



Report to Planning Committee 2 October 2025

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Lead Officer: Helen White, Senior Planner, ext 5409

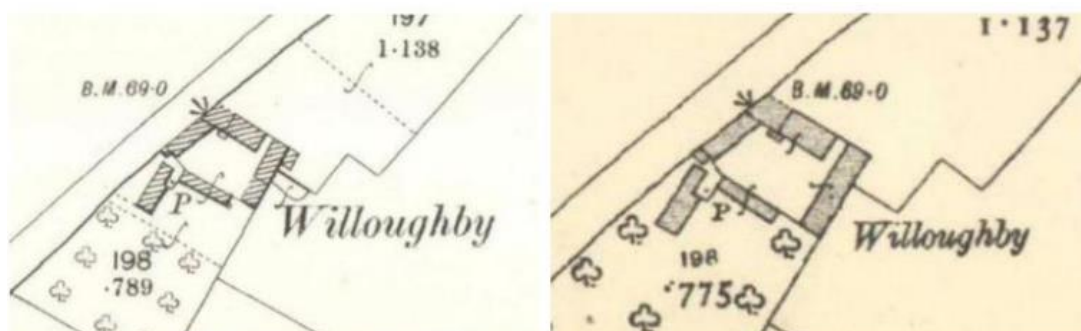
Report Summary			
Application No.	25/00107/FUL		
Proposal	Change of Use of Farm Yard to Residential; Demolition of Modern Farm Buildings; and Erection of Five Dwellings, Together with Associated Infrastructure and Erection of Detached Garage; Siting of Community Ground Mounted Photovoltaic Panels.		
Location	Land At Willoughby Farm Carlton Lane Norwell		
Applicant	Mr John Rigby	Agent	Mr Anthony Northcote
Web Link	<a href="#">25/00107/FUL   Change of Use of Farm Yard to Residential; Demolition of Modern Farm Buildings; and Erection of Five Dwellings, Together with Associated Infrastructure and Erection of Detached Garage; Siting of Community Ground Mounted Photovoltaic Panels.   Land At Willoughby Farm Carlton Lane Norwell</a>		
Registered	22.01.2025	Target Date	19.03.2025 EOT agreed
Recommendation	Grant Planning Permission subject to conditions and legal agreement		

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

## 1.0 The Site

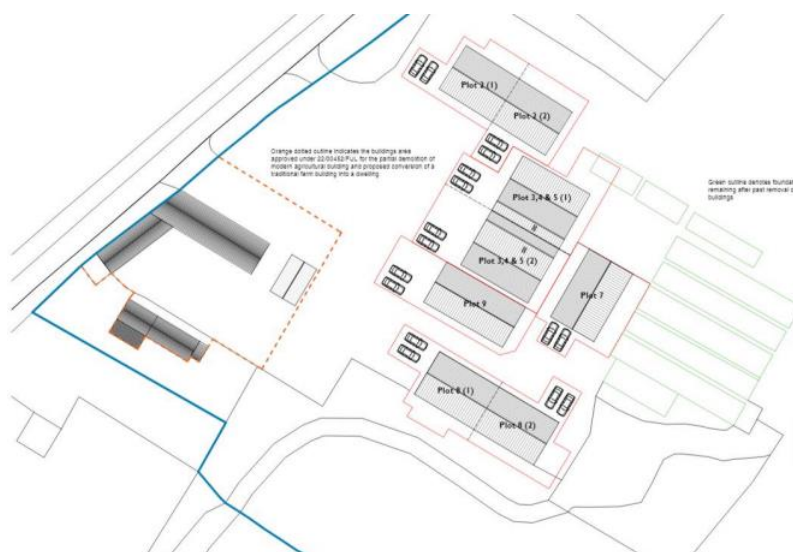
- 1.1 The application relates to a group of former agricultural buildings located within the open countryside and on the south east side of Carlton Lane, approximately 1.2-km north-east of the village of Norwell. Other than the neighbouring buildings previously associated with Willoughby Farm referenced below, the site is surrounded by farmland.

- 1.2 The buildings form part of a now disused pig farm, known as Willoughby Farm. On approaching the site from the village, the first building on the right is a new dwelling built under planning permission 21/01112/FUL and amended by 23/02077/S73 (see 'Relevant Planning History' for details). Slightly further along the road is a large brick-built barn, positioned gable to the road, which is considered to be a Non-Designated Heritage Asset (NDHA), and has permission to be converted into a dwelling (22/00452/FUL).
- 1.3 As can be seen from Fig.1, the building is visible on late-19th century mapping and is a characteristic courtyard farmstead which is typical in the locality. The layout remained intact until late-20th century when some buildings to the south and east were lost or altered through modern infill portal buildings. The L-plan formation to the front of the site remains intact and is associated with the period of farming development likely just before or within the agricultural depression of the late-19th century. With reference to the Council's Non-Designated Heritage Asset Selection Criteria, the building has historic interest and association with development of farming practices in mid- to late-19th century.



**Fig.1 & 2** c.1899 (left) and c.1919 (right) OS map [online] (Notts Insight Mapping)

- 1.4
- 1.5 The application site is occupied by farm buildings of various designs, ages, and materials. The change of use of the buildings (identified within the red line on the site plan below) to 8 dwellings was established under an application for prior approval 24/01425/CPRIOR.



- 1.6
- 1.7 The site has the following constraints:

- Adjacent to an Undesignated Heritage Asset

## **2.0 Relevant Planning History**

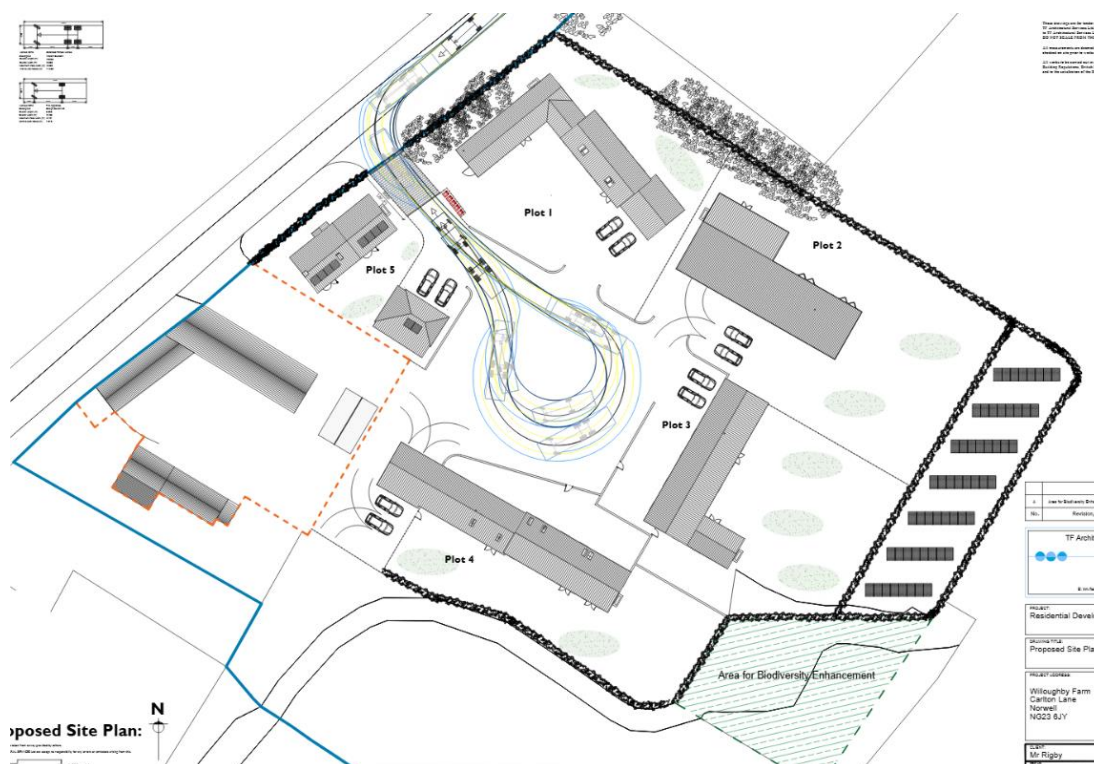
- 2.1. 24/00231/CPRIOR Application to determine if Prior approval required for proposed change of use of agricultural building to five dwellings and for building operations reasonably necessary for the conversion as per Schedule 2 Part 3 Class Q. Prior Approval Required and Granted 09.10.2024 (Not implemented).
- 2.2. 21/02693/FUL Proposed demolition of 14 modern farm buildings and erection of 5 detached dwellings – refused 07.09.2022 due to open countryside location and the adverse impact on rural character/setting of the barn. Appeal dismissed 25.07.2023. The Planning Inspector found that the proposal would not be in a suitable location for housing and would cause harm to the character and appearance of the countryside, including to the setting of a non-designated heritage asset. This harm would not be outweighed by the minor benefits of the scheme, nor by the fallback position (i.e., the Class Q approval).
- 2.3. 21/02019/CPRIOR Application to determine if prior approval required to change use of agricultural buildings to 5 dwellinghouses (C3) under Schedule 2 Part 3 Class Q (GDPO) – prior approval required and approved 08.11.2021. Class Q development must be completed within a period of 3 years from the date of the prior approval decision. This permission expired on 07 November 2024.
- 2.4. 21/01408/DEM Demolition of farm buildings - prior approval required and approved 29.07.2021. This relates to buildings numbered 1, 3, 4, 5, 6, 10, 11, 12, 13, 14 on the Existing Site Plan and can be implemented until 28.07.2026.
- 2.5. 21/01401/CPRIOR Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 5 dwellinghouses and for building operations reasonably necessary for the conversion. Application Refused 12.08.2021 due to the floorspace exceeding the allowance under permitted development.
- 2.6. 16/01234/AGR - Livestock Shed to house 230 sows. Steel Portal Frame Building, Corrugated Fibre Cement Roof covering, Yorkshire boarding and Lap Boarding with dwarf containment wall of concrete blocks or reinforced concrete panels. Prior approval not required. To the south of Building 8 not implemented.
- 2.7. 11/00423/FUL - Extension and redevelopment of 2 existing buildings, erection of 1 pig farrowing cabin and 2 portable buildings. Approved 07.06.2011. This relates to Buildings 8 and 10 shown on the Existing Site Plan (pig farrowing cabin and portable buildings not shown). Partially implemented (pig farrowing cabin and portable buildings).
- 2.8. Adjacent Land:
- 2.9. 23/02077/S73 – Application for variation of condition 04 to remove the requirement for the restoration scheme as the farmhouse was removed prior to purchase of land or remove the condition entirely attached to planning permission 21/01112/FUL; Proposed demolition of an existing dwelling and garage and the erection of a new

dwelling. Application Permitted 29.01.2024. This permission was to remove a condition requiring the old farmhouse to be demolished and removed from the site within 6 months of completion of the new dwelling (as the new dwelling was sited further back from the road than the old one). However, as the old farmhouse was demolished and removed from the site prior to the new dwelling being constructed, this condition was made obsolete.

- 2.10. 22/00452/FUL – Partial demolition of modern agricultural building and proposed conversion of a traditional farm building into a dwelling. Application Permitted 10.11.2022.
- 2.11. 21/01112/FUL Proposed demolition of an existing dwelling and garage and the erection of a new dwelling. Application Permitted 12.07.2021.
- 2.12. 21/00092/LDC Certificate of Lawfulness to continue the existing use of the building and land as a dwelling and its residential curtilage, Certificate issued 09.04.2021.
- 2.13. 19/01281/FUL Demolition of existing farmhouse/double garage and construction of new farmhouse. Application Refused 16.09.2019.

### 3.0 The Proposal

- 3.1 The application seeks permission for the demolition of the modern farm buildings existing within the site; the erection of five new dwellings, together with associated infrastructure; the erection of detached garage; and the installation of community ground mounted photovoltaic panels. As shown on the proposed site plan below:



3.2

- 3.3 The scheme would consist of market housing: 1 x 3 bed dwelling (plot 5), and 4 x 4 bed dwellings (plots 1, 2, 3, and 4). The existing vehicle access would be widened. A hard

and soft landscaping scheme is proposed including native hedgerow planting along the site boundaries.

- 3.4 The proposed ground mounted solar array would consist of 56 photovoltaic panels set out across 7 rows measuring 9m in length by 1.5m in width. They would provide energy for plots 1-4. Plot 5 would include photovoltaic cells on its rear roof slope. All the proposed dwellings would be served by air source heat pumps.

3.5 Documents assessed in this appraisal:

- Revised BNG Calculations 19<sup>th</sup> June 2025
- Revised BNG Metric 19<sup>th</sup> June 2025
- Site Location Plan 25<sup>th</sup> April 2025
- Proposed Site Plan no.700 2024 101 REV A 25<sup>th</sup> April 2025
- Proposed Landscape Plan no.700 2024 107 REV A 25<sup>th</sup> April 2025
- Phase 1 Land Contamination Assessment ref.3656A P1 Rigby – Norwell Revision A 31<sup>st</sup> January 2025
- Plot 5 drawing no.700 2024 106 31<sup>st</sup> January 2025
- Plot 4 drawing no.700 2024 105 31<sup>st</sup> January 2025
- Plot 3 drawing no.700 2024 104 31<sup>st</sup> January 2025
- Plot 2 drawing no.700 2024 103 31<sup>st</sup> January 2025
- Plot 1 drawing no.700 2024 102 31<sup>st</sup> January 2025
- Building 10/11/12&13/14 Existing Plans and Elevations Rig/947/2789/02 31<sup>st</sup> January 2025
- Building 1&2/3, 4&5/6 Existing Plans and Elevations Rig/947/2789/01 31<sup>st</sup> January 2025
- Existing Building 9 drawing no. 700 2024 06 31<sup>st</sup> January 2025
- Existing Building 8 drawing no. 700 2024 05 31<sup>st</sup> January 2025
- Existing Building 7 drawing no. 700 2024 04 31<sup>st</sup> January 2025
- Tree Survey 31<sup>st</sup> January 2025
- Planning Statement 31<sup>st</sup> January 2025
- Asbestos Demolition Survey Report Issue 1 22<sup>nd</sup> January 2025
- Preliminary Ecological Appraisal ref.P2992 /0125 /01 22<sup>nd</sup> January 2025
- Updated Preliminary Assessment Update 22<sup>nd</sup> January 2025
- Schematic diagram of solar panel fixings 22<sup>nd</sup> January 2025
- Image of solar panels 22<sup>nd</sup> January 2025
- Solar panel spec.440W MBB 22<sup>nd</sup> January 2025

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

- 4.1 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 14<sup>th</sup> February 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 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 3: Housing Mix, Type and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

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

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM4: Renewable and Low Carbon Energy Generation
- 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 DM10: Pollution and Hazardous Substances
- 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. This is therefore at an advanced stage of preparation and has subsequently been examined in November 2024, the Council is awaiting the Inspector's report. There are unresolved objections to amended versions of policies above mentioned 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 in-line with policies from the adopted Development Plan.

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

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019

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

Nottinghamshire County Council Highway Design Guide 2021

## 6.0 **Consultations and Representations**

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

**Statutory Consultations** For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/consultation-and-pre-decision-matters)

6.1. Nottinghamshire County Council (Highways) – Raise no objections. They note some

minor failings in the proposal however, advise these can be addressed through planning conditions.

### **Parish Council**

- 6.2. The Parish Council voted to object to the application on the grounds summarised below:
- a. Highways grounds – existing narrow road and increased traffic could cause significant problems;
  - b. Environmental grounds – risk of contamination;
  - c. Impact on Existing Trees, Woodlands, and Nature Conservation – installing ground mounted solar panels could negatively affect local flora and fauna, potentially disturbing existing trees and woodlands;
  - d. Cumulative Impact: combined overall negative impact on the area.

### **Non-Statutory Consultation**

- 6.3. District Environmental Health Officer (Contamination) – Does not object subject to the inclusion of a full phased contamination condition. As there is an increase in the risk resulting from the new proposal. Given the creation sensitivity of garden area, it is highly likely that intrusive sampling will be required.
- 6.4. District Ecologist – 19.02.2025 raised initial concerns relating to the baseline habitats, proposed habitats and red line boundary which needed to be addressed prior to determination. – 06.08.2025 The additional information resolved the previous concerns regarding the baseline habitat. It has been demonstrated that BNG could be achieved through targeting the creation of ‘moderate’ condition for the scrub habitat. It would be feasible to achieve an uplift of 0.14 habitat units (17.9%). However, the BNG calculation will need to be amended and it could be provided as part of the process to discharge the pre-commencement deemed Biodiversity Gain Plan condition.
- 6.5. No comments have been received from any third party or local residents.

## **7.0 Appraisal**

- 7.1. The key issues are:
- Principle of Development
  - Impact upon Heritage Assets
  - Impact on the Character of the Area
  - Impact upon Amenity
  - Impact upon the Highway
  - Impact upon Ecology
  - Impact on Trees
  - Contaminated Land

- Flood Risk and Drainage

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

#### Principle of Development

- 7.3. The application site is not within a settlement and is therefore within the open countryside. Policy DM8 of the DPD strictly limits development away from the main built-up areas of villages, in the open countryside, to certain types of development, including the conversion of existing buildings. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. DM8 only allows the construction of new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. The proposal has not been put forward on this basis and therefore the new dwellings proposed are contrary to DM8 and not acceptable in principle.
- 7.4. The site lies to the northeast of Norwell and to the west of Cromwell within the open countryside. It is noted that the application site has a fallback position provided by the grant of prior approval ref. 24/01425/CPRIOR, for the change of use of existing (former) agricultural buildings to create 8 dwellinghouses and associated domestic curtilage, under the provisions under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The decision was issued on 09.10.2024 and so remains extant under current planning legislation. The principle of 8 dwellings within the site, therefore is established and is a realistic fallback position.
- 7.5. 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 Local Planning Authority (LPA) is no longer able to demonstrate a five year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.43 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.
- 7.6. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably



outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:

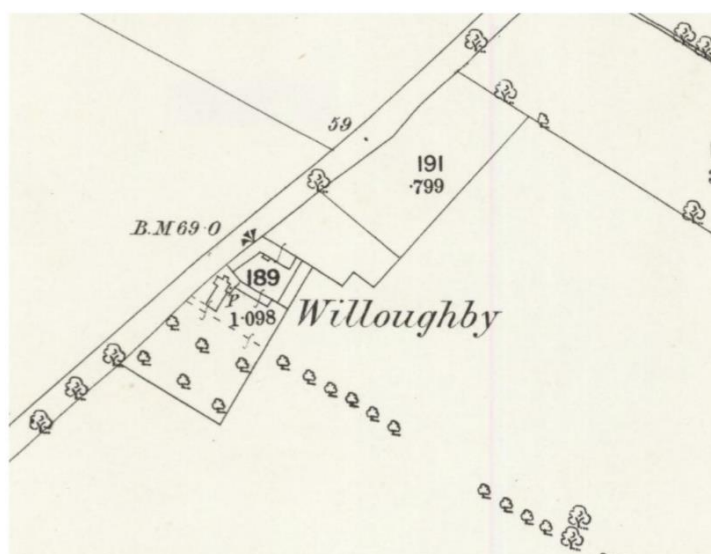
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.

- 7.7. 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. The site is not within a protected area and considering the extant permission for 8 dwellings; and the small-scale nature of the proposed solar array, which would primarily provide energy for plots 1-4, there is not a strong reason to refuse the application.
- 7.8. The site lies 4.2 miles from Sutton on Trent, a principal village, which has a range of day-to-day services. However, trips between the site and this principal settlement are likely to rely on the use of a private car. It is relatively close to Norwell, lying 0.7m to the north of the village. Norwell is defined as an “other village” nonetheless it has a school, pub, post office, and village hall. These services are within a reasonable walking/cycling distance of the site. As such, the site is considered to be in a sustainable location, and the dwellings proposed would contribute to the Council’s housing targets. In fact, small sites are likely to come forward at a faster rate than larger sites and so great weight can be given to the contribution they would make to the District’s housing numbers. Therefore, in line with the presumption in favour of sustainable development, the proposed dwellings and associated development should be approved.
- 7.9. Core Policy 10 sets out the District Council’s commitment to tackling the causes and impacts of climate change and to delivering a reduction in the districts carbon footprint, including through the promotion of energy generation from renewable and low-carbon sources. Policy DM4 of the DPD supports renewable and low carbon energy generation schemes, including as part of other development, where its benefits are not outweighed by detrimental impact.
- 7.10. The scheme includes a small-scale solar array which would generate energy for the proposed dwellings within plots 1-4. Given the scale of the proposal it is considered that it would not result in a detrimental impact on the criteria set out under policy DM4 however, consideration of these matters is covered in further detail in the assessment below.
- 7.11. The demolition of the modern farm buildings as they are not considered to possess any architectural or historic merit is considered acceptable.

- 7.12. Whilst the scheme would represent a departure from policy DM8 by virtue of being outside of any village, within open countryside. As detailed above, there are other material considerations relevant to the determination of the application. Considering the fallback position for the already approved conversion of the agricultural buildings within the site for 8 units, alongside the fact the proposed new build scheme would provide a higher quality scheme still in an agricultural style with a court yard layout, and taking into consideration the low carbon energy and biodiversity benefits the new build scheme would provide, over and above that of the conversion scheme, it is considered that the proposal would represent a betterment. When applying the tilted balance and considering the extant fallback position alongside the demonstrated betterment of the proposed scheme, it is considered acceptable, subject to site specific impacts which are discussed below.

#### Impact upon Heritage Assets

- 7.13. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The NPPF states that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.14. The barn adjacent to the south-west corner of the site is considered a non-designated heritage asset (NDHA). Separate planning permission ref.22/00452/FUL has been granted for its conversion to a dwelling house on 10.11.2022. At the time of visiting the site development had not commenced but the application remains extant.
- 7.15. The proposed site layout has been designed to reflect a traditional courtyard farmstead, which is similar to the layout of the site visible on the 1885 OS Map, included below. Traditional materials and architectural detailing, chosen to reflect the site's rural historic farmstead context, would be used.



- 7.16.
- 7.17. The design and access statement states the scale of the proposed building would reflect the scale of the existing modern buildings on site. The submitted plans show

the proposed dwellings would in some cases be taller than the buildings they would replace. However, the overall bulk of the proposed dwellings would be broken up compared to the existing agricultural buildings, as a result of varying roof heights and stepped elevations. The proposed buildings would also be narrower, better reflecting the dimensions of traditional agricultural buildings.

- 7.18. With regards to design the proposed buildings would be less plain and include more architectural detailing than the previously refused schemes within the site. On the whole the fenestration detail is reflective of barn conversions. However, the proposed dwelling within plot 5 is more domestic in character with the addition of an open porch.
- 7.19. The proposed solar panels would be located in the northeast corner of the site, furthest from the NDHA. As a result of the separation distance as well as the intervening proposed buildings and landscaping, specifically the proposed native hedgerow planting, the solar panels would have a negligible impact upon the NDHA.
- 7.20. On balance, it is considered that this approach would be sympathetic to the NDHA's setting and as a result is considered not to dominate and distract from the significance of the NDHA.

#### Impact on the Open Countryside and the Visual Amenities of the Area

- 7.21. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form, and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.22. The design approach is a traditional farm layout including traditional single and two storey barns, and a modern style Dutch barn which would have the appearance of being converted, grouped around a central yard. As outlined above this design approach is considered appropriate to the site context.
- 7.23. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.
- 7.24. The site falls in Policy Zone MN PZ 21 'Norwell Woodhouse Village Farmlands with Ancient Woodlands'. The Landscape Character Area (LCA) identifies the area to be gently undulating and predominantly arable in nature. There has been little development in the area aside from that associated with agriculture. The landscape in the area is considered to be in a very good condition with a moderate/high landscape sensitivity. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.

- 7.25. The proposed materials (details of which could be secured by condition) would respect the local architectural vernacular. However, by virtue of the development being some distance from any surrounding settlement the proposal would fail to accord with the conserve action recommended by the LCA.
- 7.26. The existing agricultural buildings on site are typical for such a rural location and, whilst not all currently in a good state of repair, are not overtly harmful to the open countryside. Agricultural use and development is characteristic of such countryside locations and in principle it is considered that the removal of these buildings and replacement with new dwellings would represent a more incongruous and alien form of development in this location by its very nature. Nonetheless all of the buildings within the site benefit from a residential conversion fall-back position.
- 7.27. The proposed solar panels form a small scale array to serve 4 dwelling houses. They would be low in height and predominantly screened from outside of the site by the proposed native hedgerow planting. Their location at the rear of the site away from the highway would further mitigate their visual impact. It is also noted that similar solar arrays to the one proposed can be found within agricultural units.
- 7.28. Taking this into account alongside the design of the proposed dwellings it is considered that the proposed development would not radically change the character of the site although, it would have a limited harmful impact upon the rural character of the surrounding countryside.

#### Impact upon Residential Amenity

- 7.29. 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.
- 7.30. Having assessed the submitted plans it is considered that there is sufficient space between the proposed dwellings and therefore it is not considered that there would be any unacceptable impacts on their future amenity. Each dwelling would have sufficient private amenity space and a minimum of 3 vehicle parking spaces commensurate with the size of the dwelling.
- 7.31. Plot 4 would contain a first floor bedroom within its roof which would only be served by roof lights. These roof lights would be at high level limiting outlook. The majority of habitable rooms would afford the future occupiers a satisfactory degree of outlook. Habitable rooms would also be afforded adequate levels of light.
- 7.32. The neighbouring dwelling, Willoughby Farm House, is located a minimum of 58m away from the proposed dwellings. This separation distance is considered sufficient so that there would be no negative impact on the neighbouring dwellings amenity.
- 7.33. The adjacent traditional agricultural building which, has been identified as a non-designated asset has extent permission for conversion to a dwelling house. As this permission has not been implemented negligible weight can be given to the impact of

the proposal on the amenity of future occupiers. Nonetheless minimum separation distance of 9.4m between plot 5 and 14.7m between plot 4 would be provided which is considered sufficient to avoid any adverse impact upon amenity.

- 7.34. The solar panels would be screened from both the existing and proposed neighbouring dwellings by the proposed intervening buildings and landscaping.
- 7.35. As such, the proposed development is considered, in this regard, to comply with Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (adopted March 2019) and Policy DM5 (Design) of the Allocations and Development Management document adopted July 2013.

#### Impact upon Highway Safety

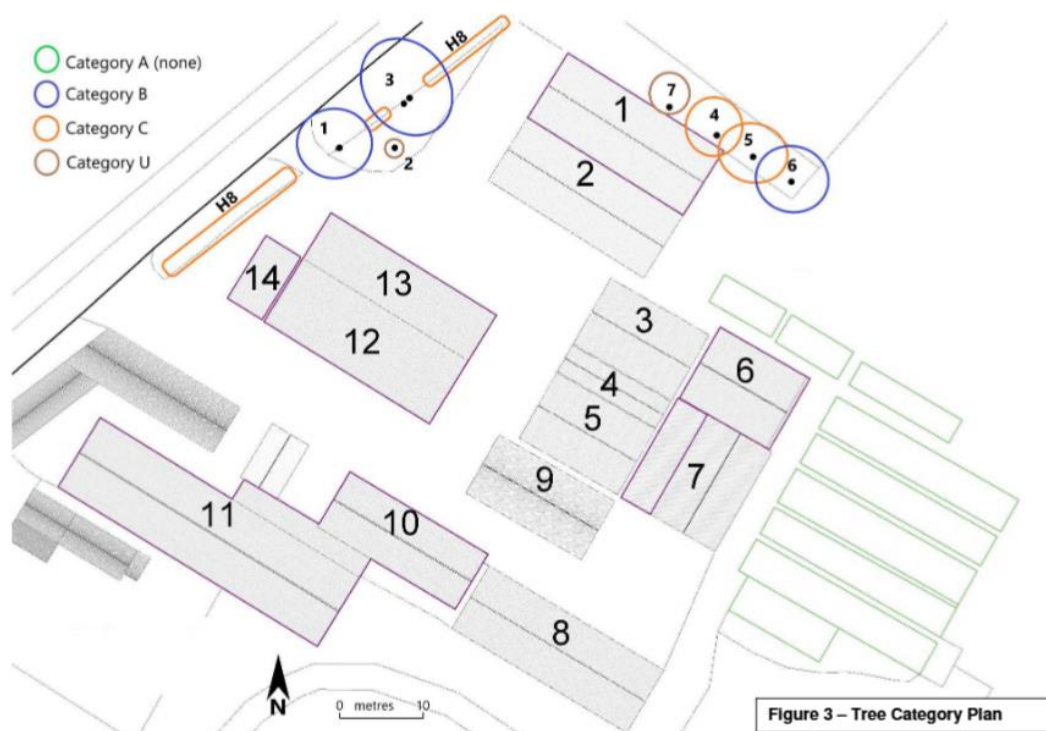
- 7.36. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision. The Highways Authority has been consulted on the proposal and have advised that standing advice applies to this application.
- 7.37. The proposal is for 5 dwellings including 4 x 4 bedroom dwellings and 1 x 3 bedroom dwelling. A minimum of 3 vehicle parking spaces would be required per dwelling alongside 3 covered secure vehicle parking spaces. It is clear from the submitted plans that the required parking spaces and covered cycle parking could be provided within each plot in line with the guidance set out in the Newark and Sherwood Parking SPD. However, further detail is required to demonstrate the exact parking layout. It is noted that the Local Highway Authority advises this detail could be secured via a planning condition. This approach is considered reasonable, and a condition has been recommended for inclusion.
- 7.38. The site would be served by a shared vehicle access. The site access would have a bell mouth radii. The vehicle access would be widened to 5.5m in width and surfaced in a hard bound material for 8m in length from the highway boundary. The Local Highway Authority notes that a minimum width of 4.8m with 0.5m margins on either side would be required to meet with Part 3.1 of the Nottinghamshire Highways Design Guide. However, they have raised no objection to the scheme.
- 7.39. The comments made by the Parish Council that the existing narrow road and increased traffic could cause significant problems is noted however, it is not a view shared by the Local Highway Authority as the technical consultee.
- 7.40. It is noted that the access width approved for the 8 dwelling and 5 dwelling schemes which form the fallback position was 3.6m. Therefore, the proposed scheme represents a betterment to the existing access arrangement. A hard surfaced verge crossing is required to accommodate the site access off Carlton Lane and it is recommended this is secured via condition.
- 7.41. The applicant has demonstrated that the site can accommodate the swept path plot of a 10.85m long refuse vehicle or emergency vehicle. Although this is smaller than the refuse vehicles used in the area the plans show a refuse collection point adjacent

to the site entrance and so it would not be necessary for refuse vehicles to enter the site.

- 7.42. Overall, given that the proposed access represents a betterment to the fallback scheme, the Local Highway Authority have advised that sufficient on site parking could be accommodated on site, and provision for emergency vehicles has been made, the scheme is considered to provide a safe access and appropriate parking provision. Therefore, according with Core Policy 7 of the Newark and Sherwood Core Strategy, DM5 of the Allocations and Development Management DPD. It is recommended that conditions are included to cover highways matters in line with the advice provided by the Local Highway Authority.

#### Impact upon Ecology and Trees

- 7.43. Core Policy 12 of the ACS states that the Council will seek to secure development that maximises the opportunity to conserve, enhance and restore biodiversity. Policy DM5 states that where it is apparent that a site may provide habitat for protected species, development proposals should be supported by an up-to-date ecological assessment including a habitat survey.
- 7.44. Para 187 of the NPPF states decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity in a manner commensurate with their statutory status. Para 193 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.45. Policy DM5 states: “natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced”.
- 7.46. A Preliminary Ecological Appraisal (PEA) has been submitted as part of the application which identified no significant ecological constraints. No further surveys are considered necessary prior to determining the application however, the recommendation is that ecological enhancements are secured via condition. The recommendation within the PEA can be secured by condition to ensure there is no adverse impacts on protected species.
- 7.47. The application is supported by a tree survey. The plan below show's the trees identified within the site. Of those trees the majority are category C (could be retained, low quality and value), with three category B (retention desirable moderate quality and value) and two category U (no significant landscape value) tree's identified within the site.



7.48.

7.49. The concerns raised by the Parish Council on the impact of the proposed solar panels on trees, flora and fauna are noted however, there are no identified trees or hedgerow in this area of the site. The proposed scheme seeks to retain the B and C category trees located along the sites northwest and northeastern boundaries as shown above. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed were identified.

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

7.51. The proposal includes on site biodiversity net gain through soft landscaping proposal and native hedgerow to the boundaries as shown in the table below. The Districts Ecology Officer has reviewed the submitted information and considers the amended baseline habitat values to be accurate. However, they raise the following concerns. It is considered that the planting of the trees within the mixed scrub would represent a double counting of habitat units. Also, the planting of trees would affect the efficiency of the adjacent solar panels through shading caused by the canopies as they matured.

7.52. An alternative solution would be to target 'moderate' condition for the scrub habitat. Through the application of appropriate management we consider this would be a feasible option and achieve an uplift of 0.14 habitat units (17.19%) without the additional tree planting. The Ecologist recommends the BNG calculation is amended to include this recommendation which could be provided as part of the process to

discharge the pre-commencement deemed Biodiversity Gain Plan condition.

7.53.	On-site baseline	Habitat units	0.82	
		Hedgerow units	0.09	
		Watercourse units	0.00	
	On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	0.96	
		Hedgerow units	0.98	
		Watercourse units	0.00	
	On-site net change (units & percentage)	Habitat units	0.15	17.99%
		Hedgerow units	0.89	967.81%
		Watercourse units	0.00	0.00%

- 7.54. Government guidance is that “...it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain plan objective will not be met.”
- 7.55. Therefore, although the calculation is incorrect the corrections necessary could be achieved post decision and that those amendments would still result in a revised calculation showing a net gain in excess of the mandatory minimum 10%. This would therefore be acceptable.
- 7.56. If planning permission were granted, the General Biodiversity Gain Condition would apply, and this will need to be discharged before development can commence. The legislative requirements of what should be included in the Biodiversity Gain Plan do not require the management and maintenance measures to be specified, or the relevant management plan to be approved. Consequently, these matters need to be secured via a planning obligation or a planning condition. A Section 106 is considered to be the appropriate mechanism to secure the required monitoring of the on-site BNG.
- 7.57. With the above in mind, and the conclusions drawn by the Ecology Officer, subject to conditions and the S106 agreement, the proposal is considered to accord with Core Policy 12 of the Newark and Sherwood Core Strategy, policies DM5 and DM7 of the Allocations and Development Management DPD and the requirements of mandatory BNG.

#### Contaminated Land

- 7.58. Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability.
- 7.59. A Phase 1 Land Contamination Report was submitted with the application. The Environmental Health Officer (EHO) has reviewed it and confirmed that the use of the full phased condition is required. At the time of writing this report Phase 2 and 3 Contamination Reports have been submitted but are yet to be reviewed by the EHO therefore, the recommended condition is considered necessary.
- 7.60. In addition, the application is supported by an asbestos survey which identifies asbestos material within the application site and advises that asbestos removal is under the Control of Asbestos Regulations 2012, which are made under the Health



and Safety at Work At 1974, to minimise workers and anyone else's exposure to asbestos fibres both within the workplace and the surrounding area. As the control of asbestos falls outside of the remit of planning legislation, an informative has been recommended for inclusion directing the applicant to the relevant authority.

- 7.61. Although, there are sources of contamination within the site subject to conditions as recommended by the EHO it is considered that the development would be acceptable in relation to land contamination.

7.62. Flood Risk and drainage

- 7.63. The site lies within Flood Zone 1 therefore is at low risk of fluvial flooding and a low risk from surface water flooding therefore there are no concerns in relations to flood risk. The scheme would result in a reduction in the amount of impermeable area within the site which would assist in surface water drainage.

- 7.64. Surface water will be dealt with via SUDs into a soakaway. It is recommended that further details of the proposed site drainage is secured via a pre-commencement condition to ensure that surface water is proactively managed. Overall the proposal would accord with Core Policies 9 and 10 of the Core Strategy.

Other Matters

7.65. **Community Infrastructure Levy (CIL)**

The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m<sup>2</sup> for CIL purposes. The development would result in 1372.2m<sup>2</sup> of Gross Internal Area, the CIL charge on this development is therefore £96,054.

**8.0 Implications**

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

**8.2. Legal Implications - LEG2526/2827**

- 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. Whilst the proposal is considered contrary to Policy SP3 and DM8 in principle, when considering the fallback position of the extant permission, and applying the tilted balance in presumption of favour of development, the benefits of the scheme are considered to weigh in favour of the scheme in accordance with the NPPF. These

include a contribution to the Council's housing targets, improved access arrangements, a visual improvement to the site, and the benefits that would arise through biodiversity net gain which did not apply to the extant permission.

- 9.2. A site-specific assessment has been carried out and the proposal would result in limited harm upon the adjacent NDHA and the landscape character of the area. The scheme would provide 5 new residential units of agricultural design in a courtyard arrangement with hedgerow planting to the site boundaries which is considered an enhancement over the more ad hoc conversion of the smaller agricultural units approved under Class Q. The proposed solar panels and other renewable energy technologies include within the scheme would weigh in favour of the proposal. Furthermore, there would be no adverse impacts upon residential amenity, ecology, highway safety, or flood risk. Land contamination could be adequately mitigated, details secured via condition.
- 9.3. It is therefore considered that the proposal for the proposed dwellings would not result in any unacceptable impacts and would comply with core policy 9 and Spatial Policy 7 of the Amended core Strategy and Policies DM5 and DM7 of the allocations and Development Management DPD, and the NPPF. Despite being contrary to DM8, the fallback position and presumption in favour of sustainable development are material considerations that outweigh the harm identified (the conflict with the local Plan). The recommendation is therefore to approve the application subject to conditions and legal agreement.

## **10.0 Conditions**

01

The development hereby permitted shall be begun within three years from the date of this permission.

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

02

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

- Site Location Plan 25<sup>th</sup> April 2025
- Proposed Site Plan no.700 2024 101 REV A 25<sup>th</sup> April 2025
- Proposed Landscape Plan no.700 2024 107 REV A 25<sup>th</sup> April 2025
- Plot 5 drawing no.700 2024 106 31<sup>st</sup> January 2025
- Plot 4 drawing no.700 2024 105 31<sup>st</sup> January 2025
- Plot 3 drawing no.700 2024 104 31<sup>st</sup> January 2025
- Plot 2 drawing no.700 2024 103 31<sup>st</sup> January 2025
- Plot 1 drawing no.700 2024 102 31<sup>st</sup> January 2025

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

03

Prior to first occupation of any of the dwellings hereby approved, full demolition of all redundant farm buildings within the application site shall take place and all debris from those buildings shall be removed from site.

Reason: In the interests of visual amenity and to ensure that the demolition takes place in a timely manner.

04

No development above damp proof course shall take place until a schedule of all external materials (with samples to be provided upon request) to be used in the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity.

05

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In the interests of visual amenity and given the rural location and given the design which, in part, emulates historic rural buildings.

06

The development hereby permitted must not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere.

07

The approved hard and soft landscaping scheme shown on drawing no.700 2024 107 Rev.A 'Proposed Landscaping Plan' shall be completed in full during the first planting season following the first occupation/use of the development hereby approved. 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.

08

No part of the development shall be brought into use until the approved boundary treatments shown on drawing no.700 2024 107 Rev.A 'Proposed Landscaping Plan' have been implemented on each individual plot on site prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years.

Reason: In the interests of residential and visual amenity.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of: Class A: The enlargement, improvement or other alteration of a dwellinghouse. Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Class C: Any other alteration to the roof of a dwellinghouse. Class D: The erection or construction of a porch outside any external door of a dwellinghouse. Class E: Buildings etc incidental to the enjoyment of a dwellinghouse. Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse. Class G: Chimneys, flues etc on a dwellinghouse. Class H: Microwave antenna on a dwellinghouse. Or Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Class B: Means of access to a highway. Class C: The painting of the exterior of any building. Unless consent has firstly been granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside, are appropriate for their surroundings and in recognition that the size and scale of the dwelling has increased and given the flood risk implications of this.

10

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan no. 700 2024 101 REV A 'Proposed Site Plan'. The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety.

11

No part of the development hereby permitted shall be brought into use until a hard surfaced verge crossing to serve the driveway from Carlton Lane is available for use and has been constructed in accordance with the Highway Authority's specification in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

12

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum distance of 8m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

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

13

No part of the development hereby permitted shall be brought into use until the driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure that surface water is not deposited on the public highway causing danger to road users.

14

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary. Any proposed septic tank shall be located at least 10.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

15

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

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

16

No gates shall be erected at the access to the development from the public highway on Carlton Lane.

Reason: In the interest of highway safety.

17

Prior to the occupation of any dwelling hereby approved, the wheelie bin collection point shown on approved drawing no. no. 700 2024 101 REV A 'Proposed Site Plan' shall be provided to serve the development and shall thereafter be retained indefinitely.

Reason: To prevent wheelie bins from obstructing the public highway on bin collection day, in the interest of highway safety.

18

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

Part A: Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk management (LCRM)'

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

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

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

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

19

A. An amended version of the 'Biodiversity Impact Assessment' and Statutory Biodiversity Metric V3, both dated 13th June 2025 and prepared by C.B.E. Consulting Ltd. shall be submitted to, and be approved in writing by, the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out within these approved documents.

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

a) The roles and responsibilities of the people or organisation(s) delivering the HMMP;

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

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

d) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

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

D. A completion report, evidencing the completed habitat enhancements, shall be submitted to, and approved in writing by the Local Planning Authority within 6 months of the first occupancy of the final (fifth) dwelling:

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

F. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure that the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act and therefore maximises opportunities to conserve, enhance and restore biodiversity in accordance with NSDC's Amended Core Strategy Policy 12.

20

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

a) Clearly mark "biodiversity protection zones" that are to be protected on-site.

b) Use of protective fences, exclusion barriers and warning signs.

c) Details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.

d) Details of the location and timing of sensitive works to avoid harm to biodiversity features.

e) List key personnel and communication lines. The approved annotated biodiversity plan 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: To minimise impacts on biodiversity as required by the NPPF, and maximise opportunities to conserve biodiversity as required by Core Strategy Policy 12.



21

A. 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.

B. The approved boxes shall be installed prior to first occupation of the fifth dwelling 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.

### 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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

Biodiversity Net Gain Informative: The development granted by this notice must not begin unless: a) A Biodiversity Gain Plan has been submitted to the planning authority, and b) The planning authority has approved the plan. Details about how to comply with the statutory condition are set out below. Biodiversity Net Gain Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan; OR
- c) the development is exempt from the biodiversity gain condition. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required

in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK ([www.gov.uk](http://www.gov.uk))) Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply

04

The development makes it necessary to alter a vehicular crossing on Carlton Lane. These works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

05

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

06

Planning consent is not consent to work on or adjacent to the public highway, therefore prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.

07

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>.

08

For the purposes of Part B c) of Condition 18 completion of the development, and therefore the start of the 30-year period is considered to be when there has been occupation of the fifth dwelling.

09

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.

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 - 25/00107/FUL

