



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jared Pailing – Planning Development Officer

Report Summary			
Application Number	25/02146/PIP		
Proposal	Application for permission in principle for a residential development of up to a maximum of 2 dwellings and a minimum of one		
Location	Land Off Sand Lane Spalford		
Applicant	MC2 London Ltd - Mr M Chennells	Agent	Fytche-Taylor Planning Ltd - Mr Daniel Evans
Registered	05.01.2026	Target Date	09.02.2026
Recommendation	That Permission in Principle is Approved		

**This application is being referred to the Planning Committee for determination as the local ward member has expressed concerns that the site is unsuitable for development.**

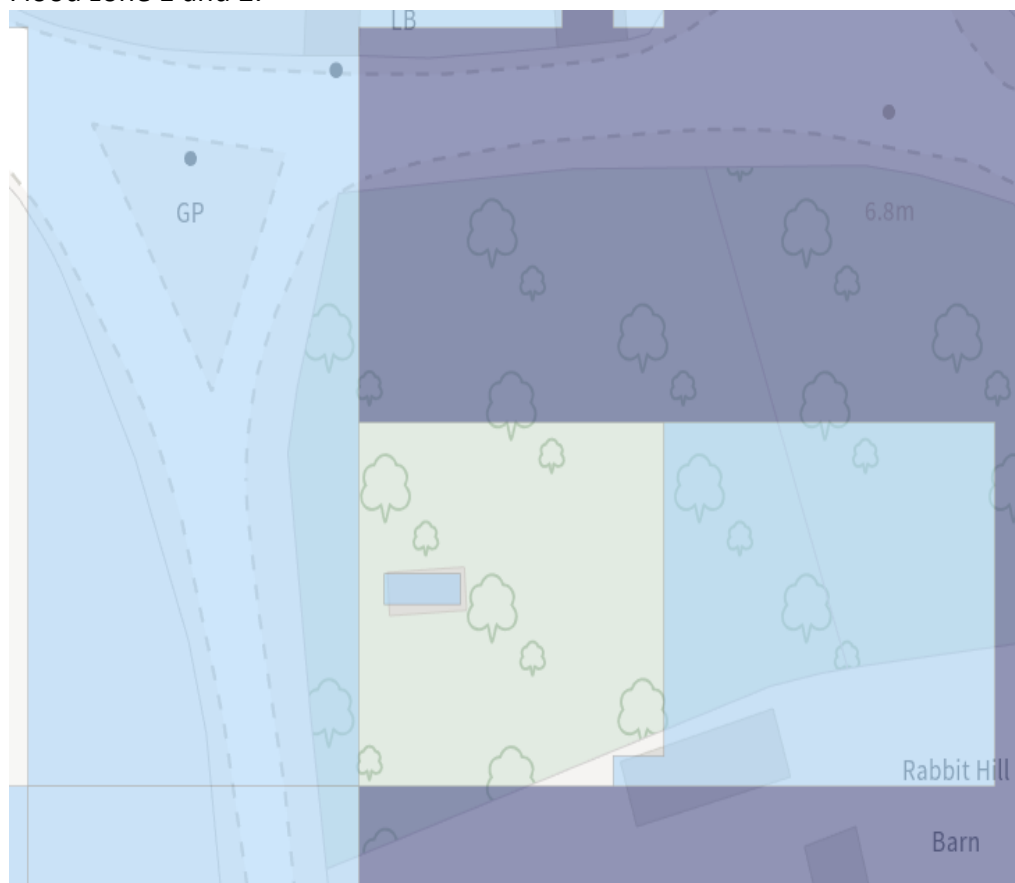
## 1.0 The Site

- 1.1 The site (outlined in red) comprises of a square parcel of undeveloped land measuring 0.1 hectares in area, fronting onto Sand Lane and running along Rabbit Hill Lane and Chapel Lane. The site is enclosed by a level of foliage and hedging; however, it is noted that trees within the site boundary have been removed. Chapel Lane to the east has a strong residential character that is fairly densely populated, relative to the overall sparse nature of the village and area. Farm buildings are located to the north and west. The proposal relates only to part of the enclosed land as shown below.



1.2 The site is not within a conservation area and there are no listed buildings nearby. The site has the following constraints:

- The entrance to the site and parts of the site are at risk of flooding at varying levels ranging from medium to high risk with predominantly high risk at the site entrance and medium flood risk to the east and west with high risk to the south. It is noted that the proposed redline does not encompass the areas of flood zone 3 (except a sliver to the south) and predominantly encompasses Flood zone 1 and 2.



## **2.0 Relevant Planning History**

- 2.1 21/01907/FUL- Provision of Two New Live/Work Dwellings including a building containing garage, car port and detached workspace. – Refused on grounds of inappropriate location for new development and refused on grounds of flood zones 2 and 3.
- 2.2 22/02430/FUL - Provision of two new Live/work Dwellings including a separate building containing detached workspaces and under cover parking. – Refused on grounds of inappropriate location for development, unsuitable loss of open/green space and loss of trees and hedgerows. The proposal was also considered to fail the sequential test.

## **3.0 The Proposal**

- 3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of up to 2 dwellings. No specific details are required at this stage.
- 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 In terms of accessing the site, no details of this have been submitted. To the north is the existing functional access, however, this is not included within the red line boundary and therefore does not form part of the development. It is assumed as a consequence a new access will be created to the western boundary. As the proposal is for permission in principle, no site plan or elevational details are required to be submitted at this stage. Such details would be considered at the Technical Details Consent stage, if permission in principle is approved.
- 3.5 Documents assessed in this appraisal:
- Application form – Submitted 24<sup>th</sup> December 2025;
  - Site Location Plan – Submitted 24<sup>th</sup> December 2025;
  - Flood Risk Assessment – Submitted 24<sup>th</sup> December 2025;
  - Planning Statement – Submitted 24<sup>th</sup> December 2025.

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

- 4.1 Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 30.1.26

4.2 Site visit undertaken 9<sup>th</sup> January 2026.

## **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
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- 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
- DM12 – Presumption in Favour of Sustainable Development

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification 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.

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. 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;

5.5. 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.

5.6. [Submission Amended Allocations & Development Management DPD](#)

5.7. [Schedule of Main Modifications and Minor Modifications / Clarifications](#)

a. DM5b – Design

5.8. **Other Material Planning Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

NSDC Landscape Character Assessment SPD 2013

NSDC Residential Cycle and Car Parking Standards 2021

NCC Highways Design Guide

**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** – Have stated that the application site appears to abut Rabbit Hill Lane only and that the red line boundary does not appear to have front/access to Sand Lane and it is assumed that vehicular access would be taken from Rabbit Hill Lane. They have considered that vehicular access to serve up to two dwellings would be acceptable in principle.

6.3. **NCC Flood Team** – standing advice

6.4. **Environmental Agency** – Have requested they be reconsulted during the technical details stage. Have stated that in the event of flooding the roads surrounding the property would be flooded in the case of a breach and it is the remit of the LPA to determine adequacy of emergency plans. They have also advised a condition is required for compliance with the NPPF.

**Town/Parish Council**

6.5. **Spalford Parish Council** – no comments received at this stage

6.6. **NSDC Environmental Health** – The application is for the construction of two new residential dwellings on land which appears, from aerial photography to have been used as domestic allotments. There is the potential for contamination to be present from this former use. The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on

(01636) 650000.

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

- 6.7. Two Neighbours have commented to object to the proposal. One objection has reiterated their previous comments under a similar app of 22/01110/FUL which objects to the app on grounds of strain on infrastructure, dangerous access onto Sand Lane and the site is within a flood zone.
- 6.8. A second neighbour has objected on grounds of highway safety on the Sand Lane bend, the cumulative impact of an additional two properties alongside recently approved housing and caravan applications and flood grounds. They have also expressed concerns that two properties in this area would cause their house to feel overlooked and hemmed in. The loss of land is also a concern due to the potential impact on wildlife on site as well as the site location plan only encompassing part of the wider site which may open up the possibility of additional applications.
- 6.9. The local ward member has also raised concerns over the suitability of the site and the sustainability of the area.

### **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).
- 7.4. On 16<sup>th</sup> December 2025 the Government Published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government Policy or Guidance. However, they are capable of being material

considerations in the assessment of this application. As the policy document is in the early stages of consultation it has been afforded limited weight.

#### Principle of Development

- 7.5. 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

- 7.6. 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. In accordance with Spatial Policy 3 (Rural Areas), proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.7. Spalford is not defined within the settlement hierarchy and is therefore an 'other village'. Proposed Developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. 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.
- 7.8. It is acknowledged that the village is located 5.4 miles from Collingham, a principal village meaning private car owners would have easy access. The aims of Spatial Policy 3 state that for locations which do not meet the locational criteria, but are well related to villages that do, consideration should be given to the infilling of small gaps with one or two dwellings. The site is located between Rosemary Pike to the south, with Sand Lane to the north with further built form north Sand Lane. A single bus service runs through the village connecting the village with Newark itself. Therefore, although the village itself has limited services, it has clear and easy access to other areas such as Collingham and Newark which are higher up in the settlement hierarchy to provide required services.

- 7.9. Spalford, along with many other villages in the district, does not have an established village envelope. Considering the built form to the south and east, and the separation from open countryside to the west by Rabbit Hill Lane, the site is considered to be located within the village and therefore does not need to be considered against policy DM8: Development in the Open Countryside.
- 7.10. As such, the location could be considered an infill development and therefore acceptable under the locational criterion of SP3. The other criteria within SP3 are discussed below.

#### Scale

- 7.11. The proposal is for a minimum of one dwelling and a maximum of two at this early stage and as such, 1-2 dwellings is considered an appropriate scale for the location. A maximum of two two storey dwellings would be acceptable subject to further details at the technical stage. Indicative plans have not been provided as of yet so it is unclear as to what the scale in terms of height and design but considering the surrounding area is characterised by two storey dwellings, two storeys would likely be acceptable.

#### Need

- 7.12. The LPA is currently only able to demonstrate a housing land supply of 3.84 years. As a result additional weight should be given to consideration of new housing supply within the district. Two additional dwellings would help contribute to this shortfall. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs. As such, the proposal would meet a need.

#### Impact

- 7.13. SP3 states new development should not result in an increase in carborne traffic nor should it impact residential amenity or infrastructure detrimentally. The proposal is for a minimum of 1 dwelling and a maximum of 2. It is not considered that two additional dwellings within the area would be of detrimental impact to local neighbours or infrastructure, nor create a significant increase in traffic. Further details at any technical stage would be reviewed for any potential impact, nonetheless.

#### Character

- 7.14. No information has been submitted at this stage in terms of what the design of the development may be, therefore it is hard to judge what impact it may have on the local character of the area. This would need to be carefully considered at the technical stage if approval were to be given to appraise any harm that may be a result of development. Nonetheless, it is not considered a maximum of two dwellings (subject to details) would have a significant impact on the character of the area.

#### Summary of SP3 Assessment

- 7.15. With the above considered, the proposal is considered to comply with the criteria set out in Spatial Policy 3 in principle. Some elements will require further details at the



technical stage for further consideration but in principle the location is considered acceptable in terms of location, scale, need, impact and character.

### Flood Risk

- 7.16. The site and indeed the village itself is located within an area of varying levels of flooding ranging from flood zone 1 to flood zone 2 and 3 therefore flood risk falls to be assessed as part of the location assessment. The site itself lies within a plot of land that has a square within flood zone 1 whilst the rest of the site is FZ2&3. Paragraphs 174 and 175 of the NPPF seek to steer development to areas with the lowest risk of flooding from any source. Paragraph 175 explains how the sequential test should be applied to areas known to be at risk now or in the future of flooding except where site specific flood risk assessments demonstrate that no built development within the site boundary would be located on an area that would be at risk of flooding from any source. In this application, the wider site as a whole encompasses flood zone 2 and, although not part of the red line boundary, the existing functional access to the site is within flood zone 3.
- 7.17. The application has been supported by a flood risk assessment conducted by RMA and a planning statement outlining the sequential test provided by the agent, Fyche Taylor. The submitted information, namely the sequential test has reviewed sites within the area including Collingham and Harby for suitability. The PPG states that for any non-major development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city which the proposal is located or beyond an individual village and its immediate neighbouring settlements.
- 7.18. Harby and Collingham are both located within 5 miles of the village of Spalford and therefore the scope of the sequential test is acceptable. The sequential test states that the wider area of Spalford is predominantly Flood Zones 2 and 3, resulting in limited areas for residential development. Accordingly, they conclude that the site is the area of lowest flooding available for new development within the village. Alternative sites have been identified from the December 2023 Strategic Housing and Employment Land Availability Assessment (SHELAA) including 3 in Collingham and 1 in Harby. The following extract is taken from the submitted Sequential Test:

The Council's December 2023 *Strategic Housing and Employment Land Availability Assessment* (SHELAA), Appendix B, does not identify any sites within Spalford as being available or suitable for residential development. Sites submitted within the Collingham sub-market area are set out below (extract from the SHELAA):

*Table 3: Potential Housing Sites in the Collingham Sub Area (NEW2)*

SHELAA Ref	Parish	Address	Source	Planning Status (at 31/03/2023)	Site Status	Suitability Conclusion	Site Area (Ha)	Capacity Estimate	Availability Timescale
COL0082	Collingham	High Street	SHLAA 2008	No Permission		May be Suitable	1.76	37	5-10 years
COL0203	Collingham	Station Close & Dykes End	Site Submission	No Permission		May be Suitable	3.15	56	5-10 years
COL0208	Collingham	High Street	SHLAA 2008	No Permission		Not Suitable	0.56	0	n/a
HAR0211	Harby	Wigsley Road	SHLAA 2008	No Permission		Not Suitable	2.74	0	n/a

Furthermore, a review of the Council's planning records confirms that there are no pending or recent planning applications (within five years) for residential development on land within Flood Zone 1 within the village.

- 7.20. Considering that the site is largely within Flood Zone 1 and the only area at risk triggering the application of the sequential test would be the access (which would be located in Flood Zone 2), Officers are in agreement with the sequential assessment and consider the sequential test to be passed. After reviewing the submission and reviewing the flood maps of the Environmental Agency and NSDC Flood maps, it is clear that the surrounding area and the village itself is almost entirely Flood Zone 2&3 (medium-high risk). As a result, there is limited space within the built-up area of Spalford for development to occur. Within the site there is an area of Flood zone 1 of sufficient size to allow the development of 1-2 dwellings outside of the areas at risk of flooding, it is noted however that any proposed entrance would be within Flood Zone 2 and any further proposal would need to demonstrate how this can be safely accommodated.

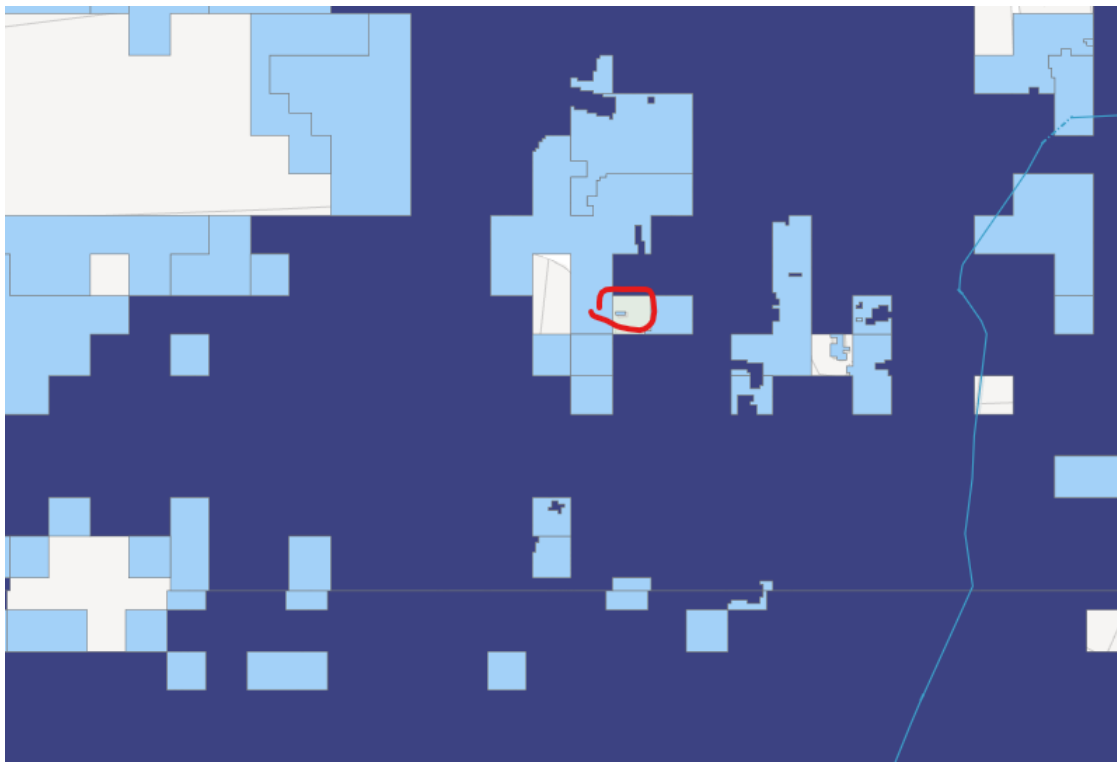


Figure 1 - Flood Maps showing the surrounding flood risk

- 7.21. In terms of an exception test, the planning statements has referred to the PPG vulnerability classifications of development and identified the proposal as “more vulnerable”. The PPG states that more vulnerable development is exempt from the exception test if build within Zones 1&2 of flooding, in Flood Zone 3b however are not permitted. The red line boundary encompasses flood zone 1 and 2 with a small amount of FZ3 to the very south of the boundary. The exception test is therefore not required in line with table 2 of the PPG subject to none of the built form, including the access, being within Flood Zone 3.
- 7.22. Therefore, the proposal is acceptable in terms of location in principle provided it is constructed within the area of least risk of flooding shown on the red line plan. Conditions cannot be attached to Permission in Principle approvals, therefore the condition recommended by the Environment Agency would be necessary at Technical Details Stage.

### Land Use

- 7.23. Residential is a suitable use of the land considering the proposal would be located within the village and nearby residential properties. The development of this site would also broadly reflect the existing pattern of development found within this area of the village. The residential use is acceptable in accordance with the assessment against SP3.

### Amount of Development

- 7.24. The application proposes 2 dwellings. The site covers approximately 0.1 hectares. The generally accepted density for new residential development within the district is 30 dwellings per hectare. The number of dwellings on site would be 2, which equates to an approximate density of 20 dwellings per hectare. Given the existing pattern of development along this area of Sand Lane, and its rural 'edge of settlement' location, this ratio is considered acceptable in principle and would appear in keeping with the existing density of development in the area. Any higher density would likely result in an unacceptable visual impact. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage. Overall, 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. The maximum number of dwellings proposed here would be 2 units which, given the size of Spalford, is considered proportionate to the existing village. Given the proximity of the site to the principal village of Collingham, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed.

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

- 7.26. 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. These policies are now reflected in the emerging plan policy DM5b.
- 7.27. The technical details consent application would need to carefully consider these criteria. Residential is a suitable use of the land considering the proximity to the village.

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

- 7.28. 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.

- 7.29. 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.
- 7.30. 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.
- 7.31. The site is located within the East Nottinghamshire Farmlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within the East Nottinghamshire Sands Policy Zone ESPZ 02: Wigsley Village Farmlands with Plantations, which is described as having a coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. The landscape sensitivity is considered very low and the condition is defined as 'moderate', and the proposed action for the area is to 'conserve and create' including conserving the fabric of historical sites and their wider setting by ensuring land management practices preserve the interest and understanding of the site as well as conserving what remains of the rural landscape by concentrating new development around existing settlements.
- 7.32. In terms of design, these details are to be considered at the technical stage and at this stage of the application hold little weight, however, any design put forward should be sympathetic to the rural character of the area, village and close proximity neighbours, that is to say for example a clear new build design as often seen in more urban areas would be unlikely to be supported. The design should aim to minimise the visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

#### Impact on Residential Amenity

- 7.33. 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.
- 7.34. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwelling is Rabbit Hill Barn located immediately south of the proposed site with the site sharing a boundary. To the north on the adjacent side of the road is a limited number of properties separated by the remainder of the field and the highway. There are no indicative plans to determine what impact the development may have at this stage, but this would be covered under the technical details stage. Nonetheless, consideration should be given to the potential impact on the neighbours to the south. The comments objecting to the proposal are noted and should be taken into consideration regarding the overall design, to avoid any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy.

### Impact on Highways

- 7.35. 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 the SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.36. 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.
- 7.37. No plans have been submitted that detail any entrance to the site at this stage. The current entrance to the site is located to the north but outside the red line boundary within a flood zone 3 area. It is not clear whether this entrance is intended to be used, nor is it clear whether any additional or new entrance to the site is to be made. It should be made clear to the applicant that the proposal does not include the existing entrance within its boundary and cannot be used as part of the development or be considered as part of this appraisal in any future technical details application. A comment has been received expressing concern over the impact on the road new properties may result in from increased traffic.
- 7.38. NCC Highways has commented that it assumed that vehicular access would be taken from Rabbitt Hill Lane. They have considered that vehicular access to serve up to two dwellings would be acceptable in principle.
- 7.39. 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. It is considered that there is sufficient space on site for adequate parking provision to be included.
- 7.40. Although acceptable in principle, these details would be considered at technical details stage.

### 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 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
- 7.42. It is noted that a number of trees within the site have been removed prior to the application, identified by the local ward member and local residents who have

commented on the application. It is noted that the area is not a conservation area nor do any Tree Protection Orders exist on the site meaning the trees did not require permission to be removed. Nonetheless, 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, 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.

- 7.43. 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 further trees that require removal (if any).

#### Flood Risk

- 7.44. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5. Core Policy 9 requires new development proposals to pro-actively manage surface water.
- 7.45. As noted earlier, the application site lies within varying levels of flood zone. The wider site has been identified as at risk of higher levels due to flood zone 2&3 to the north, west and east. As such, it is expected a comprehensive flood risk assessment be submitted in any technical stage outlining how the site will interact safely with the surrounding area including how the northern entrance (if to be used) will be kept safe from flood risk and/or flood resilience and evacuation measures for any proposed properties.
- 7.46. Paragraphs 173-175 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of the development taking into account all sources of flood risk and the current and future impacts of climate change. A sequential test has already been submitted at this stage, nonetheless, the proposal should reinforce the flood position against the relevant policies both locally and nationally to ensure the development does not result in any detrimental flood risk to future occupiers.
- 7.47. A site-specific flood risk assessment is required to demonstrate how the proposal would be acceptable in terms of flooding and how the proposal would comply with the sequential test requirements set out in national policy. Again, this has already been submitted but should be submitted as part of the Technical Details Consent application, outlining resilience and flood measures.
- 7.48. Attention is drawn to the fact that the wider site is in more risky flood zones, any submission should detail how the proposal is located and interacts with these areas

as well as how the development would remain safe. Any access to the site should be clearly designed to avoid potential trapping of the site within flood zones in the case of emergencies.

- 7.49. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water flooding. Details of how surface water run-off would be suitably disposed of would be considered at the Technical Details Consent stage, however Officers are satisfied that there would be a technical solution to ensure that surface water run-off from the site would not increase.

#### Contamination Risk

- 7.50. 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.
- 7.51. 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
- 7.52. Aerial photographs show the site with clear signs of allotment use from 2007 to potentially 2022 in the wider area. Environmental Health have commented to say this may still cause potential contamination and would require a contingency plan should any contamination be revealed during the construction phase of any approval.

#### Community Infrastructure Levy (CIL)

- 7.53. The site is located within the Housing Very High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £70m<sup>2</sup> for CIL purposes. The development would be subject to CIL at Technical Details Consent stage, as the proposed floorspace is currently unknown.

#### Biodiversity Net Gain (BNG)

- 7.54. 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.

### **8.2. Legal Implications - LEG2526/9679**

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 a minimum of 1 and a maximum of 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)
- Details of BNG
- Comprehensive Flood Risk Assessment



## **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.

