



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

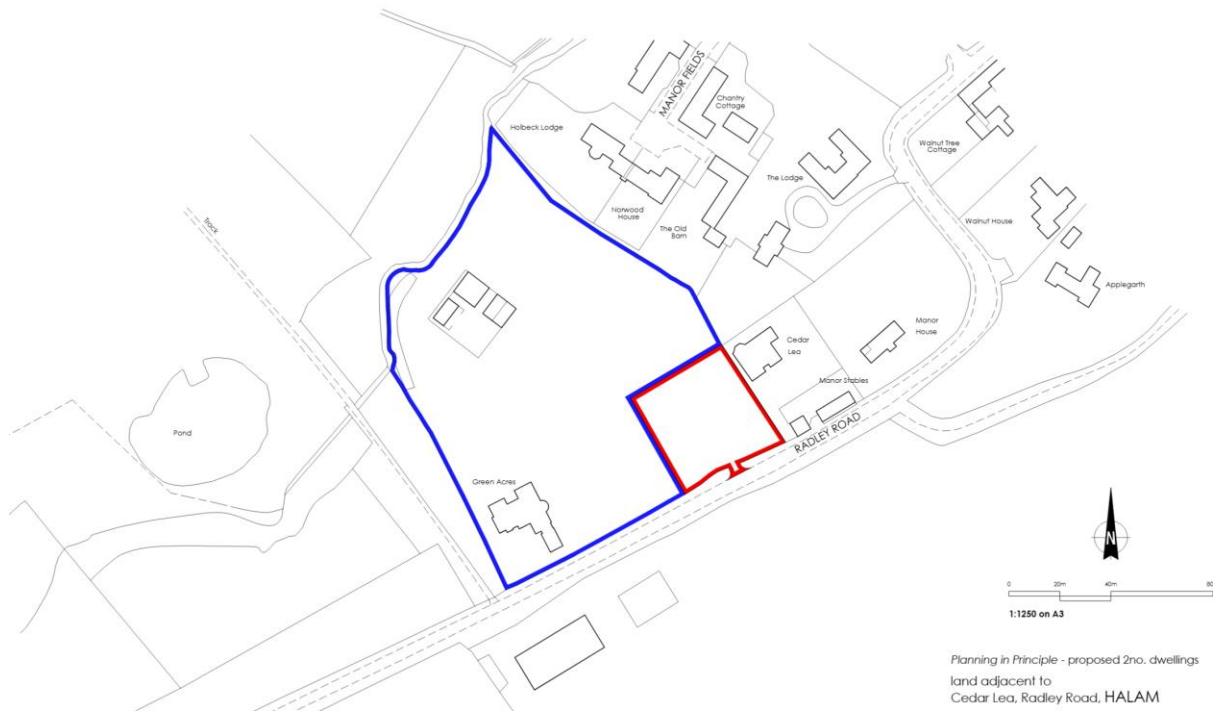
Lead Officer: Christine Beresford – Planning Development Officer

<b>Report Summary</b>			
<b>Application Number</b>	25/01853/PIP		
<b>Proposal</b>	Application for permission in principle for construction of a minimum and maximum of 2 dwellings		
<b>Location</b>	Land At Radley Road, Halam		
<b>Applicant</b>	Mr And Mrs N Dutton	<b>Agent</b>	IBA Planning Ltd - Mr Nick Baseley
<b>Registered</b>	04.08.2025	<b>Target Date</b>	09.09.2025
<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 development plan. In addition, the application has been called in to Planning Committee by Cllr Harris on the grounds that it is contrary to the Development Plan and located outside the designated village envelope.**

## **1.0 The Site**

- 1.1 The site comprises undeveloped land classed as open countryside. The proposed dwellings would be situated between existing dwellings, including Green Acres, Cedar Lea, Manor Stables, and Manor House, all of which front Radley Road within Halam. The land currently forms part of Green Acres and is accessed via their existing access, leading through the field that constitutes the majority of the site.
- 1.2 The site is not located within a Conservation Area; however, there are several listed buildings in close vicinity. It lies within Flood Zone 1 and is considered to be at low risk of surface water flooding.



Planning in Principle - proposed 2no. dwellings  
land adjacent to  
Cedar Lea, Radley Road, HALAM

## 2.0 Relevant Planning History

17/00760/FUL – Erection of 2 bungalows and creation of highway access – Refused

Appeal was submitted - Appeal Ref: APP/B3030/W/17/3187500 - Dismissed

*Reason for Appeal dismissal:*

The appeal was dismissed because the site was considered to lie outside the main built-up area of Halam, and therefore within the open countryside for policy purposes. The proposal did not meet any exceptions under Core Strategy Policy SP3 or Policy DM8, which strictly limit development in the countryside.

Although the design impact was not deemed harmful, the scheme represented ribbon development and encroachment into open countryside, conflicting with the spatial strategy. The Council could demonstrate a five-year housing land supply, so the presumption in favour of sustainable development did not apply. The limited benefits of two dwellings were insufficient to outweigh the clear conflict with the development plan.

## 3.0 The Proposal

- 3.1 The application seeks Permission in Principle, the first stage of a two-stage process. This is for the residential development of two dwellings. No detailed design information is required at this stage.
- 3.2 Permission in Principle considers only the location, land use, and scale of development. For residential proposals, as in this case, the description must specify the minimum and maximum number of dwellings proposed.

- 3.3 The second stage of the process, Technical Details Consent, involves the assessment of all detailed matters. This application must be submitted within three years of the Permission in Principle decision.
- 3.4 The proposed dwellings would use the proposed access off Radley Road, the main road through the village. While the proposal is for permission in principle, elevation, floor plans and layout have been submitted at this stage. However, these submitted details would be considered at stage 2, the Technical Details Consent stage, if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
  - Planning Statement received 04.08.2025
  - Application Form received 04.08.2025
  - Site Location Plan received 04.08.2025

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

- 4.1 Occupiers of 24 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 06.09.2025.
- 4.2 Site visit undertaken 13<sup>th</sup> November 2025.
- 4.3 Site notice was displayed on 13<sup>th</sup> November 2025.
- 4.4 Advert was published on 13<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

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 took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

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. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)  
[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

### **5.3. Other Material Planning Considerations**

- National Planning Policy Framework 2024 (updated 2025)
- Planning Practice Guidance (online resource)

## **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** – Referred back to their standing advice document dated January 2025.

6.3. **Conservation Officer** - The proposal for two dwellings at Radley Road, Halam, is located within a setting of several listed buildings, including the Manor House and its Pigeoncote, despite the absence of conservation area designation. The site's historic character is therefore highly sensitive. The indicative design shows single-storey dwellings set back from the roadside, which helps reduce visual intrusion; however, the proposed footprints are significantly larger than adjacent heritage assets, resulting in moderate “less than substantial harm” as defined by NPPF paragraph 215. While the material palette of red brick and pantile roofs is contextually appropriate, certain details, such as the belcote, are considered unnecessary and introduce an element of pastiche. The Conservation Officer advises that harm could be mitigated through design revisions, including reducing building footprints, increasing separation from Manor Stables, and removing non-contextual features. Subject to these changes, the scheme may safeguard the character and setting of nearby listed buildings, but as currently proposed, it risks overwhelming the historic environment due to its scale and density.

In summary, it is felt the harm to the adjacent listed buildings could be mitigated through good design. Notwithstanding this, the footprint as it stands is considerably larger than the adjacent listed buildings and there is potential to overwhelm their setting by an overly dense and intensive scheme. Subject to the detailed design, the works have the possibility of safeguarding the character, appearance and setting of the adjacent listed buildings, but there is potential for harm if the scheme was implemented based on the current footprint proposed.

## Town/Parish Council

6.4. **Halam Parish Council** – Halam Parish Council expressed support for the proposal for Permission in Principle, noting that the site is considered suitable for development. The vote outcome was four members in favour and two against. The Council emphasised that they would need to review detailed technical and design plans at the next stage before approving the development. They also clarified that they did not assess the attached plans because the application is for Permission in Principle only and the submitted plans are dated 2017.

## Representations/Non-Statutory Consultation

6.5. Neighbour & Public consultations – A total of 23 representations were received: 14 objections, 8 in support, and 1 neutral comment.

6.6. Supporters highlighted that the development would provide modest, well-designed bungalows meeting local housing needs, particularly for older residents wishing to downsize, thereby freeing up larger homes for families. They considered the site visually contained and adjacent to existing development, forming a logical continuation of the village without harming its character. Comments also referred to the district's housing shortfall and suggested that small-scale schemes such as this

make a positive contribution to supply and sustainability. The proposed design was described as low in height and sympathetic to the surrounding built form, avoiding overbearing impacts. Some respondents felt that villages require carefully considered growth to remain vibrant and avoid stagnation.

- 6.7. Objectors key concerns include the location of the site, which is considered to be open countryside outside the main built-up area of Halam, and therefore contrary to Core Strategy Policy SP3 and Policy DM8. Many objectors raised strong concerns that approval would set a precedent for further encroachment into greenfield land, undermining the Council's spatial strategy. Sustainability was also cited as a major issue, with Halam offering limited services, no shop, and poor public transport, resulting in increased reliance on private cars. The lack of footpaths and street lighting was highlighted as making access unsafe and unsuitable for vulnerable residents. Objectors also considered that the development would result in urbanising encroachment, loss of open green space, and harm to rural character, with additional concerns about hedgerow removal and biodiversity impacts. Flood risk was raised by several respondents, noting existing surface water issues on Radley Road and the potential for increased runoff. Some felt the proposed footprint was large and out of keeping with the village's grain and form. Many referenced the previous refusal of planning permission in 2017 and the subsequent appeal dismissal in 2018, stating that no material changes justify a different outcome. Overall, objectors stressed that two dwellings would make an insignificant contribution to housing supply compared to the harm caused.
- 6.8. One neutral comment was received noting ownership of a strip of land within the site and requesting this be considered in decision-making.

## **7.0 Appraisal**

- 7.1. The key issues are:
  - Location
  - Land Use
  - Amount of Development
- 7.2. All other matters would be considered as part of the Technical Details Consent - Stage 2. An application which would be required if permission in principle - Stage 1 is approved.
- 7.3. The National Planning Policy Framework promotes a presumption in favour of sustainable development and reaffirms the statutory duty under the Planning Acts for applications to be determined in accordance with the development plan unless material considerations indicate otherwise, in line 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 approach is reflected at the local level through Policy DM12 of the Allocations and Development Management Development Plan Document (DPD),

which confirms the presumption in favour of sustainable development within the district.

### Principle of Development

#### Location

- 7.4. This type of application requires consideration only of the principle of development against the Council's Development Plan and the NPPF. The assessment at this stage is limited to three matters: location, land use, and amount of development. Issues relevant to these in-principle considerations should be addressed under the Permission in Principle stage. All other detailed matters, including design, layout, access, and technical requirements, are reserved for the second stage of the process, Technical Details Consent, which must be submitted within three years of the Permission in Principle decision if granted.
- 7.5. The adopted Development Plan for the district comprises the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy establishes a settlement hierarchy to deliver sustainable growth and development (Spatial Policy 1). This hierarchy seeks to direct new residential development to the Sub-Regional Centre, Service Centres, and Principal Villages, which benefit from good infrastructure and services. Spatial Policy 2 sets out the settlements where the Council will focus growth across the district. Proposals for new development beyond Principal Villages, as identified in Spatial Policy 1, are assessed against the five criteria set out in Spatial Policy 3 (Rural Areas).
- 7.6. Spatial policy 3 emphasises that new development in rural areas should be directed to sustainable villages with access to services, and must be appropriate in terms of location, scale, need, impact, and character. Proposals are expected to support local housing needs, rural services, employment, and tourism while safeguarding landscape, infrastructure, and local distinctiveness. Although some redevelopment and environmental enhancement within villages may be supported, the policy is clear that development outside settlements or within open countryside does not meet the locational requirements and must instead be assessed the criteria of DM8. As the application site is located outside the village envelope, it is considered to fall within the open countryside, and the proposal must therefore be treated as open-countryside development for policy purposes.
- 7.7. DM8 strictly limits development in the open countryside to specific, justified forms. These include agricultural and forestry proposals, rural workers' dwellings where a functional and financial need is proven, and new or replacement dwellings only where they are of exceptional quality or replace an existing non-historic dwelling of similar scale. The policy prioritises the reuse or conversion of existing buildings over new-build development and allows certain forms of rural diversification, small-scale employment, equestrian uses, community facilities, and appropriate tourism uses where they support the rural economy and minimise landscape impact. Overall, DM8 permits only narrowly defined categories of rural development and resists unrestricted new housing or development lacking a clear countryside justification.

- 7.8. As such, the location of the proposal is considered contrary to policy DM8.
- 7.9. The NPPF (December 2024) introduced changes to the way local authorities calculate housing requirements, resulting in a significant increase in the number of homes needed within the district. Consequently, the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing land and can currently only evidence a supply of 3.84 years. This shortfall means that the most important policies for housing delivery in the Development Plan are considered out of date, and the presumption in favour of sustainable development commonly referred to as the tilted balance applies when determining this application.
- 7.10. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development set out in the NPPF, planning permission should be granted unless policies protecting areas or assets of particular importance provide a clear reason for refusal, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. This assessment must have particular regard to the policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and delivering affordable homes. In these circumstances, the presumption operates as a tilted balance, giving substantial weight to the benefits of sustainable development and housing provision.
- 7.11. The NPPF sets out that certain areas and assets of particular importance can provide a clear reason for refusing development, even where the presumption in favour of sustainable development applies. These include habitat sites, Sites of Special Scientific Interest (SSSIs), designated heritage assets, and land at high risk of flooding. Where such designations exist, they override the presumption and outweigh the benefits of housing provision. In this case, there are no protected areas or assets that would provide a clear reason for refusing development on the application site.
- 7.12. Although the site lies within the open countryside and conflicts with Policy DM8, the presumption in favour of sustainable development is engaged. This means that the provision of two dwellings carries additional weight in the planning balance. Smaller, unallocated sites such as this will play an important role in helping the district meet its housing targets and address identified housing needs.
- 7.13. The proposal seeks to deliver two bungalows on land at the edge of the village, which is currently designated as open countryside. While the submitted plans indicate bungalows, the detailed design and layout will be assessed at the Technical Details Consent stage. The site lies within the wider setting of several listed buildings along Radley Road, including the Manor House and the Pigeon Cote, and therefore any future design will need to demonstrate that the scale, form and positioning of the dwellings preserve the setting of these heritage assets and maintain the rural character of the village edge. These matters will be carefully assessed at the Technical Details stage to ensure an appropriate and sensitive response to the site's historic context.

7.14. As highlighted above, the district faces a significant shortfall in housing land supply. The proposal would deliver two dwellings, contributing to meeting an identified need, and this carries additional weight in the planning balance. Under the NPPF, the presumption in favour of sustainable development applies. This means planning permission should be granted unless policies protecting areas or assets of particular importance provide a clear reason for refusal, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. In this context, the provision of housing weighs strongly in favour of the scheme, as per the tilted balance.

#### Land use

7.15. Residential use is considered suitable for this site given its proximity to the village and the surrounding grain of residential development. The site is directly adjacent to the settlement and would therefore represent a logical expansion rather than fragmentation. The Highway Authority has referred to its standing advice in regard to the creation of access, and this will be addressed at Stage 2 (Technical Details Consent). Therefore, the proposal cannot be refused on technical matters at this stage, and will be subject to assessment during the technical stage.

#### Amount of Development

7.16. The application proposes two dwellings on a site of approximately 0.19 hectares. While the district's indicative density is around 30 dwellings per hectare, the rural, edge-of-settlement context means that a lower density is appropriate and would not introduce an excessive or harmful level of development. It is deemed that the proposed development at Radley Road would not overwhelm the village, as sufficient services are available within an appropriate distance, supported by established transport links, such as the Stagecoach Service 28, which provides a direct bus connection to Newark's buses and railway stations, and road access via the nearby A614 and A1 corridors. The addition of two dwellings is unlikely to result in a significant or unsustainable increase in population and is therefore unlikely to cause unacceptable impacts relating to traffic generation, drainage, sewerage or other local infrastructure.

7.17. This reflects the Inspector's conclusions in Appeal Ref: APP/H1840/W/23/3316576, which confirmed that while rural locations may involve some reliance on private cars, such effects are typically modest and do not amount to significant harm where development is small in scale and some sustainable transport opportunities exist.

7.18. In heritage terms, although Halam is not a Conservation Area, the site lies in close proximity to several listed buildings, including the Manor House and its listed pigeon cote. The limited number of dwellings ensures that development at this scale would not overwhelm these assets or their setting. This is consistent with the Inspector's findings in Appeal Ref: APP/R3030/W/17/3187500, where development outside the built-up area could still sit comfortably within the loose rural grain, particularly where boundary vegetation and a set-back layout assist in reducing visual prominence. While precise design matters are reserved for Stage 2, two dwellings reduces the risk of

excessive massing relative to neighbouring listed buildings, as highlighted in the conservation assessment.

7.19. Given the small scale of the proposal and the availability of services within the village such as the school, church and public house, the development would not place unreasonable pressure on local facilities. Nor is it expected to generate wider adverse effects related to landscape character, visual impact or village capacity. Detailed design, layout and heritage mitigation will be addressed at the Technical Details Consent stage. Overall, the proposed amount of development is proportionate, contextually appropriate and capable of being accommodated without unacceptable harm, including to nearby heritage assets.

#### Planning Balance and Conclusion

7.20. In this instance, the location is considered to be within the open countryside adjacent to the built form of Halam. There are no impacts at this stage that would warrant refusal when applying the tilted balance in accordance with the NPPF, which favours the provision of housing unless there are strong reasons to refuse. Whilst Halam is classified as an 'other village' with some but not all essential amenities, it benefits from transport connections to Southwell, a designated Service Centre with a wide range of facilities. Considering the Council's lack of a five-year housing land supply and the age of the local plan, the provision of housing carries significant weight in the planning balance. At this stage, there are no identified impacts that would significantly or demonstrably outweigh the benefits of housing provision. The proposal is therefore considered acceptable in principle when applying the tilted balance in accordance with the NPPF.

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

7.21. If approved, a Technical Details Consent (TDC) application must be submitted within three years of the decision date. Policy DM5(b) of the amended Allocations and Development Management DPD sets out the criteria against which all new development will be assessed. These include, but are not limited to, safe and inclusive access, appropriate parking provision, impact on residential amenity, local distinctiveness and character, and biodiversity and green infrastructure. The TDC application will need to carefully address these requirements to ensure compliance with policy.

#### Impact on visual amenities and Heritage assets

7.22. Core Policy 9 seeks to secure a high standard of sustainable design that is appropriate in scale and form to its context, complementing local built character and the wider landscape. Policy DM5(b) similarly requires development to reflect the district's local distinctiveness through careful attention to massing, layout, materials and detailing. Core Policy 13 further expects development to protect and reinforce landscape character, particularly within sensitive rural settings.

7.23. While Halam does not benefit from Conservation Area status, the application site lies in close proximity to a significant cluster of listed buildings, including the Manor House

(242154), its associated Pigeon Cote (242155), Ashdene, and several historic barns. Mapping from the Nottinghamshire HER confirms that these buildings have formed part of the village's historic landscape since at least the early nineteenth century, and the immediate area around Radley Road possesses a strong traditional character defined by mature boundary planting, rural plot patterns, and historic brick forms. As such, the site lies within a visually sensitive historic setting in which development must be carefully managed to avoid harm to listed buildings and their wider environment.

- 7.24. The NPPF requires development to be visually attractive, sympathetic to local character and history, and to establish or maintain a strong sense of place. Paragraphs 202–214 (particularly 202–203 and 207) relating to design and heritage emphasise that great weight must be given to the conservation of designated heritage assets, and that development affecting the setting of listed buildings must preserve or enhance their significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a statutory duty on the decision-maker to have special regard to the desirability of preserving a listed building or its setting.
- 7.25. As this application seeks permission in principle only, matters relating to detailed design, appearance, layout and landscaping will be addressed at the Technical Details Consent stage. However, an assessment of the site context, indicative plans and relevant heritage considerations can be made at this stage. The introduction of two dwellings would constitute a modest level of development that would not overwhelm the village or materially alter its settlement pattern. The site benefits from existing public transport connections to Halam, Southwell and Newark, and in line with Inspector reasoning in Appeal Ref: APP/H1840/W/23/3316576, small-scale residential development in rural areas is not typically associated with significant transport or infrastructure impacts where such links are available.
- 7.26. The site occupies a visually sensitive position on the fringes of Radley Road, where the settlement edge transitions to open countryside. The surrounding area contains a notable concentration of listed buildings, including the Manor House and the Pigeon Cote, which contribute to a well-established historic character defined by traditional red-brick architecture, mature boundary planting and a loose rural grain. The conservation assessment identifies the need to ensure that new development does not dominate or detract from the setting of these heritage assets. Although the indicative plans show a simple H-plan form with a traditional material palette, the footprint of the units as illustrated would exceed that of neighbouring listed buildings and could appear visually prominent if not reduced or more sensitively positioned within the plot.
- 7.27. Material considerations also include the need to avoid architectural features that introduce an artificial or incongruous aesthetic, as highlighted in the conservation assessment. Elements such as the belcote or roof cowl shown on the indicative elevations may risk introducing an inappropriate pastiche and would require reconsideration at the detailed stage. Mitigation through reduced footprints, increased set-back and strengthened landscaping would assist in ensuring an appropriate visual relationship with the Manor House, Manor Stables and Pigeon Cote and would support a more sensitive response to the local context.

7.28. In summary, the principle of two dwellings is capable of being accommodated on the site without resulting in unacceptable harm to visual amenity, landscape character or heritage significance. However, the heritage context introduces a requirement for heightened design sensitivity. Acceptable development is achievable, but it will be essential at the Technical Details Consent stage to ensure that the scale, massing, siting and materials preserve the setting of nearby listed buildings and maintain the rural character of Radley Road.

#### Impact on Residential Amenity

7.29. Policy DM5(b) of the amended Development Plan Document requires that development proposals consider their impact on the amenity of surrounding land uses and neighbouring properties, ensuring that these are not detrimentally affected. In line with the NPPF, proposals should secure high-quality design and deliver a high standard of amenity for all existing and future occupants of land and buildings.

7.30. The NPPF seeks to ensure that developments deliver a high standard of amenity for both existing and future users. The closest dwellings to the site are Green Acres, Cedar Lea, Manor Stables, and Manor House, which front Radley Road. Access to the site would be taken from the main village road, Radley Road, which also serves the wider settlement. Given the size of the land, it is considered that appropriate spacing and amenity can be achieved at the Technical Details stage, enabling a scheme that avoids unacceptable impacts on neighbouring properties in terms of overbearing effects, loss of light, or loss of privacy. This will be subject to detailed design and further assessment at the next stage.

#### Impact on Highways

7.31. Spatial Policy 7 requires new development to provide appropriate and effective parking provision, while Policy DM5(b) states that parking should be proportionate to the scale and specific location of the development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) offers detailed guidance on car and cycle parking requirements. Table 2 of the SPD sets out recommended parking provision based on the number of bedrooms and the dwelling's location.

7.32. 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.

7.33. The creation of the vehicular access to the site would be taken from Radley Road, which functions as the main road through the village. The access must comply with the requirements set out in the Nottinghamshire County Council Highways Design Guide and standing advice. In accordance with the Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021), dwellings with up to 2–3 bedrooms should provide a minimum of two parking spaces, while dwellings with four or more bedrooms should provide three spaces.

7.34. Overall, it is considered that the scheme has the potential to accord with relevant policy; however, this will be subject to a separate and detailed assessment at the Technical Details stage.

#### Trees, Landscaping and Ecology

7.35. Core Policy 12 of the Core Strategy seeks to secure development that maximises opportunities to conserve, enhance, and restore biodiversity. Policy DM5(b) of the Development Plan Document requires that natural features of importance within or adjacent to development sites are protected and, wherever possible, enhanced. The NPPF also encourages opportunities to incorporate biodiversity in and around developments to deliver net gains.

7.36. It is currently unclear whether the proposal would involve the removal of any trees within the site; however, it is likely to include clearance of overgrown vegetation. A Preliminary Ecological Appraisal (PEA), together with any recommended follow-up surveys, will therefore be required to support the Technical Details Consent application

7.37. Ultimately it is essential that development does not unnecessarily harm the natural environment or surrounding character, and that construction is undertaken proactively to protect existing ecological features. Where development is proposed close to established trees or hedgerows, or where removal of such features is anticipated, a Tree Survey, Arboricultural Impact Assessment, and Tree Protection Plan will be required. These should identify any trees or hedgerows affected, including those on adjacent land or highways, and must comply with BS 5837:2012 (or any subsequent updates). Further guidance is available within the NSDC Local Validation Checklist.

7.38. Landscaping and green infrastructure should be incorporated into the proposal in accordance with Policy DM7. It is strongly recommended that any trees requiring removal are replaced with trees of a similar species as part of a comprehensive landscaping plan, ensuring the development integrates positively with its surrounding

#### Flood risk

The site is located within Flood Zone 1, representing land at the lowest probability of fluvial flooding, and there are no identified areas of surface water flood risk affecting the site. There are no flood-related constraints, and the proposal would be acceptable in principle in flood-risk terms. However, at this stage it is not a consideration under the Permission in Principle process and will be addressed at the Technical Details Consent stage.

#### Contamination Risk

7.39. Policy DM10 of the Development Plan Document requires that where a site is likely to have been contaminated by a previous use, appropriate investigation and proposals for any necessary mitigation should form part of the redevelopment process.

7.40. The NPPF states that planning decisions should ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability or contamination. This includes risks from natural hazards or former activities such as mining, and any proposals for mitigation, including land remediation. Following remediation, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990.

7.41. Furthermore, if there is potential for contamination, a Phase 1 Contamination Survey will be required as part of the Technical Details Consent application. The Council's Environmental Health team will be consulted at the technical details stage for comments.

#### Community Infrastructure Levy (CIL)

7.42. The site falls within the Housing High Zone 3 of the Council's approved Community Infrastructure Levy (CIL) Charging Schedule. Residential development in this zone is charged at £45 per m<sup>2</sup>. The development would therefore be subject to CIL at the Technical Details Consent stage. As the proposed floorspace is currently unknown, the precise CIL liability cannot be calculated at this stage.

#### Biodiversity Net Gain (BNG)

7.43. 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 Implication – LEG2526/1101

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 in principle, specifically in relation to the location, land use, and amount of development. All other detailed matters will be considered at the Technical Details stage. Based on the assessment above, the location and land use are considered suitable for two dwellings, and the proposed amount of development is acceptable for the site. The principle of development is therefore supported, subject to detailed design, mitigation measures, access arrangements, and site-specific impacts, which will be addressed at the Technical Details Consent stage.
- 9.2. It is therefore recommended that Permission in Principle is granted.
- 9.3. It should be noted that conditions cannot be attached to a Permission in Principle. Conditions will be applied at the Technical Details Consent stage. Together, the Permission in Principle and Technical Details Consent form the full planning permission, and 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 (where relevant)
- Details of BNG

## **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.

## 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 - 25/01853/PIP

