



Report to Planning Committee 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Officer: Harry White - Planner/Conservation Planner

<b>Report Summary</b>			
<b>Application Number</b>	25/01862/PIP		
<b>Proposal</b>	Application for permission in principle for construction of a minimum of 2 dwellings and a maximum of 9 dwellings		
<b>Location</b>	Land At Newark Road Wellow		
<b>Web Link</b>	<a href="#">25/01862/PIP   Application for permission in principle for construction of a minimum of 2 dwellings and a maximum of 9 dwellings   Land At Newark Road Wellow</a>		
<b>Applicant</b>	Arwin Developments (Wellow) Ltd	<b>Agent</b>	IBA Planning Ltd - Mr Nick Baseley
<b>Registered</b>	25.10.2025	<b>Target Date</b>	29.11.2025
		<b>Extension of Time:</b>	16.01.2026
<b>Recommendation</b>	That Permission in Principle is Approved		

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

## **1.0 The Site**

- 1.1 The site relates to an agricultural field, used for grazing, to the east of the village of Wellow. The field sits to the south of the A616 (Newark Road) and is bound to the east and west by woodland, and to the east by agricultural land and a bungalow. The field boundaries are post-1845 mixed hedgerows and wire fencing. Opposite the site entrance, to the north of the A616, are a number of bungalows forming ribbon development along the Newark Road. The woodland to the south of the site became established at the end of the 20<sup>th</sup> century.
  
- 1.2 The site is not within a Conservation Area and there are no listed buildings nearby, however, the site is roughly 100-130m to the east of the Wellow Conservation Area

Boundary, which is constrained by the Gorge Dyke in this direction. There are no known heritage constraints to the site.

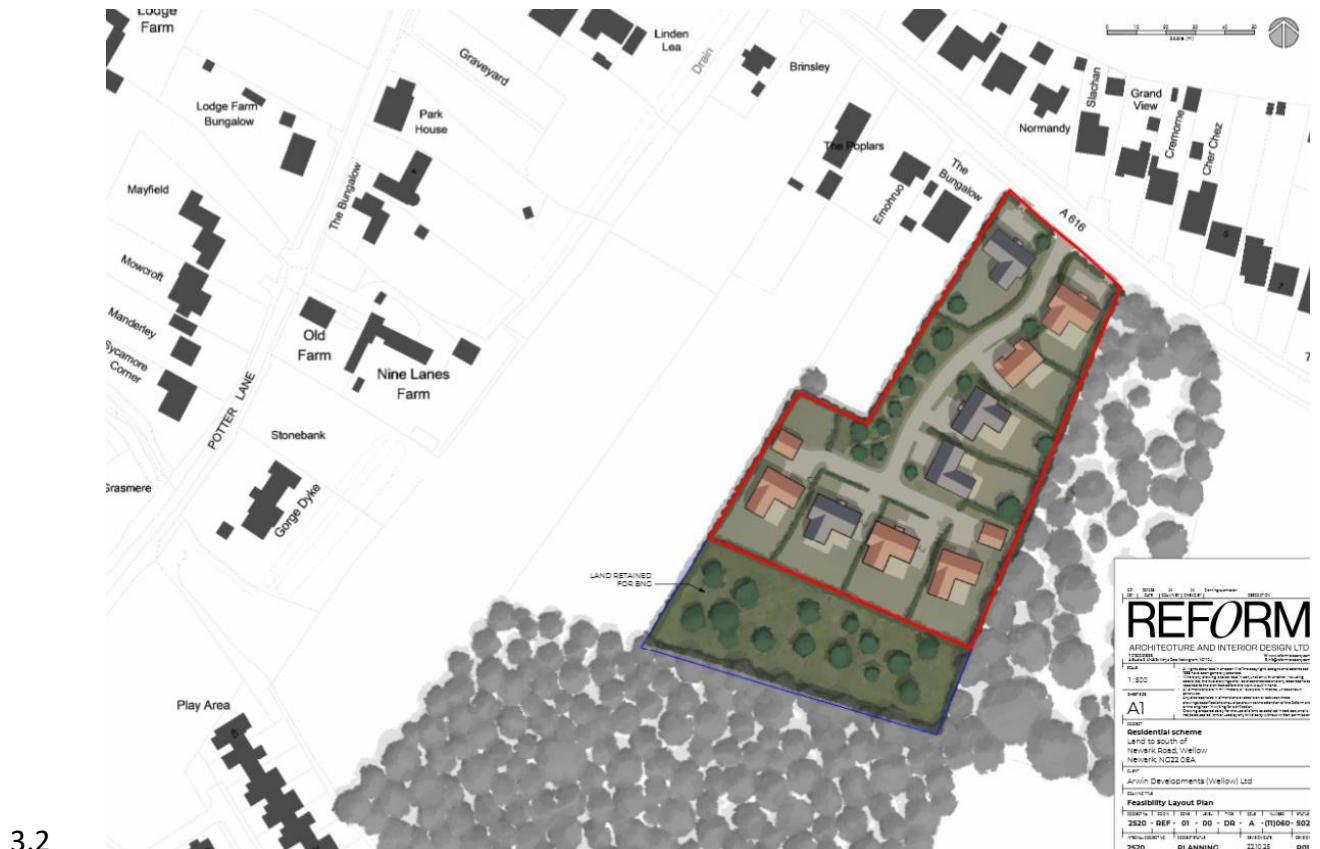
- 1.3 The site is within Flood Zone 1 and at low risk of surface water flooding except from the field dyke which separates the application site from The Bungalow to the west of the site, which is at 1 in 30 year surface water risk.
- 1.4 The site has also been put forward through the SHELA 2025.

## **2.0 Relevant Planning History**

None relevant.

## **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 2 to 9 dwellings. No specific details are required at this stage, though a feasibility layout has been provided, and shown below:



- 3.2
- 3.3 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If the proposal is for residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.4 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in

Principle approval.

3.5 It is understood that the proposed dwellings would use the existing access off Newark Road, the main road through the village. As the proposal is for permission in principle, no definitive elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.

3.6 Documents assessed in this appraisal:

- Application Form
- Covering
- Site Location Plan
- Feasibility Layout Plan
  - All received 30<sup>th</sup> October
- Visibility Splays
  - Received 4<sup>th</sup> December

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

4.1 Occupiers of 6 neighbouring properties have been notified by letter.

4.2 A site notice was displayed near to the site on 7<sup>th</sup> November 2025.

4.3 Site visit undertaken 7<sup>th</sup> November 2025.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

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
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

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

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside

- DM12 – Presumption in Favour of Sustainable Development

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th of 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.

Policy DM5a – The Design Process

Policy DM5b – Design

Policy DM5d – Water Efficiency Measures in New Dwellings

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

## 5.5. **Other Material Planning Considerations**

- National Planning Policy Framework 2024
- Planning (Listed Buildings & Conservation Areas) Act 1990
- Planning Practice Guidance (online resource)
- NSDC Landscape Character Assessment SPD 2013
- NSDC Residential Cycle and Ca Parking Standards 2021
- NCC Highways Design Guide
- Wellow Conservation Area Appraisal

## 6.0 **Consultations and Representations**

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

### **Statutory Consultations**

6.2. **NCC Highways** – Comments have been provided referencing the 85th percentile speed at this location at 40.7 mph which is in excess of the 30mph speed limit based on 2024 surveys, and three recorded personal injury collisions (PICs) on the A616 Newark Road in the vicinity of the site have been recorded. They identify that residents would need to cross the A616 to walk into the village and consider it likely that future residents would be reliant on car travel. They request that, regardless of whether the site serves two or five dwellings, a shared private driveway of appropriate dimensions is provided to allow simultaneous entry and egress, with an adequate turning head to accommodate the majority of expected deliveries, in accordance with the requirements set out in the Nottinghamshire Highway Design Guide (NHDG). For developments above five dwellings, an access road designed to adoptable standards will be required.

#### **Town/Parish Council**

6.3. **Wellow Parish Council** – Are opposed to the development on the following key reasons, road safety, increased risk of flooding elsewhere, loss of wildlife, isolated site, out of character with Wellow.

#### **Representations/Non-Statutory Consultation**

6.4. 18 representations have been received, consisting of 17 objections and one in support. The concerns raised include the following:

- a. Access.
- b. Character of the area
- c. Countryside an inappropriate location
- d. Highway safety
- e. No need for new housing, sufficient market provision exists
- f. Maintenance of the dyke
- g. Flooding and drainage
- h. Increase of fossil fuels usage
- i. Strain on services, and limited amenities in Wellow
- j. Increased noise and disturbance
- k. Impact on Wellow Conservation area
- l. Accuracy of the plans

One comment in support references the need for housing in the area, making use of underutilised land, contributing to the vitality of the local area, and supporting local services.

## **7.0 Appraisal**

7.1. The key issues are:

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

- 7.2. All other matters would be considered as part of the Technical Details Consent (Stage 2) application which would be required if permission in principle (Stage 1) is approved.
- 7.3. The National Planning Policy Framework 2024 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD). 26317098

#### Principle of Development

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

#### Location

- 7.5. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the district (Spatial Policy 1). The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres, and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the district. Applications for new development beyond Principal Villages, as specified within Spatial Policy 1, will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas). In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.6. The village of Wellow itself is classified as an 'other village' as defined by the Settlement Hierarchy, therefore would need to be assessed against Spatial Policy 3. The locational criteria outlined in Spatial Policy 3 supports the development of sites within sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farmyards and community facilities. It would not

normally include undeveloped land, fields, paddocks or open spaces which form the edge of built form.

- 7.7. Wellow, along with many other villages in the district, does not have an established village envelope. The site is located within the open countryside outside of the main built-up settlement, yet is adjacent to residential development within the village. The site is an agricultural field and backs onto woodland and agricultural land to the south, east and west. Whilst the site does sit within the settlement if this were to be defined by the 30mph sign and village entrance sign. It is the absence of built development and connection to the wider agricultural landscape which ties this site as an open countryside location.
- 7.8. As such, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).
- 7.9. Policy DM8 provides for a number of developments that may be acceptable subject to meeting defined criteria and states permission for new houses will only be granted where 'they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'
- 7.10. Paragraph 84 of the NPPF states homes in the open countryside should be avoided unless there is an essential need for a rural worker dwelling or 'it is of exceptional quality and truly outstanding, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas and significantly enhance its immediate setting'.
- 7.11. Whilst Wellow is an 'other village' it does have certain local amenities such as a church, pubs, and a school, all of which are less than half a mile from the application site. With the site itself being closer to the village green, and core, than other outlying residential areas of Wellow. Furthermore, the site is roughly 1.5 miles from the amenities of Ollerton & Boughton, which is a Service Centre in the Sherwood Area under the Settlement Hierarchy of Spatial Policy 1 of the Core Strategy (2019), which is well served in terms of services and facilities, the facilities of which are to be boosted by the Ollerton Town Centre Regeneration, bringing additional and enhanced facilities. Access into Ollerton can be achieved using pavements along Wellow Road and Newark Road. The historic core of Ollerton is also roughly 1.5 miles away, itself with certain local amenities.
- 7.12. Following the publication of the NPPF on 12th December 2024, the LPA can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.13. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. 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.

- 7.14. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to '...grant permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes'
- 7.15. Footnote 7 of the NPPF (2024) sets out the certain protected areas/assets that could provide a strong reason for refusing development, these include habitat sites, SSSIs, designated heritage assets and areas at risk of flooding. Where a protected asset or designation provides a strong reason for refusing development this would outweigh the tilted balance and the benefits of housing provision. Whilst the site is within the setting of the Wellow Conservation Area this alone would not provide a strong reason for refusing development on this site, only once the details are proposed would the impact upon the setting of the Wellow Conservation Area be fully appreciated.
- 7.16. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and Spatial Policy 3, the tilted balance is engaged, and the provision of housing (between 2 to 9 units) is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a key role in helping the district meet its housing targets and identified housing needs.
- 7.17. The site will provide between 2 and 9 units on the edge of the village but into land considered open countryside, at this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that 2 bungalows are likely to be most appropriate, as a continuation of the 20<sup>th</sup> century ribbon development, however this will be dealt with at the technical details stage.

#### Land use

- 7.18. Residential land use can be a suitable use of the site owing to the proximity to the village. The site is adjacent the village therefore would be seen as an organic expansion of the village, rather than fragmented development. It is appreciated that the highway entrance would require upgrades, these upgrades would be dependent on the number of dwellings proposed.

#### Loss of Agricultural Land

- 7.19. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss'.
- 7.20. Agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.21. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.22. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 2 land (Very Good). Therefore, the site includes best and most versatile land. Policy DM8 is permissive of proposals where, sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or the benefits of the development justify the loss of high-quality agricultural land. The Natural England agricultural land classification data (LCD) indicates that there are no areas of lesser quality land surrounding Wellow that would not be includes as best and most versatile land. Regardless, the Council can only demonstrate a 3.43 year housing land supply, which is a significant shortfall. As such, the provision of 2-9 dwellings to the areas housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.
- 7.23. The loss of this 'Very good' agricultural land measuring a up to 1.31 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance

#### Amount of Development

- 7.24. The application proposes between 2 and 9 dwellings. The site covers approximately 1.35 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 9, which equates to an approximate density of 7 dwellings per hectare. Given the edge of settlement location where the grain of development is typically looser. The ribbon development on the edge of Wellow makes for a particularly low density of development. The maximum is considered acceptable and would not be considered to introduce a harmful density in terms of wider impacts, such as visual impact, traffic

generation, drainage, sewerage or local infrastructure, in accordance with Spatial Policy 3.

- 7.25. Between 2 to 9 additional dwellings is considered a suitable scale of built form when considering the context and the scale of Wellow as a village. It is unlikely that the introduction of up to 9 dwellings would detrimentally affect local infrastructure.
- 7.26. The maximum number of dwellings proposed here would be 9 units which is not considered to overwhelm the village, given the transport links to and from the village to larger service centre towns and principal villages there would be sufficient services to serve the additional dwelling at an appropriate distance. Furthermore, it is considered that 9 dwellings would not overwhelm services and facilities within the village such as the church and public houses.

#### *Planning Balance*

- 7.27. In this instance, the location is considered to be within the open countryside adjacent the built village of Wellow. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with paragraph 11(d) of the NPPF, which favours the presumption in favour of development unless there are strong reasons for refusing the development proposed. Whilst Wellow is an 'other village', with limited amenities, Wellow has transport connections to nearby service centres. Considering the lack of a five-year housing land supply, the provision of housing is given additional positive weight in the planning balance. At this stage, there are no impacts that would significantly or demonstrably outweigh the provision of housing, in accordance with NPPF paragraph 11(d). The proposal is therefore considered acceptable in principle when applying the tilted balance.

#### **Matters for Technical Details Consent Stage**

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

#### *Impact on Visual Amenity and the Character of the Area*

- 7.29. As the application may affect the setting of the Wellow Conservation Area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1). This requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.30. The duty in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the

character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.31. The importance of considering the impact of new development on the significance of designated heritage assets, is expressed in Section 16 of the National Planning Policy Framework (NPPF) (2024). Paragraph 8 of the NPPF (2024) states that protecting and enhancing the historic environment is part of achieving sustainable development.
- 7.32. Furthermore, regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD (2013) and Core Policy 14 of the Amended Core Strategy (2019). These policies amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best retains their significance.
- 7.33. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.34. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.35. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.36. The site is within the MN PZ 22 landscape policy zone as identified by the adopted Landscape character Assessment SPD. The policy is to conserve and reinforce the landscape the Wellow Village Farmlands with Ancient Woodlands. This landscape area is gently undulating composed of arable farmland with strong visual unity and few detracting features. The site is bound by scrub/woodland to the south and east, which reduces the wider impact of the development upon this landscape area.
- 7.37. Given that the site is located within the setting of Wellow Conservation Area regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. 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 in accordance with S.72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).
- 7.38. The site is immediately adjacent to a modern dwelling to the west and north across the A616. Therefore, an additional 2-9 dwellings on the site would have a degree of

impact on the character however it is difficult to quantify this at this stage without technical details. It is considered that a scheme could be achieved which, would have an impact on the character, its benefits could outweigh the harm. The site would not be isolated or disconnected from the village, as it sits directly adjacent to the edge of the village within an area of bungalows. Careful consideration should be given to an appropriate design, height, scale, and massing as well as palette of materials at the technical details stage to ensure that the new dwellings would harmonise with the established character of the area.

- 7.39. An indicative site layout plan has been submitted showing how nine dwellings could be accommodated within the site. The design, scale and layout of the dwellings will be a key consideration at Technical Details Stage - the proposed dwellings should not result in harm or detrimental impact on the character or appearance of the area. The construction of 2-9 new dwellings would be more prominent than the existing site, the construction of up to 9 dwellings would have a greater impact upon the rural setting of Wellow Conservation Area, which has the potential to be harmful, whereas the addition of two bungalows along the A616 would have a neutral impact upon the setting of the CA. The design should aim to minimise the visual impact due to the edge of village/open countryside location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

#### *Impact on Residential Amenity*

- 7.40. 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.
- 7.41. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwelling to the site is The Bungalow immediately west of the proposed site. The access to the site would be at the dropped kerb, roughly 20m from the boundary to The Bungalow. Given the size of the plot for the proposal it is considered that acceptable spacing and amenity can be achieved at technical detail stage therefore a scheme where there wouldn't be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy is achievable in principle. This would be subject to technical details and further assessment.

#### *Impact on Highways*

- 7.42. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the

number of parking spaces depending on the number of bedrooms and location of the dwelling.

- 7.43. 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.
- 7.44. It is understood that an existing agricultural access would be utilised. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 15 dwellings this would require a width of 5.0m width or 5.5m if accessed of a main street or higher category road, plus 0.5m clearance on both sides, additional width for bin storage. The highways authority has raised concerns in their comments for this application, the main concern raised is the need for junction improvements if the scheme was to result in more than 5 dwellings. The access geometry would be required at technical details stage and would be assessed to ensure that the access is acceptable for the number of dwellings proposed which is currently unknown the upgrades required will depend on the number of dwellings proposed. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.
- 7.45. Although there is no scheduled bus service in the village, an on-demand bus service operates within the South Ollerton Zone, which connects Wellow to Ollerton, Tuxford, Southwell, Newark, and all villages in between.
- 7.46. The greater the number of dwellings proposed at technical detail stage the more significant the upgrades required will be this is set out within the Nottinghamshire County Council's Highway Design Guide.
- 7.47. Overall, it is considered that the scheme would be capable of being in accordance with policy however this would be subject to a separate assessment of technical details.

#### *Trees, Landscaping and Ecology*

- 7.48. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged
- 7.49. The site is grazing land, and devoid of any trees or important landscape features, with exception of the hedgerows forming the site boundaries. In order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended and would be required to support the technical details consent application.

- 7.50. If development is proposed close to established trees/hedgerows or would result in the removal of such features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.
- 7.51. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. Mandatory BNG providing an ecological uplift of at least 10% is required at the technical details stage.

#### Contamination Risk

- 7.52. Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.53. Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990
- 7.54. Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the technical details consent application. The Council's Environmental Health team would be consulted for comments at technical details consent stage.

#### Community Infrastructure Levy (CIL)

- 7.55. The site is located within the Housing High Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £0m2 for CIL purposes. Therefore, no charge would be required regarding CIL.

#### Biodiversity Net Gain (BNG)

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

development. The TDC application would need to clearly set out how the application complies with one of the exemptions for BNG or detail how BNG would be achieved on-site or in accordance with the BNG hierarchy.

## **8.0 Implications**

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

### **Legal Implications - LEG2526/1633**

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

## **9.0 Conclusion**

- 9.1. The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues must be assessed at technical details stage. Further to the above assessment, it is considered that the location and land use is suitable for 2-9 dwellings, and it is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

9.2. It is therefore recommended that unconditional Permission in Principle is approved.

- 9.3. It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the technical details consent. The Permission in Principle and the technical details consent together form the full permission. No development can commence until both have been approved.

### **9.4 Technical Consent Submission Requirements:**

- Completed Technical Details Consent Application Form
- Site Location Plan
- Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Existing and Proposed Plans and Elevations
- Preliminary Ecology Assessment (and any follow-up surveys as recommended)
- Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
- Contaminated Land Desktop Study/Preliminary Risk Assessment

- Details of Biodiversity Net Gain

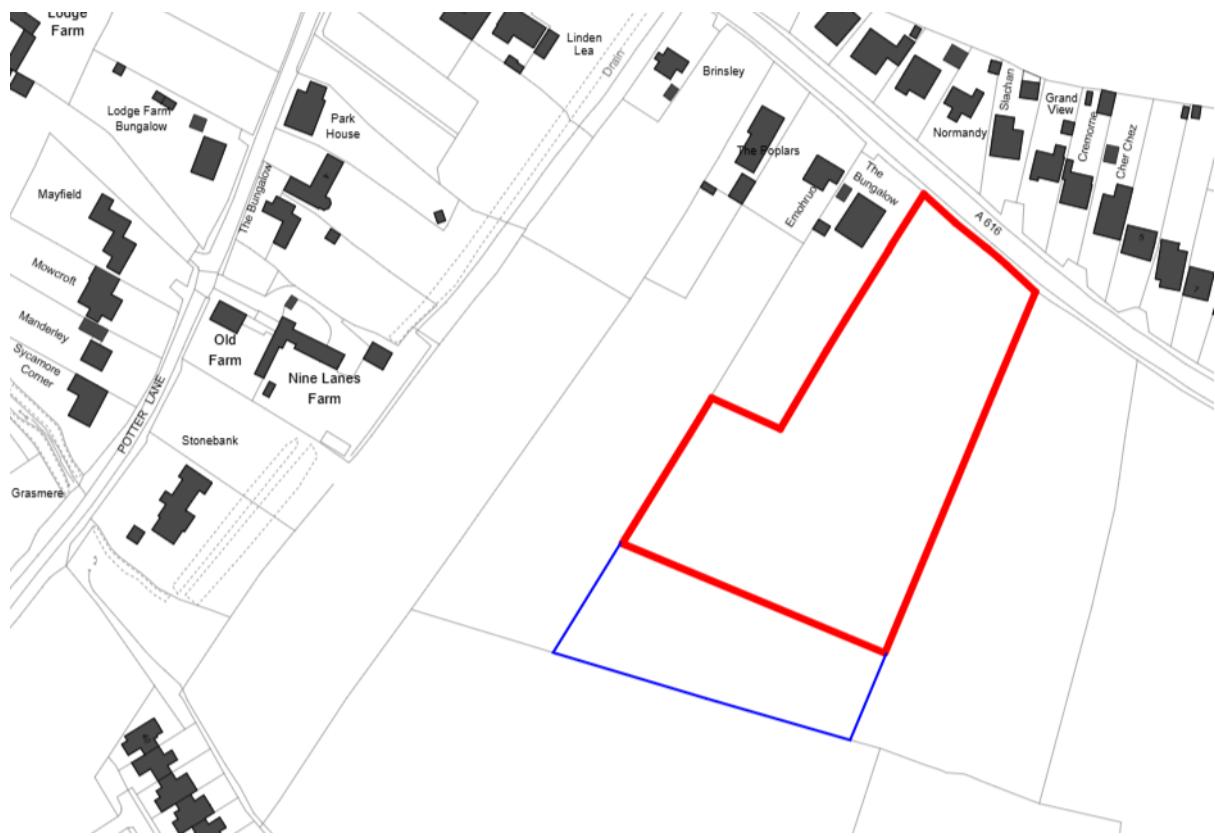
## **10.0 Informative Notes to the Applicant**

- 01 The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
- 02 The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
- 03 You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Any subsequent technical details submission may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)
- 04 The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

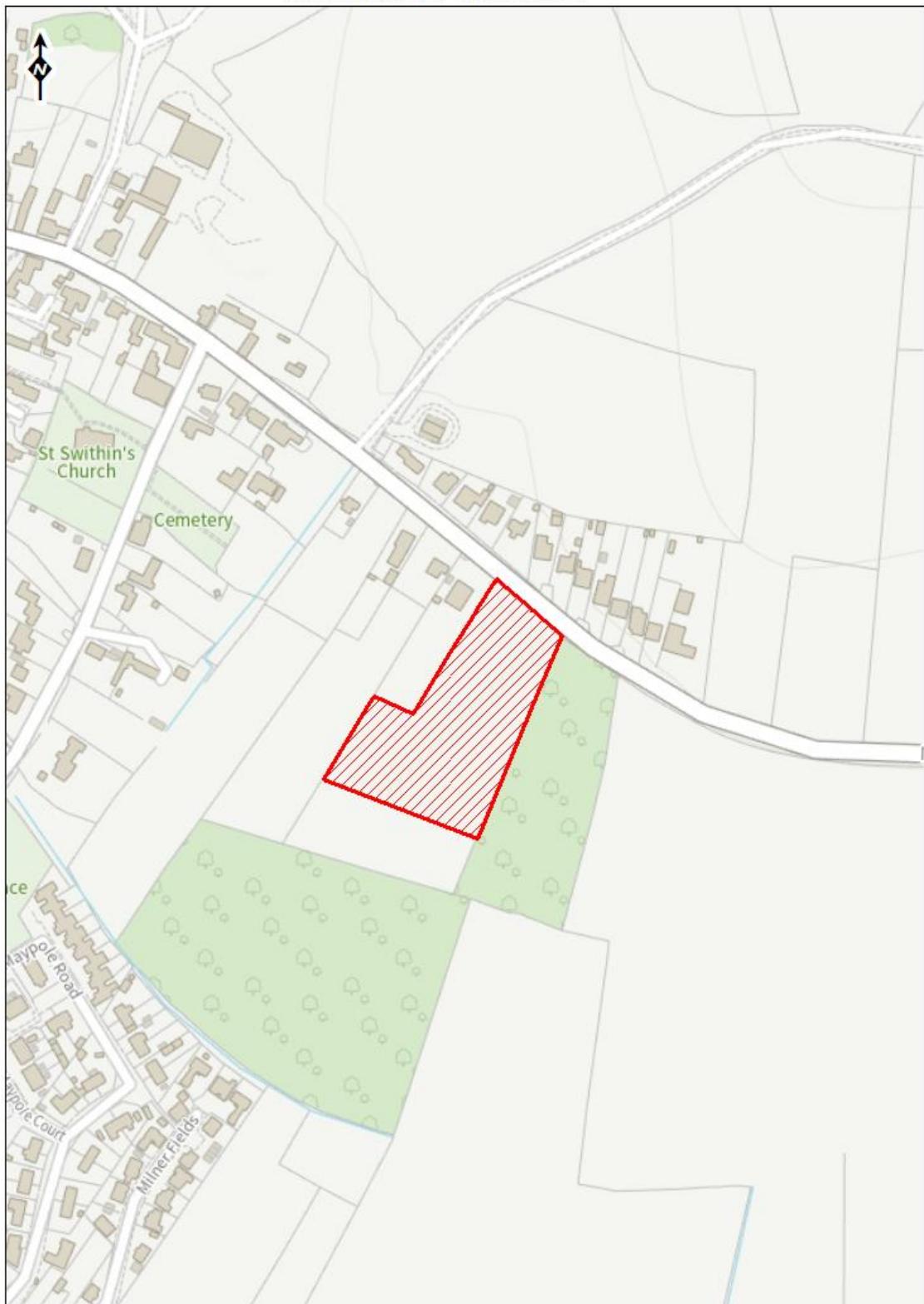
### **BACKGROUND PAPERS**

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

Application case file.



Committee Plan - 25/01862/PIP



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