



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jamie Pegram – Planning Development Officer

Report Summary			
Application Number	25/01914/PIP		
Proposal	Application for permission in principle for residential development for two dwellings.		
Location	Land Off Swinderby Road South Scarle		
Web Link	25/01914/PIP Application for permission in principle for residential development for two dwellings Land Off Swinderby Road South Scarle		
Applicant	Ms/Mr V And S Trevethick And Dove	Agent	IBA Planning Ltd - Mr Nick Baseley
Registered	04.11.2025	Target Date	10.12.2025 EOT 13.02.2026
Recommendation	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.

1.0 The Site

- 1.1 The site is a field on the northern side of Swinderby Road in South Scarle. The field is located outside but adjacent to South Scarle Conservation Area with nearby Grade II Listed Buildings both to the east and south of the site. The Grade I St Helena's Church is the focal point to the conservation area, limited views of it are visible from Swinderby Road due to other built form and trees intercepting views.
- 1.2 The site is within Flood Zone 1 and at low risk of surface water flooding. There is a small part of the site that is at a higher risk of surface water flooding.



2.0 Relevant Planning History

PREAPP/00093/25 - Two single storey 'self-build' dwellings alongside new play area and car parking for local church. (Response provided 18.07.2025)

20/01362/ELE - Replacement of sections of low voltage overhead power line and

electricity poles. (Permitted Development 03.08.2020)

3.0 The Proposal

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of 2 dwellings. No specific details are required at this stage, an indicative plan has however been provided showing the potential layout of the housing. The scheme has been clarified with the agent and is just for the 2 dwellings, therefore the plans and description have been updated and further consultation has been carried out to cover this for the avoidance of doubt.
- 3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development (as is the case in this application), the description must specify the minimum and maximum number of dwellings proposed.
- 3.3 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 decision.
- 3.4 The proposed dwellings would create a new residential access off Swinderby Road which connects to Main Street which is the main road through the village. As the proposal is for permission in principle, no 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.
- 3.5 Documents assessed in this appraisal:
 - Site Location Plan received 25/527-01
 - Site Layout Plan 25/527-02A

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 20 properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site expiring 03.12.2025 and a press notice has been published expiring 11.12.2025.
- 4.3 Site visit undertaken 19th 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 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)**

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- 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

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. Relevant policies in the Draft Amended Allocations & Development Management DPD:

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5(a): The Design Process
- Policy DM5(b): Design
- Policy DM12: Presumption in Favour of Sustainable Development

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 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** – The highways authority has no objection to the residential use as it would not give rise to material impacts on highway capacity or safety, provided that the site access parking arrangements accord in the main with the indicative layout. Drivers' visibility splays are to be conditioned at the technical details stage which are shown at 2.4m x 43m in both directions. Objection by the highways authority was raised in respect of the play park and proposed carpark due to lack of visibility from the private access track and additional foot traffic generated on the road due to narrow pavements and limited space for safe crossing. It should be noted that following highways comments the car park and play park have been omitted from the proposal.

Town/Parish Council

6.3. **South Scarle Parish Council** – Object to the proposal based on proposed buildings being within open countryside, vehicular access onto Swinderby road being hazardous, question over why a play park is needed and consideration that the advantages of the scheme presented in the application aren't considered advantages. There were also questions over whether the car park is also proposed as it is shown on the plans.

6.4. Following re-consultation, the parish maintains objection with the omission of original comments regarding the playpark and carpark.

Representations/Non-Statutory Consultation

6.5. **NCC Public Rights of Way** – Footpath 9 is a public footpath, carrying pedestrians' rights only, and is not an adopted highway. Vehicular use is limited solely to those with established private rights or for agricultural access. The introduction of a public carpark and associated intensification of vehicle movements cannot lawfully be accommodated on a public footpath without evidence of existing lawful vehicular rights; or a successful diversion, extinguishment, or other legal process under the appropriate legislation. Further points of clarification have been included within ROW comments to overcome the objection. It should be noted since comments were received the play park and carpark have been omitted from the scheme and therefore the scheme no longer impacts the public right of way.

6.6. **Conservation** – The works in their outline stage are considered to safeguard the street scene of the conservation area and thus accord with the parameters of Para 215 and 219 of the NPPF, as well as S.72 of the Listed Building and Conservation Areas Act (1990) and the submission for permission in principle is acceptable for approval.

6.7. **Neighbour & Public consultations** – 15 comments were received with concerns, with 1 photo also received. The concerns are highways safety, flooding, concern over a policy from the 70s and 80s which restricted building in South Scarle, heritage harm and the lack of need for an additional play park, concerns over the carpark, lack of public services, location within the Green Belt, concerns over flooding and concerns the dwelling would be out of place with the existing village. Re-consultation was carried out following amendments to the scheme and 8 objections have been received with concerns to highway safety, impacts on nature and continued building in the village also questions raised regarding who is going to manage BNG land and concerns regarding character and use of the land for residential.

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) 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).

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).
- 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).

Location

- 7.6. The site is located within the open countryside, outside of any main built-up settlement. SP3 states 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, however adjacent to housing within the village.
- 7.7. Policy DM8 states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. In the absence of detailed design drawings, the proposal does not comply with DM8 and is in conflict with this policy.
- 7.8. Following the publication of the NPPF on 12th December 2024 and amended on 01st April 2025, 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.
- 7.9. The NPPF (2025) 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 3.84 years. This means that the Development Plan is now out of date in terms of housing delivery and the tilted balance has come into effect.

7.10. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at NPPF 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*

7.11. Footnote 7 of the NPPF 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. There are no protected assets or areas that would provide a strong reason for refusing development on this site.

7.12. As such, whilst the site is located within the open countryside, contrary to the settlement hierarchy and policy SP3 and policy DM8, the tilted balance is engaged, and the provision of housing (for 2 dwellings) 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.

7.13. The site will provide 2 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 two storey houses, these details would come at the technical detail stage. It is considered that 2 bungalows / one and half storey dwellings are likely to be most appropriate, however this will be dealt with at the technical details stage.

7.14. The village of South Scarle is defined as an 'other village', and the site is directly adjacent to the village, but on what is considered open countryside. The village has some facilities, such as a church, farm shop and play park, as well as bus service which goes to the nearby principal village Collingham, where there are schools, medical facilities and shops, as well as the Main Subregional centre Newark. Therefore essential services are accessible, albeit they do require some travel by bus or car. Therefore, the village itself does not provide main services, contrary to the requirements of SP3, however when considering the tilted balance, the need for housing and the short distance to these services, the proposal is considered acceptable in principle with the tilted balance being engaged.

Land use

7.15. Residential is a suitable use of the land considering the proximity to the village. The site is directly adjacent the village therefore would expand the village rather than fragment it by using land that is not directly adjacent. Highways have raised no objection to the residential element of this proposal in principle, subject to technical details having appropriate visibility splays. The site is opposite listed buildings and just outside the Conservation Area. The use of the land for residential would not be harmful to heritage or nearby listed building, subject to appropriate design. At this stage full details of the dwelling aren't required, however they would be best suited as 1 or 1.5 storey dwellings in an agricultural layout/arrangement, like that shown on the indicative plan. A full heritage assessment would be undertaken at technical details stage.

Loss of Agricultural Land

7.16. 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'.

7.17. 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.

7.18. 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.

7.19. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (Good to Moderate). 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 South Scarle that would not be included as best and most versatile land. Regardless, the Council can only demonstrate a 3.84 year housing land supply, which is a significant shortfall. As such, the provision of 2 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.

7.20. The loss of this 'Good to Moderate' agricultural land measuring up to 0.37 hectares should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance

Amount of Development

7.21. The application proposes 2 dwellings. The site covers approximately 0.5 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 2, which equates to an approximate density of 5.4 per hectare. Given the rural, edge of settlement location, this 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 (this would be a matter for the TDC stage).

7.22. The minimum and maximum number of dwellings proposed here would be 2 units which would not 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 dwellings at an appropriate distance. The site at the proposed density is considered compatible with the historic layout of the village. The density being low is also appropriate given that this is outside but adjacent to the edge of the village, where development would typically thin out into open countryside. Therefore it is not considered at this density that the proposal would be harmful to heritage subject to technical details and design.

Planning Balance

7.23. In this instance, the location is considered to be within the open countryside adjacent the built village of South Scarle. 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 convincing issues which would warrant refusal. Whilst South Scarle is an 'other village', with some but not all the essential amenities, South Scarle has transport connections to Collingham which is a principal village with plenty of amenities and Newark which is a regional centre. Considering the Council's lack of a five-year housing land supply, and an out-of-date local plan, the provision of housing is given additional 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

7.24. 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.

7.25. It should be noted that the proposal is adjacent listed buildings and is sited within the Conservation Area and therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF which is a material planning consideration and Section 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990 is relevant to this case.

Impact on Visual Amenity and the Character of the Area and Heritage

7.26. 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(b) of the Amended ADMDPD 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.

7.27. 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.

7.28. 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.

7.29. The site is located in Landscape Policy Zone ES PZ 04, which has a moderate landscape condition and moderate sensitivity. The policy seeks to create new hedgerows, conserve existing hedgerows and conserve and enhance tree cover and landscape planting to create visual unity and habitat across the policy zone and conserve ecological density and biodiversity. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements and create new development which reflect the local built vernacular.

7.30. Policy DM5(b) states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

7.31. As part of the Development Plan, Core Policy 14: Historic Environment and DM9: Protecting and Enhancing the Historic Environment amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

7.32. Section 16 of the NPPF states that heritage assets are an irreplaceable resource and should be preserved in a manner appropriate to their significance, so that they can be

appreciated for their contribution to the quality of life of existing and future generations.

7.33. Indicative plans were submitted which show an appropriate arrangement which would reflect an agricultural style layout, however definitive design drawings are not required for approval at this stage. These plans have been superseded by a redline plan to remove the carpark and playground from the scheme, the indicative house layout is still present. 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 Conservation Area. The construction of 2 new dwellings would be more prominent than the existing site. The design should aim to minimise the visual impact due to the adjacent to 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. Conservation also concurs that an acceptable scheme which respects the character of the Conservation Area and setting of nearby listed buildings is achievable here subject to acceptable design and layout. The agricultural indicative layout at 1 – 1.5 storeys is likely the ideal arrangement of built form, however this is subject to change and full details will be required at technical details stage.

Impact on Residential Amenity

7.34. Policy DM5(a) of the Amended ADMDPD 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.

7.35. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. There are dwellings to the south of the site, however with these being across the road they are of an acceptable distance for acceptable amenity to be achieved. The proposed site is substantial in size, and it is considered that two dwellings with sufficient amenity garden space and parking would be achievable. The proposal could be located an acceptable distance from neighbours to avoid overbearing, overshadowing or privacy impacts. At this stage it is not possible to fully assess amenity due to their only being indicative layout plans provided which is subject to change at technical details stage, however sufficient spacing from neighbouring dwellings can be achieved given the scale of the site. This would be subject to technical details and further assessment.

Impact on Highways

7.36. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Amended Policy DM5(b) 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.

- 7.37. 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.
- 7.38. A new access would be created onto Swinderby Road. The highways authority have commented and have no objection to the residential access in principle, they did raise concern to the play park and carpark, however these have since been omitted from the plans and therefore the highways authority would have no objection to the residential element of this scheme which is all that is being proposed now.
- 7.39. The rights of way team also originally raised concerns due to the access to the carpark and play park being off footpath 9. However, since these have now been omitted there would be no impact upon the footpath or private road to the west of the site.
- 7.40. Provided appropriate visibility splays are provided at the technical stage, the proposal can be achieved without impacting on highway safety. Overall, it is considered that the scheme could accord with policy, however this would be subject to a separate assessment of technical details.

Trees, Landscaping and Ecology

- 7.41. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the Amended ADMDPD 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
- 7.42. Whilst some already fragmented hedge would be removed, the scheme does not appear to be proposing to remove any trees within the site or around the access. If this is the case; in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA) and any follow up surveys that are recommended would be required to support the Technical Details Consent application.
- 7.43. Ultimately it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees/hedgerows or would result in the removal of such features, you would be required to submit a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development. 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.

7.44. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

Flood Risk

7.45. The site lies within flood zone 1 and at very low risk of surface water flooding according to the Environment Agency Flood Data. Core Policy 9 expects development proposals to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk.

7.46. Given that the development is within flood zone 1 and at a very low risk of surface water flooding and the site is less than 1ha, a flood risk assessment is not required. It is noted there is a small section of land that is at a higher risk of surface water flooding at medium to high risk. However, the indicative plan shows that development can be facilitated outside of this area, therefore it is possible to navigate any build to avoid this area of the site. Given the siting on land which is at lowest risk, it is not considered that the proposal would increase the risk of flooding both on site or elsewhere and the proposal is therefore considered acceptable in regard to flood risk in accordance with Policy DM5(b) of the Allocations and Development Management DPD as well as Core Policy 9 Sustainable Design and Core Policy 10 Climate Change of the Amended Core Strategy and the NPPF and PPG which are material planning considerations.

Contamination Risk

7.47. 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.

7.48. 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

7.49. 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)

7.50. The site is located within the Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

Biodiversity Net Gain (BNG)

7.51. 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.

Other Matters

7.52. It is noted that concerns have been raised by residents as to who manages land for biodiversity, whilst this is not relevant to the stage 1 of this process, it is worth addressing these concerns, advising that biodiversity net gain will be assessed at the technical matters stage. If the proposal provides on-site BNG this will be secured by a unilateral undertaking for the land to be monitored. If the dwellings are self or custom build, then a unilateral undertaking will also be required to ensure the dwellings are built out as self-build/custom build dwellings. The management of the land in general would not require a S106 or Unilateral undertaking, as is the responsibility of the landowner to maintain.

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 – LEG2526/671

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 should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for 2 dwellings and 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 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 - 25/01914/PIP

