonstrated to ensure that this surface water would not be displaced to affect neighbouring sites.
- 7.51 Extract from NSDC Flood Map showing Risk of Flooding from Surface Water:



- 7.52 Surface water would be managed by on-site attenuation to avoid increasing flooding to adjacent or downstream sites. This would include permeable paving and rain gardens along the access drive, and a land drain along the eastern side of the site. This is to be secured by planning condition as part of the landscaping scheme and site levels. Furthermore, an attenuation tank providing approximately 39.5 metres cubed of rainwater water storage is to be provided to the south of the main dwelling with a restricted outflow of 2 l/s to control water release and avoid exacerbating flooding elsewhere.
- 7.53 Consequently, the development would not increase the risk of surface water flooding elsewhere, and the development would be capable of being acceptable in regard to flood risk. This is in accordance with Policy DM5 of the Allocations & Development Management DPD (2013), and Core Policies 9 & 10 of the Amended Core Strategy (2019), Policies SD1, E1 & E2 of the Southwell Neighbourhood Plan (2016) and the NPPF (2024).

Other Matters

- 7.54 **Community Infrastructure Levy (CIL) -**
The site is located within Housing Very High Zone of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. The development would result in 329.7m² of Gross Internal Area, the CIL charge on this development is therefore £39,422.84.

- 7.55 **Biodiversity Net Gain (BNG)** –In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as self-build and custom housebuilding. 'Self-build and custom build applications' that explains that BNG does not apply to development which consists of no more than 9 dwellings, carried out on a site which has an area no larger than 0.5 hectares; and consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015(1)).

8.0 **Implications**

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

8.2. **Legal Implications – LEG2526/7497**

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

9.0 **Conclusion**

- 9.1. The proposed development is located within the Southwell Conservation Area, and would reduce the openness of this part of the conservation area, which would result in less than substantial harm. However, this is considered to be outweighed by the public benefits of ecological enhancements and the provision of one dwelling at a time when the District Council is unable to provide a 5 year housing land supply.
- 9.2. The tilted balance situation allows consideration that the construction of one dwelling at the application site would be considered sustainable development and accord with the strategic vision of the NPPF (2024). Although the development would not address the housing needs of smaller dwellings identified within the Neighbourhood Plan and the District Wide Housing survey, it would nevertheless contribute to the Council's housing supply targets.

10.0 **Conditions**

01

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents, that include:

- Application Form
 - Received 29 April 2025
- Site Location Plan - Drg. No. 2349-S03-001
- Site Plan – Drg. No. 2349-S03-061
- Proposed Floorplans and Elevations – Drg. No. 2349-S03-110
- Street Elevation and Site Section – Drg. No. 2349-S03-200 Rev.P01
- Transport Note – BSP Consulting – Project No. 24-0036
- Arboricultural Report and Impact Assessment – AWA – Ref. AWA6540
- Arboricultural Method Statement – AWA – Ref. AWA6540
- Biodiversity Enhancement Strategy Report – JM Ecology – 14.01.2025
- Preliminary Ecological Appraisal – JM Ecology – JME_2324_PEA_01_V1
- Flood Risk Assessment and Drainage Strategy – BSP Consulting – 24-0036 – 08 Apr 2025
- Statutory Biodiversity Metric – Completed by Joe McLaughlin – V1
 - All received 10 April 2025

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans.

03

Detailed drawings and/or product specifications are to be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Bricks
- b) Rooftiles
- c) Windows and doors
- d) Eaves treatment
- e) Dormer face and cheeks
- f) Rainwater goods
- g) Soil and vent pipe
- h) Extraction vents

Reason: In the interests of visual amenity and the character of the area.

04

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

05

The approved development shall not commence until a bat box and bird box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes, and details for fixing them into place. The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and approved 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.

06

Prior to the first occupation of the hereby approved dwellinghouse, the surface water attenuation tank, rain gardens, permeable paving, and perimeter cut off land drain are to be installed, and thereafter maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

07

The building hereby permitted shall not be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

08

Prior to the commencement of development, the tree protection measures set out on Appendix 4: Tree Protection Plan submitted within the Arboricultural Method Statement by AWA Consultants dated March 2025 shall be fully installed and kept in place on site until the building is substantially complete and ready for occupation.

Reason: To protect existing trees on the site in the interests of the amenity of the area and biodiversity.

09

The building hereby permitted shall not be occupied until a scheme of hard and soft landscape works have been 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;

means of enclosure; and

hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

010

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.

011

The building hereby permitted shall not be occupied until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. 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

02

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 – The proposal is for self-build.

03

All wild bird species, their eggs and nests are protected by law. Therefore, if the proposed removal of the buildings cannot be undertaken outside of the nesting season for most species (i.e., during the period September-February, inclusive), the buildings to be removed should be checked for nesting birds by a competent ecologist immediately prior to the commencement of approved works.

04

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

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

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

05

The building that you propose may affect a right of light enjoyed by the neighbouring property. This is a private right which can be acquired by prescriptive uses over 20 years; as such it is not affected in any way by the grant of planning permission.

06

You are advised to refer to BS5837:2012 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.

07

You are advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the river bank then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

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

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 - 25/00637/FUL

