



Delegated Report

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegbaju, Planner

Report Summary			
Application No.	25/00222/FUL		
Proposal	Demolition of existing agricultural buildings. Erection of 5 new dwellings, detached garages, associated surfacing and boundary treatments.		
Location	Land At Manor Farm Sand Lane Spalford Newark On Trent NG23 7HF		
Applicant	Mr & Mrs Chennells	Agent	Mr Daniel Evans Fytche-Taylor Planning Ltd Unit 5 The Quays Burton Waters Lincoln LN1 2XG
Registered	21.02.2025	Target Date Extended Date	18.04.2025 18.11.2025
Recommendation	That Planning Permission be granted subject to the condition(s) detailed at Section 10.0		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as it is contrary to policy DM8 of the Development Plan.

1.0 The Site

- 1.1 The application site is located within the open countryside to the north of Sand Lane in Spalford. Access to the site is taken via Sand Lane via a driveway leading to a central courtyard which is surfaced with loose gravel.

- 1.2 The application relates to two large rectangular open-fronted agricultural buildings located in the west and north of the site. The buildings feature areas of concrete hardstanding to their front elevations and are constructed of breezeblock to the lower proportions, with concrete posts and beams for structural support. The buildings also feature corrugated metal sheeting to the upper portions of the walls and the roofs (see images below). The buildings are currently used for storage purposes associated with the wider use of the site as a grass turf company known as 'Tillers Turf,' although not all of the existing floorspace appears to be utilised.



1.3



1.4

Barn 1



1.5

Barn 2



1.6

Barn 3

- 1.7 There is an existing farmhouse on site to the south of the site close to the highway, which appears to be unoccupied. A further residential dwelling, Lancaster House, is located to the east of the site. Various other more traditional agricultural buildings and a steel framed shed are located to the south of the central courtyard. Recently, these buildings (barns) have been granted planning permission for conversion to two dwellings. A mast is located immediately to the west of the agricultural building which is located to the north of the courtyard.
- 1.8 A further large open sided steel framed agricultural building (Barn 3) is located to the north of the site, immediately to the rear of one of the buildings subject to this application. Upon visiting the site, the building was being used for the purposes of

storage of materials and machinery.

- 1.9 The site is located within Flood Zone 2 and Flood Zone 3a, as defined by the Environment Agency Flood Maps.
- 1.10 There is an existing Public Right of Way running along the vehicular access into the site that continues west into the open fields beyond the application site.

2.0 Relevant Planning History

- 2.1. 24/00422/CPRIOR - Application to determine if prior approval is required as to the impacts of the proposed change of use of agricultural buildings to 5 dwelling houses and the building operation reasonably necessary for the conversion as per Schedule 2 Part 3 Class Q. prior Approval Required and Granted 23.04.2024. (Not implemented)
- 2.2. 23/01593/CPRIOR -Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 No. dwellinghouses and for building operations reasonably necessary for the conversions as per Schedule 2 Part 3 Class Q. Application Refused 02.11.2023.

- Residential curtilages would exceed the curtilage limit set out within paragraph X of Part 3 of the GPDO.

- Insufficient information to enable the authority to determine whether the site would be contaminated land.

- Insufficient information to enable the authority to assess transport and highways impacts.

- 2.3. 23/00706/CPRIOR - Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 No. dwellinghouses and for building operations reasonably necessary for the conversions as per Schedule 2 Part 3 Class Q. Application Refused 06.06.2023.

- Extent of partial demolition not reasonably necessary to carry out building operations for the buildings to function as dwellinghouses.

- No structural survey to demonstrate buildings are capable of conversion without strengthening.

- Residential curtilages would exceed the curtilage limit set out within paragraph X of Part 3 of the GPDO.

- Insufficient information to enable the authority to determine whether the site would be contaminated land.

3.0 The Proposal

- 3.1 The application seeks permission for the 'Demolition of three existing agricultural buildings. Erection of 5 new dwellings, detached garages, associated surfacing and boundary treatments.'

- 3.2 The proposed development follows Class Q approval 24/00422/CPRIOR granted 23/04/2024. As such, the 5no. dwellings proposed are in lieu of the 5no. dwellings that would have been created through conversion of the existing buildings.
- 3.3 The proposed development consists of a mix of 3-bed and 4-bed dwellings with the proposed layout similar to the arrangement of the previous buildings.
- 3.4 New subdivision is proposed within the site to denote the individual plots; close boarded fencing will be avoided with boundary walls and hedging providing private garden spaces.
- 3.5 Access arrangements for the site would utilise the existing arrangements from Sand Lane (see existing and proposed site plans below).



3.6 Existing Site Plan

3.8 Documents assessed in this appraisal:

- Drawing No: 893 COR 00 00 D A 0100 REV P04 – Proposed Site Plan (05.06.2025)
- Drawing No: 893 COR 00 XX D A 0900 REV P04 – 3D Site Views (received 05.06.2025)
- Drawing No: 893 COR 01 XX D A 0300 REV P03 – Plots 1 & 2 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 01 ZZ D A 0200 REV P03 - Plots 1 & 2 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 02 XX D A 0301 REV P02 – Plot 3 Proposed Elevations (received 10.02.2025)
- Drawing No: 893 COR 02 ZZ D A 0201 REV P02 – Plot 3 Proposed Floor Plans (received 10.02.2025)
- Drawing No: 893 COR 03 XX D A 0302 P04 – Plots 4 & 5 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 03 ZZ D A 0202 P04 – Plots 4 & 5 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 04 XX D A 0204 P03 – Carport Floor Plans & Elevations (received 05.06.2025)

- Drawing No: A1 03 – Barn 1 Existing (received 10.02.2025)
- Drawing No: A1 04 Barn 2 Existing Plans (received 10.02.2025)
- Drawing No: 598 SPA 0519 A1-02 – Existing Site Layout Plan and Barn 3 Plans & Elevations (received 20.02.2025)
- Drawing No: 893-COR-00-00-D-A-0000 REV P04 – Site Location Plan (received 21.02.2025)
- Visuals (received 20.02.2025)
- Tree Survey (received 10.02.2025)
- Planning Statement (received 20.02.2025)
- Design & Access Statement (received 10.02.2025)
- Flood Risk Assessment (received 10.02.2025)
- Land Contamination Assessment (received 10.02.2025)
- Preliminary Roost Assessment (received 05.06.2025)
- Addendum to FRA (received 14.04.2025)
- Addendum 2 to FRA (received 05.06.2025)
- Biodiversity Assessment – Final Report (received 05.06.2025)
- Biodiversity Metric Calculation Tool (received 05.06.2025)
- Existing Biodiversity Metric Condition (received 05.06.2025)
- Proposed Biodiversity Metric Condition (received 05.06.2025)
- Addendum 3 to FRA (received 15.07.2025)
- Cover Letter (received 05.06.2025)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 12 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 01.09.2025.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 9 – Selecting Appropriate Sites for Allocation
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

5.2. Allocations & Development Management DPD (2013)

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

- 5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.
- 5.4. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.
- 5.5. **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

6.0 Consultations and Representations

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

Statutory Consultations

- 6.1. **Nottinghamshire County Council (Highways)** – Following amendments to the site plan and repeated objection by highways, the applicant submitted photographs showing works done to the existing access. According to them, these works relate to a planning permission for the extension of a water storage lagoon on the wider site area, and it was obtained from the Nottingham County Council (i.e. 19/01868/FULR3N). The Highways Officer has however provided the following comments on the photos.

“Because the access hasn’t been licensed it is not known if it has been constructed as approved but that which was approved is 16m wide with large sweeping compound radii to accommodate vehicles associated with sand extraction. It isn’t suitable for domestic use and leaves a wide-open access encouraging inappropriate vehicular speeds on entry and exit in the direct vicinity of a public right of way, so I would not recommend that this access is left in situ to serve the development at hand. I would advise the LPA to be very wary of allowing the applicant to use an access suitable for quarrying. As it is considered unsafe for pedestrians to share the space as currently shown we would object, but it is possible to apply a condition which addresses the issues.”

- 6.2. **Historic Environment Officer** – The following comment was provided following the submission of an Archaeological Desk-Based Assessment (DBA). *“I reviewed the DBA and concur with its findings and conclusions. Although the potential for archaeological remains ranges from low to high (prehistoric to post-medieval), based on the location of the proposed development and possible earlier disturbance due to the construction of the farm and associated facilities, on balance it is considered that further archaeological investigation or monitoring isn’t required. We do ask that an advisory note is attached to any consented scheme to contact this service if any deposits are found.”*
- 6.3. **Nottinghamshire Lead Local Flood Authority** – They considered the application but will not be making any comment, given the scale.
- 6.4. **Environment Agency** – The proposed development will only meet the NPPF requirements in relation to flood risk if a condition is imposed to ensure compliance with the floor level mitigation measure detailed in Addendum 3 to the FRA.

Town/Parish Council

- 6.5. **Spalford Parish Meeting** – Objection due to concerns based on highways safety, unsustainable location, lack of amenity to serve rising population growth, flooding, ecology, contribution to non-affordable housing stock and land contamination.

Representations/Non-Statutory Consultation

- 6.6. **NSDC Conservation** – *“The proposed development can be considered to preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF (2024) and Policy DM9 of the Allocations & Development Management Policies DPD. Some amendments are recommended to preserve the local vernacular style of the development.”*
- 6.7. **NSDC Contaminated Land Officer** – Requested for clarification on retention of the existing barn to the north of the site. Impose planning condition for the provision of a construction management plan prior to demolition or construction works.
- 6.8. **NSDC Environmental Health Officer** – Recommends the use of the full phased contamination condition.

- 6.9. **NSDC Ecology** – Proposed on-site BNG enhancement to be monitored through a proportionate monitoring fee which will be secured by a Unilateral Undertaking (UU). Concerning impact on bats, a preliminary roost assessment was provided and the Precautionary Working Method Statement put forward will be acceptable without specific justification given it is site specific, and the measures can be conditioned.
- 6.10. No comments have been received from any third party/local resident.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of development
- Impact on the Open Countryside and Character of the Area (including setting of nearby NDHA)
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology and Trees
- Impact on Flood Risk

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

Principle of Development

- 7.3. The proposal consists of the demolition of two existing agricultural buildings and replacement with five new dwellings and detached garages on a site located within the open countryside. Therefore, in determining whether the principle of the development is acceptable, the guidance within Spatial Policy 3 (Rural Areas) of the Amended Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD are applicable.
- 7.4. In locations beyond settlements such as the application site, Spatial Policy 3 advises that 'Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD'. In this case, the site is located adjacent to existing developments to the north-west of the Spalford built-up area, however, it falls within the open countryside. Therefore, the applicable DPD Policy is DM8.

- 7.5. Policy DM8 gives advice and more detailed guidance on development within the open countryside and states that development will be strictly controlled and limited to the types of development listed within the policy. It is noted that the existing buildings on site are used for agricultural purpose, albeit there is an extant Class Q prior approval to convert them to five dwellings. With this in mind, the proposal will be appraised as new dwellings in the open countryside.
- 7.6. In regard to 'new dwellings', the amended version of policy DM8 in the emerging local plan states; 'Planning permission will not be granted for isolated new dwellings unless they are of outstanding quality or innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'
- 7.7. In this case, it is considered that the proposed development would enhance the immediate setting given the design, materials and layout. However, it is not considered to be of innovative design or outstanding quality. Looking at the existing development (barns) on site, the increased scale and massing that would result from this scheme would impact the openness of the countryside, albeit it would not be an encroachment because the new dwellings would replace existing buildings on site.
- 7.8. The proposal therefore conflicts with the aim of DM8 and would ordinarily be unacceptable in principle.
- 7.9. However, it is noted that there is an existing fallback position on the site. There is an extant prior approval for the conversion of the barns to five dwellings, and therefore the principle of five dwellings on the application site has been established. In addition, it is considered that the proposed design and landscaping would be an improvement on the prior approval scheme and would as such result in a better visual appearance. Furthermore, by engaging the tilted balance, the scheme would be likely be acceptable irrespective of its conflict with policy DM8 or the fallback position. In accordance with paragraph 11 of the NPPF, the principle of development is supported unless it could be established that there would be adverse impacts that would significantly outweigh the benefits. This is discussed below.
- 7.10. The Council's current position is that it cannot demonstrate a 5-year housing land supply. Therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits. Given this, the Council's development plan is not up to date in relation to housing delivery for the purposes of decision making. The district's housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.
- 7.11. With this in mind, it should be determined if Spalford is a sustainable village. Spalford village has no local services and limited bus services to Newark and other Principal Villages. However, it is approx. 5.4 miles to Collingham which is a Principal Village, as such there would be easy access for private car owners. Therefore, the site is

considered to be located at the fringe of a sustainable location, and as such is considered acceptable for residential development.

- 7.12. Based on the foregoing, the site is considered to be a sustainable location for residential development, and with the presumption in favour of sustainable development in mind, the proposal is being supported subject to the site-specific appraisal below.

Housing Mix

- 7.13. In terms of the proposed residential use, Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. The most recent Housing Need Survey (2020) undertaken for the district identified a market need in the Collingham sub area for 3-bedroom houses (46.8%) followed by 4 or more-bedroom houses (17.9%). The proposal is for 3no. 3-bedroom and 2no. 4-bedroom dwellings. Given the significant need for the housing types in the sub area and the proposed mix, it is therefore considered that the scheme would strongly contribute to the housing need in the Collingham sub area. Whilst noting the Parish Council's comment on the potential for the dwellings to be unaffordable, the scheme is supported on the grounds of its significant contribution to the sub-area's housing need.
- 7.14. Compared to the fallback position (prior approval), the scheme would provide a relatively similar accommodation, with the only difference being the inclusion of 1no. 2-bedroom dwelling in the prior approval scheme. For context, the prior approval had 2no. 4-bedroom, 2no. 3-bedroom and 1no. 2-bedroom dwellings whilst the proposed scheme comprises 3no. 3-bedroom and 2no. 4-bedroom dwellings.
- 7.15. With regards to the proposed living standards for future occupiers, the scheme has been assessed against the Technical Housing Standards, nationally described space standard DC&LG 2015 which is a material consideration. It would comply with the space standard, as such ensuring the design of the dwellings would create attractive places to live.

Impact on the Open Countryside and the Visual Amenities of the Area (including setting of the nearby NDHA)

- 7.16. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced. The site is within Policy Zone ES PZ 02 as identified within the SPD. The Landscape Condition is defined as 'moderate', and the landscape sensitivity is defined as 'very low.' The policy action for built features is to 'conserve' what remains of the rural landscape by concentrating new development around existing settlements and to 'create' new development

which reflects the local built vernacular. The proposal entails demolition of existing agricultural buildings followed by development of 5 new dwellings which would be situated at the edge of the Spalford built up area. Therefore, the scheme would ensure the existing rural landscape is conserved. It would also reflect the local built vernacular, given the proposed materials.

- 7.17. Core Policy 9 seeks to achieve a high standard of sustainable design, which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. This is also reflected in policy DM5.
- 7.18. Section 12 of the NPPF (Achieving well-designed places) paragraph 135 states that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.19. The proposed site layout provides for the replacement of existing agricultural barns with five dwellings. The dwellings would be oriented to reflect the locations of the existing agricultural sheds. The proposed five new dwellings would roughly follow the existing site layout with the inclusion of garages to the front of the plots. The design of the dwellings is somewhere between domestic and agricultural, for example large (barn door style) openings are included within the principal elevations of all the plots.
- 7.20. The proposed development would combine a mix of traditional and contemporary design by replicating the traditional rural vernacular and introducing modern elements. It would use local materials and forms. The dwellings have been designed with various eaves heights, mixing single storey, room in the roof and full two storey. Each plot would feature a single storey element with a height that in keeping with the scale of traditional cart shed design seen elsewhere on site.
- 7.21. In terms of materials, red brick with a tumbled appearance similar to that of the existing buildings on the wider site would be used as the main façade material. Brick detailing would be used at eaves level and around openings. The proposed detailing would take reference from the existing buildings on the wider site, including dentil coarse eaves, soldier coarse window heads, bullnose brick cills and bullnose brick piers to the carports. Larger openings would have reconstituted stone lintels at the head. The brickwork is proposed to be complemented with a natural red, clay pantile roof, with black polyester coated (RAL 9005) gutters on rise and fall brackets and downpipes.
- 7.22. To complement the materials selected, all of the fenestration is proposed to be black (RAL 9005) polyester powder coated aluminium. The openings would be various sizes, avoiding a uniform appearance consistent with the adopted design approach.
- 7.23. Where the more contemporary insertions are proposed, it would be singular material for both roof and façade, providing a contemporary reinterpretation of the agricultural shed aesthetic. This would be standing seam zinc with matching flashings and ridge, all finished in light grey.

- 7.24. Boundary treatment including hedge planting at the front boundaries would be implemented to give a soft edge to the garden frontages and enhance the immediate setting of the site.
- 7.25. Furthermore, given the site's location within the setting of Manor Farm, a non-designated heritage asset (NDHA), the impact on the significance of this building has been appraised by the Council's Conservation Officer. The following comments were received from the CO.
- 7.26. *"The proposed development would take place within the setting of manor Farmhouse, a brick-built farmhouse finished in render following a double pile arrangement with a pantile roof. The farmhouse has a collection of historic agricultural buildings to the north; however, these do not form part of the application site. These buildings have architectural and historic interest as well as associative value and are the historic fabric maintains its integrity. A site of the historic smithy also lies within the setting of the application site, roughly 50m west of the application site.*
- 7.27. *The proposed development would not include any of the historic barns at Manor Farm, the development would involve the demolition of the modern portal framed agricultural buildings in an L-shaped layout forming the north-western periphery of the village. The proposed five new dwellings would roughly follow this site layout with the inclusion of garages to the front of the plots. The design of the dwellings is somewhere between domestic and agricultural, for example large (barn door style) openings are included within the principal elevations of all of the plots, yet plots 1, 2, and 3 include dormer windows, which are not a feature of agricultural buildings.*
- 7.28. *The nearby vernacular farm buildings at Manor Farm are simple pitched roof structures with gable ends, it is recommended to retain this local vernacular in the proposed new dwellings and avoid the introduction of more complex hipped roofs. This is also noted within the applicants DAS.*
- 7.29. *The proposed garages would appear prominent in the newly established street scene and would form the focus of the views from Sand Lane. Garages should be recessive features in the street scene, and the arrangement of the buildings does not follow the natural grain of development for a farmyard site which would naturally form a small intricate cluster. An alternative arrangement to reduce the prominence of the garages of plots 1-3 would enhance the development and make for a more open environment to enhance natural surveillance, and to create incidental interaction between neighbours.*
- 7.30. *The proposed palette of materials to include brick and clay pantiles would reinforce the local vernacular and create a sense of place. The use of more contemporary materials on the more recessive extensions to the new dwellings can be seen as appropriate.*
- 7.31. *Impacts to local archaeology and potential for lithics should be confirmed with the County Archaeologist.*
- 7.32. *The proposed development can be considered to preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF*

(2024) and Policy DM9 of the Allocations & Development Management Policies DPD. Some amendments are recommended to preserve the local vernacular style of the development.”

- 7.33. The officer agrees with the CO's conclusion on the impact on the setting of the NDHA. In terms of their comment on design and the siting of the garages, paragraph 216 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, as no harm has been identified to Manor Farm, no such balance is necessary. The development is therefore considered to be fully in accordance with Policy DM9 of the Allocations & Development Management Policies DPD.
- 7.34. The garages have been specifically designed to appear as ancillary offshoots to the main building range. The proposed layout overall would be acceptable because it is similar to the existing layout of the site. The garages would be detached; however they are relatively small in scale and not overly prominent. Looking at the proposed hipped roofs of the dwellings, these would be sympathetic with some of the existing dwellings in the Spalford built up area (see image below). As such they would not conflict with the character and appearance of the wider area. Although not necessarily typical of agricultural buildings, the hipped roof design would add some variety to the scheme. In addition, the proposed design would raise local design standards, and when considered against the alternative of retaining the existing buildings under the approved Class Q, the proposed development represents a clear enhancement to the character and appearance of the area.

7.35.



Hipped roof dwellings in Spalford (highlighted in red)

- 7.36. Overall, the visual impact of the proposal in relation to character of the area and the wider landscape is considered acceptable and in accordance with Core Policies 9 and 13, DM5, DM5(b) and Parts 15 and 12 of the NPPF. Likewise, it would preserve the setting of the nearby non-designated heritage asset at Manor Farm as set out in paragraph 216 of the NPPF (2024) and Policy DM9 of the Allocations & Development Management Policies DPD. The proposed landscaping and boundary treatment which would form part of the enhancement can be secured by condition.

Impact upon Residential Amenity

- 7.37. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.38. Paragraph 135 of the NPPF aims to create development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.39. There would be no overlooking between the plots given the lack of windows on the first floor elevations (see 3D image below). In terms of impact on neighbouring

occupiers, it is considered that there would be sufficient separation distance with the southeastern neighbours, thereby removing any concerns in this regard.



3D - View From South East



3D - View From North West

7.40.

7.41. In relation to the amenity for the future occupiers of the dwellings, there would be ample space for garden space as well as parking provision. There would be a mix of 3-bedroom and 4-bedroom dwellings with separate family living area and a kitchen and dining area. The floorspace of the dwellings would be well over the minimum space standards set out in the Government's Nationally described space standard. All habitable rooms would have at least one window. There are therefore no concerns that the proposed dwelling would have unacceptable amenity levels for the future occupiers.

7.42. Given the above, the proposal is in accordance with Policy DM5 and Part 12 of the NPPF in relation to amenity.

Impact upon Highway Safety

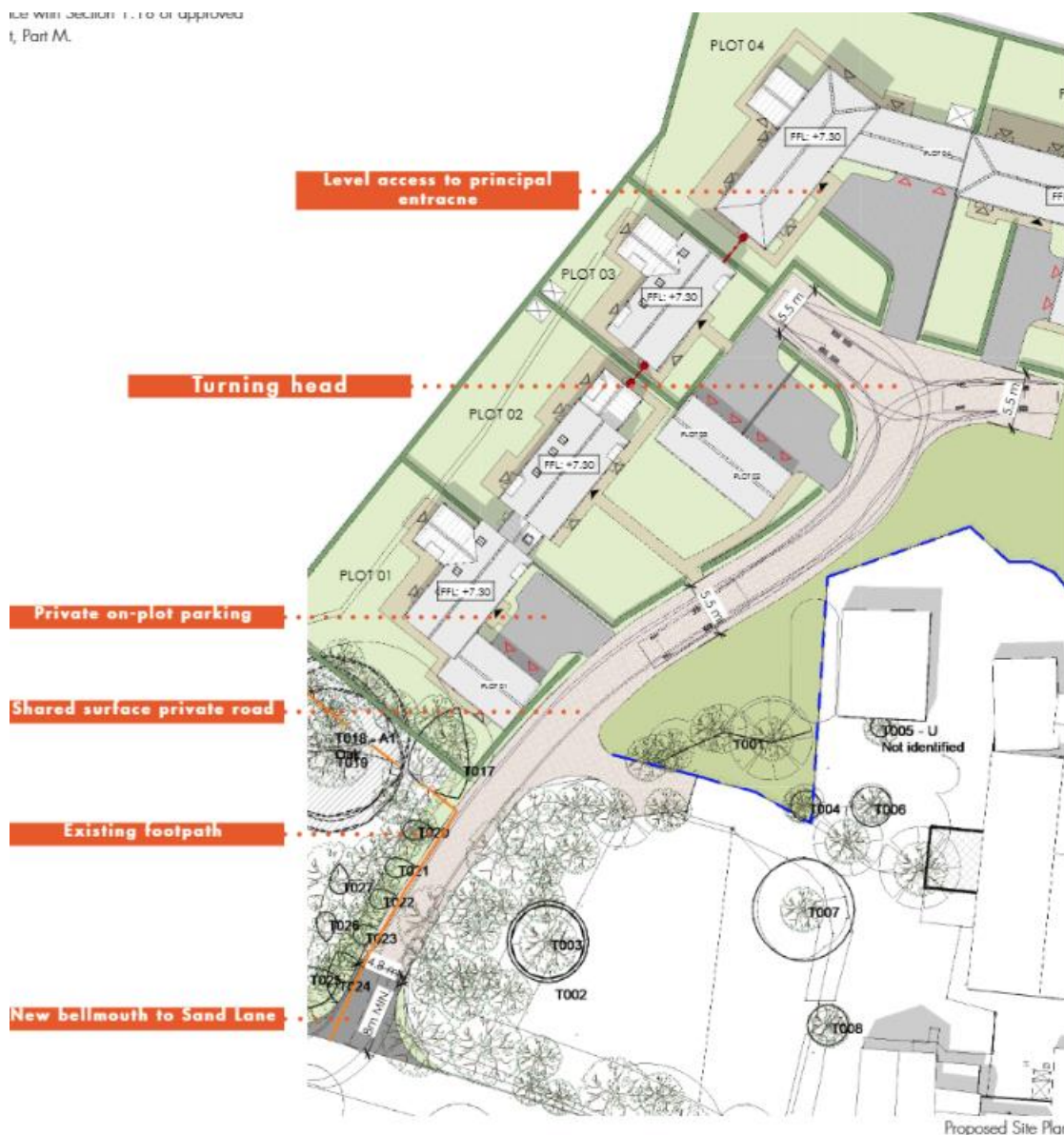
7.43. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

7.44. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

- 7.45. The proposed development proposes to make use of the existing access from Sand Lane. It is noted that the same arrangement was granted as part of the recent Class Q approval. There would be a shared surface private road leading from the access to the proposed development. The minimum width of the private driveway would be approx. 4m (towards the access), increasing to a maximum of 5.5m towards the northeast and as it extends into the parking areas of the dwellings. Car parking provision has been made with two spaces for each dwelling, with all dwellings benefitting from covered parking within a carport. Visitor parking is also incorporated through additional on plot parking space. See site plan below.

Use with Section 1.1.0 of approved
t, Part M.



- 7.46.

- 7.47. The NCC Highways team initially objected to the scheme on the grounds that the proposed visibility splay does not comply with the requirements of the Nottinghamshire Highway Design guide (HDG). Other reasons for the objection included inadequate parking provision (at least 3 car parking and 3 cycle parking spaces required), and carports not compliant with the LPA's minimum requirements

(according to parking standards SPD). Overall, the Highways officer requested a revised site layout showing improved site access and carport details.

- 7.48. Revised plans have been submitted through the lifetime of the application, albeit the last revised site plan submitted was objected by the Highways officer. They however confirmed that the visibility splays on the revised site plan would be appropriate.
- 7.49. Following this highways comment, the agent has submitted photographs of recent works done to the site access. According to them, these works are associated with planning permission 19/01868/FULR3N which was granted by the County Council, and they stated that it represents a significant material consideration in the context of this application. As such, it was proposed that this access would also serve the proposed development (see images below).



Previous access



Existing access

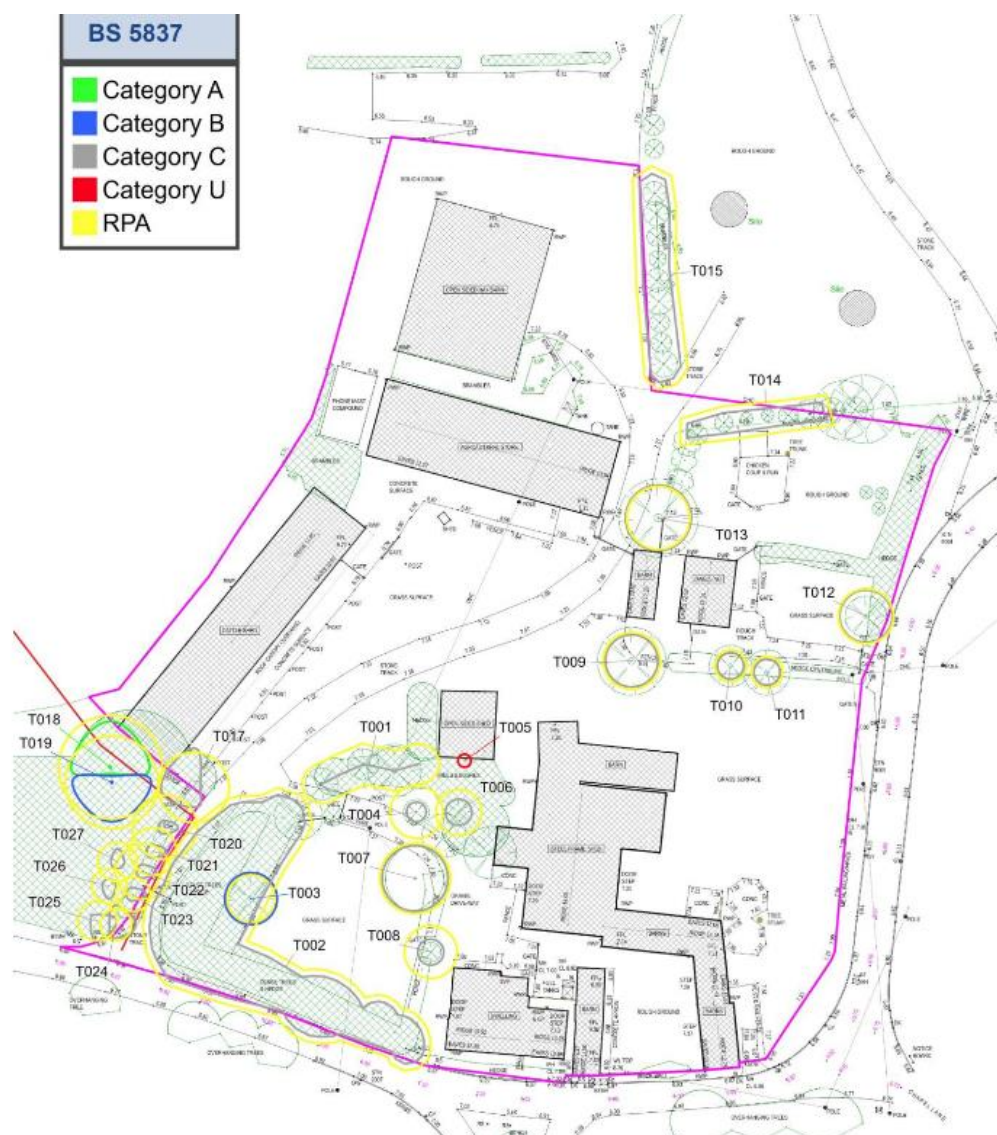
- 7.50. This access (existing access in photo above) has however been objected by the highways team due to its excessive width and the potential safety risk to pedestrians. To support the objection, the officer made the following comment – *“It is not known if it was constructed as approved but that which was approved is 16m wide with large sweeping compound radii to accommodate vehicles associated with sand extraction. It isn’t suitable for domestic use and leaves a wide-open access encouraging inappropriate vehicular speeds on entry and exits in the direct vicinity of a public right of way, so I will not recommend that this access is left in situ to serve the development at hand. It was required for heavy and large slow moving vehicles and is therefore not appropriate to serve a purely residential development, with small, light and fast vehicles, directly adjacent to a PROW.”* To safeguard against this risk to pedestrians, the team has suggested a pre-occupation condition, requiring details of the access to be submitted to and approved by the local planning authority, which will be imposed.
- 7.51. Subject to compliance with this highways condition, it is not considered that the scheme would have a detrimental impact on highway safety, for future occupiers of the dwelling or pedestrians using the right of way. NCC Highways would be consulted on the submitted drawing as part of a discharge of condition application.

Impact upon Ecology & Trees

- 7.52. Policy DM5 states where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.
- 7.53. The Preliminary Roost Assessment submitted found negligible potential for bats in building B3 but low potential in buildings B1 and B2 (see image below).



- 7.54.
- 7.55. Following the Council's ecologist's comment, further information on Precautionary Working Method approach to be applied during construction works were provided by the applicant's ecologist. It has been confirmed with the LPA's ecologist that measures would be acceptable without specific justification given it is site specific, and these measures can be conditioned.
- 7.56. Looking at impact on trees, the tree survey submitted in support of the application identified 94 items of vegetation with different retention categories (only one is Category U). The survey advised that the RPA of the trees should mostly remain undisturbed by creating a Construction Exclusion Zone (CEZ). Other design advice such as retention of most of the trees and no digging close to the main entrance was recommended on pages 7-9 of the report. Based on the tree constraints plan (see image below) contained in the Tree Survey, the proposal would be mostly separated from the RPA of trees. Specifically, it was recommended that trees T018 and T019 should be retained because they are the best trees bordering the site. The RPAs are shown on the proposed site plan, and it is noted that Plot 1 would be moved sufficiently away from the root protection area of T018 and T019 to avoid any impact. T017 is category C so should not constrain the development and the development would be outside of the RPA. The existing barn is closer to the trees but will be removed and additional separation provided which should mitigate any impact.



7.57.

Tree Constraint Plan

7.58. Biodiversity Net Gain (BNG) – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The Council's ecologist has appraised the BNG information submitted to support the application. The information has been revised by the applicant through the lifetime of the application. Following amendments to the BNG information, the Council's ecologist confirmed that the initial concerns on the BNG assessment have been resolved. In summary, the ecologist has recommended the General Biodiversity Gain condition which will be added as an informative. Furthermore, it was recommended to impose planning conditions which include monitoring of the on-site enhancement; this will be secured by a Unilateral Undertaking.

Impact upon Flood Risk

- 7.59. Most part of the application site is located within Flood Zone 2, with the lower half of Barn 2 located within Flood Zone 3a, as defined by the Environment Agency Flood Maps (see image below).



- 7.60.
- 7.61. Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones.
- 7.62. Paragraph 174 of the NPPF advises that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.63. With reference to NPPF Annex 3: Flood risk vulnerability classification, the proposed development would fall within the category of 'more vulnerable' development, which is considered acceptable (in flood risk terms) in Flood Zones 2 and 3a. For sites in Flood Zone 3a, more vulnerable uses such as new dwellings will require the 'exception test'.
- 7.64. However, the scheme is appraised in light of the established fallback position under Class Q of the GPDO. Prior approval was granted for the conversion of the existing agricultural buildings to form five new dwellings. With this in mind, it would be considered reasonable and pragmatic to apply the sequential test at site level only. It is therefore considered that the proposed development passes the sequential test given the fallback position.
- 7.65. To pass the exception test, paragraph 178 of the NPPF states that the development should demonstrate that (a). it would provide wider sustainability benefits to the community that outweigh the flood risk and (b). it will be safe for its lifetime taking

account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. It is considered that the scheme would contribute to the Council's housing land supply, provide sustainable dwellings and jobs during construction. The submitted FRA also recommended flood protection measures (page 16) to safeguard future occupiers against potential flood occurrences. These measures are in accordance with the standing advice from the Environment agency and they are considered acceptable. It is considered that the development would be safe for its lifetime (100 years) and would not increase flood risk elsewhere. Based on this appraisal, the proposed development passes the exception test.

- 7.66. Overall, subject to compliance with the condition recommended by the Environment Agency, the proposal is considered to be acceptable in flood risks terms. It would therefore comply with Core Policy 10 and the relevant aims of the NPPF.

Other Matters

- 7.67. The Parish Council's concerns have been addressed in the appraisal above. The application is subject to Planning Committee's decision because it is contrary to the Council's development plan (contrary to DM8).
- 7.68. **Community Infrastructure Levy (CIL)** - The proposed development would result in over 100 sq. m of net additional floorspace/Gross Internal Area and is therefore CIL liable. Details of the charge will be sent to the applicant.

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 – LEG2526/5332

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

9.0 Conclusion

- 9.1. In summary, the principle of development is unacceptable as it conflicts with the criteria for new dwellings in the countryside under policy DM8 of the Council's Allocation and Development Management DPD. However, given the extant fallback position for the site, the principle of 5 dwellings is already established. In addition, since the Council cannot currently demonstrate a 5-year housing land supply, the presumption in favour of sustainable development, as outlined in paragraph 11 of the NPPF, would be applied. It is considered that the site's relatively close proximity to Collingham, which is a Principal Village, in addition to its location at the edge Spalford built up area are reasons to conclude the site is sustainable. The proposed design, materials and landscaping would enhance the site both visually and in terms of

biodiversity. The proposal would therefore enhance the immediate setting of the site, as required by paragraph 84(c) of the NPPF.

- 9.2. In terms of visual impact, the proposed development would not harm the setting of the nearby non-designated heritage asset and the rural character of the area. It is considered that there would be no detrimental residential amenity and highways impact. The recommended PWMS from the applicant's ecologist will be secured with planning conditions. Likewise, the on-site BNG enhancement will be secured by a Unilateral Undertaking.
- 9.3. There would be no detrimental impact on trees as most of the trees on site are situated far from the existing barns.
- 9.4. In terms, of impact on flood risk, the application has passed the site-specific sequential and exception tests and it is not considered there would be any increase in flood risk as a result of the development. Subject to condition, the development would be safe for future occupiers.
- 9.5. The recommendation is therefore to approve the application subject to conditions. There are no material considerations to indicate otherwise.

10.0 Conditions

01

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

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

02

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

- Drawing No: 893 COR 00 00 D A 0100 REV P04 – Proposed Site Plan (05.06.2025)
- Drawing No: 893 COR 00 XX D A 0900 REV P04 – 3D Site Views (received 05.06.2025)
- Drawing No: 893 COR 01 XX D A 0300 REV P03 – Plots 1 & 2 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 01 ZZ D A 0200 REV P03 - Plots 1 & 2 Proposed Floor Plans (received 05.06.2025)
- Drawing No: 893 COR 02 XX D A 0301 REV P02 – Plot 3 Proposed Elevations (received 10.02.2025)
- Drawing No: 893 COR 02 ZZ D A 0201 REV P02 – Plot 3 Proposed Floor Plans (received 10.02.2025)
- Drawing No: 893 COR 03 XX D A 0302 P04 – Plots 4 & 5 Proposed Elevations (received 05.06.2025)
- Drawing No: 893 COR 03 ZZ D A 0202 P04 – Plots 4 & 5 Proposed Floor Plans

(received 05.06.2025)

- Drawing No: 893 COR 04 XX D A 0204 P03 – Carport Floor Plans & Elevations
(received 05.06.2025)

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted addendum to the flood risk assessment (ref: Addendum 3 to the FRA, July 2025 Version 1) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than those stated within addendum 3 to the FRA

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

05

Notwithstanding the approved site plan the development shall not be occupied until the access is provided in accordance with a drawing to be first submitted and approved in writing by the local planning authority. The access shall be constructed in a hard bound material for a minimum distance of 8m behind the highway boundary and include measures to prevent the discharge of surface water to the public highway and shall be maintained such for as long as the development is in existence.

Reason: In the interests of pedestrian and general highway safety.

06

Prior to any development commencing above damp proof course, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- o 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;
- o existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - o proposed finished ground levels or contours;
 - o means of enclosure;
 - o car parking layouts and materials;
 - o other vehicle and pedestrian access and circulation areas;
 - o hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

07

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 unless otherwise agreed in writing by the local planning authority. 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

The approved hard landscaping shall have been completed prior to first occupation of the dwellings hereby approved.

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

09

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved 'Biodiversity Assessment Report' and Statutory Biodiversity Metric, both dated 30.05.2025 produced by Archer Ecology Ltd.

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 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;

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

(c) The monitoring methodology and frequency in respect of the created or enhanced habitat.

C. Notice in writing shall be given to the Council when the HMMP works have started.

D. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 6 months of first occupation of the fifth dwelling.

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

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure.

Reason: In the interests of biodiversity.

11

A. Prior to commencement of the approved development, notice in writing confirming that a named ecologist holding an appropriate Natural England survey licence has been contracted to implement the precautionary working methods outlined within the Conclusions and Recommendations section of the Preliminary Roost Assessment letter, produced by Archer Ecology Ltd. dated 24th September 2024, and received 05 June 2025, shall be provided to, and be approved by, the local planning authority.

B. Within 1 month of completion the Precautionary Methods of Working and Bats, a report, produced by the named ecologist, of the supervised works shall be provided to, and be approved by, the local planning authority.

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

12

A. The approved development shall not commence until a 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 (including height).

B. 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 be 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.

13

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

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

Reason: In the interests of residential amenity.

14

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation (and other than the re-build of Barn 2 which has already been completed) 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;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's

‘Model Procedures for the Management of Land Contamination, CLR 11’.

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

Part D: Reporting of Unexpected Contamination

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

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

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

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: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class D: Porches.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

- Class B: Means of access to a highway.

Unless consent has firstly be 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.

Informatives

01

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

02

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

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

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them on via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com

04

The developer is advised to contact Nottinghamshire County Council's Archaeology Section, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ (tel: 0115

9772129) for advice if anything of archaeological interest is found.

05

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))

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

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

Irreplaceable habitat

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

06

For the purposes of Part B(b) of Condition 08 completion of the development, and therefore the start of the 30-year period is considered to be first occupation of the fifth dwelling.

07

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.

08

- There must be no disturbance to the bridleway surface without prior authorisation from the Rights of Way team.
- The bridleway must remain open, unobstructed, and safe at all times unless a TTRO is in place.
- No materials, equipment, or vehicles should be stored on the bridleway.
- If construction vehicles are required to cross the bridleway, the surface must be protected and restored upon completion of works.
- Any existing hedge or tree line bordering the bridleway is the responsibility of the landowner or occupier, who must ensure it does not encroach upon or obstruct use of the right of way.

09

The applicant is advised that the development makes it necessary to alter a vehicular access to the public highway and will therefore require either a Section 278 Agreement or a Section 184 licence (depending on the works) under the Highways Act 1980. This must be obtained from the Highway Authority prior to any works commencing on site. For further information and to apply, please contact Nottinghamshire County Council's Highway Services at licensing@viaem.co.uk or telephone 0300 500 8080.

10

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 137, 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred 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.

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 - 25/00222/FUL

