



Report to: Planning Committee – 07 May 2026
 Business Manager Lead: Oliver Scott – Planning Development
 Lead Officer: Jared Pailing – Planning Development Officer

Report Summary			
Application Number	26/00377/PIP		
Proposal	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 4		
Location	Land Adjacent Apple Cottage Bilsthorpe Road Eakring		
Applicant	J Meanley	Agent	Grace Machin Planning & Property
Registered	16.03.2026	Target Date	20.04.2026 EOT – 11.5.26
Recommendation	That Permission in Principle is Approved		

This application is brought to committee in line with the adopted LPA constitution as the proposal site lies outside of the village in open countryside and is therefore a departure from policy.

1.0 The Site

- 1.1 The site (outlined in red) comprises of a rectangle parcel of undeveloped land measuring 0.39 hectares in area, fronting onto Bilsthorpe Road on the outskirts of the village. The site is enclosed by a level of foliage and is accessed via a posted entrance on the highway. Visibility to the site is clear and open with the site and wider field being clearly visible from the roadside.
- 1.2 The village of Eakring is located to the east. It has a strong residential character and is fairly densely populated for a village. The village of Eakring Conservation Area encompasses almost the entire village with a few areas to the west and south excluded with the site located just outside of it as shown on fig. 2 below.



Figure 1 - Red Line boundary of site

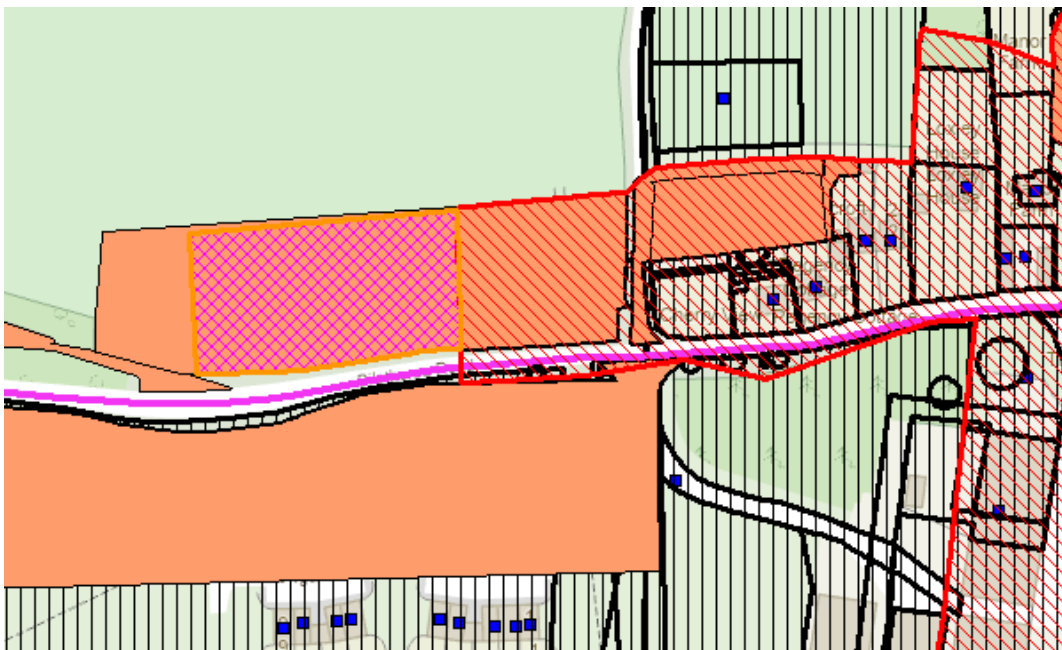


Figure 2 - Uniform map showing extent of Conservation Area in red

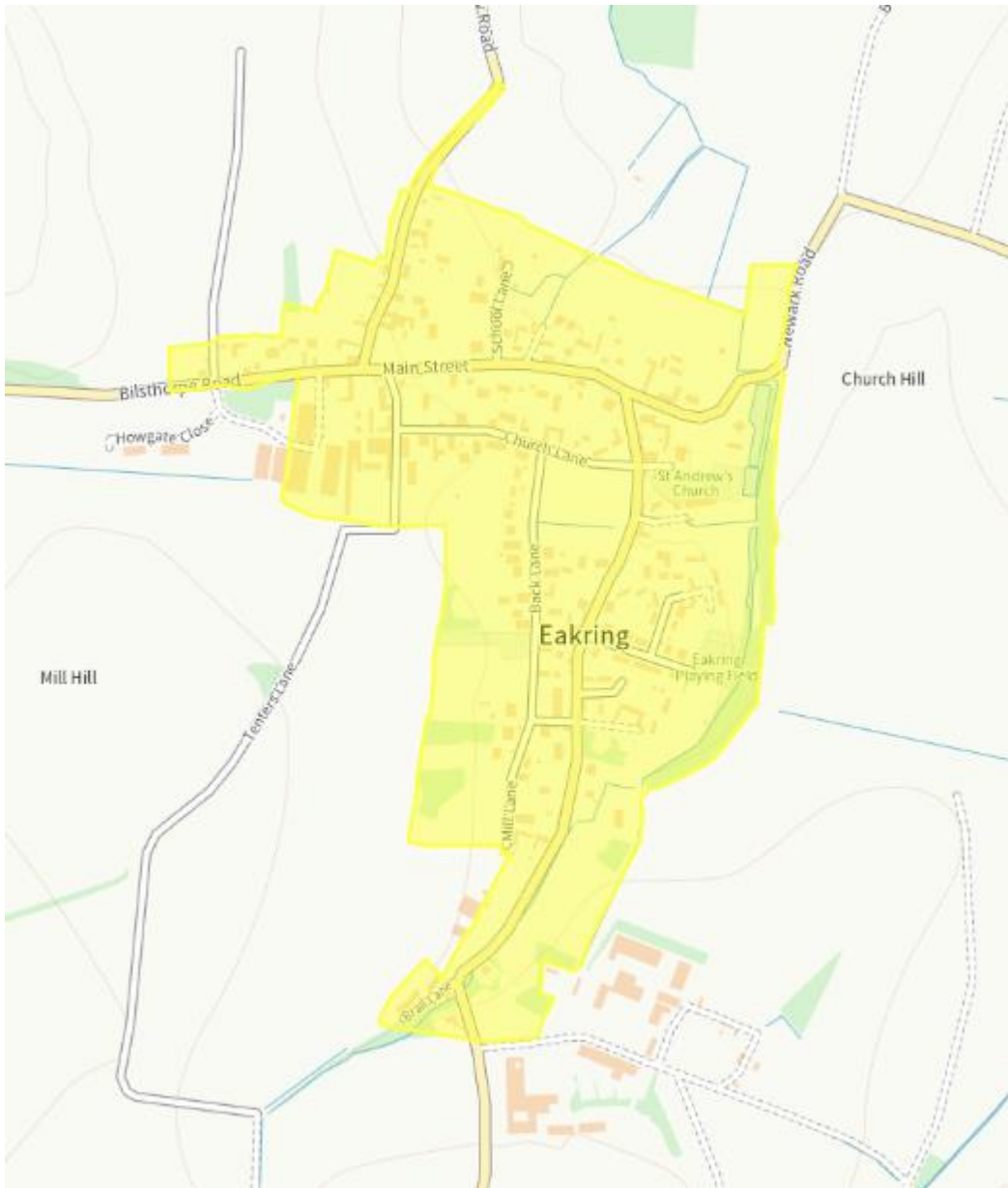


Figure 3 - Nottinghamshire Historic Environment Record showing CA

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

- Flood Zone 1
- Non-designated Heritage Asset Of Apple Cottage immediately adjacent to the site
- Non-designated Heritage Asset Of Ashcroft and adjoining 2 Bilsthorpe Road located further along Bilsthorpe Road into the village.

2.0 Relevant Planning History

2.1 PREAPP/00294/24 - Development of 12 new homes. – Considered to be acceptable.

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 4 dwellings with a minimum of one. 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 Documents assessed in this appraisal:

- Application form – Submitted 13th March 2026;
- Site Location Plan (DRWG 01) – Submitted 13th March 2026;
- Supporting Letter from Agent – Submitted 20th March 2026;
- Appeal Decision – Submitted 20th March 2026;

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 11 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 2.4.2026

4.2 Site visit undertaken 18 March 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
- 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

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

- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM12 – Presumption in Favour of Sustainable Development

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th 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** – Consider the development frontage width is adequate to provide suitable access to 1-4 dwellings. They have noted that the site is within close proximity to a change in speed limit to national speed limit and would consider it necessary for visibility splays to be provided in accordance with the measured 85th speed of the road.

Town/Parish Council

- 6.3. **Eakring Parish Council** – no comments received at this stage

Representations/Non-Statutory Consultation

- 6.4. NSDC Conservation – The site contributes to the rural setting of the CA and Non-designated heritage assets, and the proposal would therefore have some impact on their setting. Whilst there are concerns regarding the piecemeal erosion of the rural setting on the fringe of the CA, the impact would be limited, subject to the design, scale, massing, form, plot layouts and materials. They would be looking for a scale which sits comfortably with Apple Cottage and the design should reflect the NHDA and local vernacular. Overall, conservation do not object to the principle of 1-4 dwellings in the proposed location subject to technical detail factors.
- 6.5. Three neighbours have commented to object to the proposal. Their objections can be summarised as concerns over harm to the setting of the nearby conservation area, sustainability of the site being unachievable due to Eakring being an “other village” with a lack of services and loss of the rural limit of the village and its open spaces.

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 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. Eakring 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. Eakring, along with many other villages in the district, does not have an established village envelope. The site is located outside of the main built-up area of the settlement but just after the village sign if approaching from the west of the village. For these reasons it is considered the site falls outside of the village and is within the open countryside. There is a detached red brick cottage to the east of the site titled 'Apple Cottage' whilst to the south on the adjacent side of the road is the Howgate Close Development of up to 9 homes, previously refused at committee but allowed on appeal due to their high sustainability factor.
- 7.9. Previous pre-apps have considered the location of the site as 'adjacent' to Apple Cottage, which itself was questionable as to whether it is within the village or not. The officer conclusion was that Apple Cottage is within the village and the site in question is adjacent to it and therefore, adjacent to the village. It has been previously acknowledged that the Howgate development had extended the built form of the area, but not the village boundary of which there is no envelope and was only allowed on appeal. As such, the site was considered to be outside of the village and continues to be so for the purposes of this application.
- 7.10. Given the site's established location within the open countryside, the proposal needs to be assessed against Policy DM8 (Development in the Open Countryside).
- 7.11. Policy DM8 provides for a number of developments that may be acceptable subject to meeting defined criteria and states permission for new houses will only be granted where 'they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'
- 7.12. Paragraph 84 of the NPPF states homes in the open countryside should be avoided unless there is an essential need for a rural worker dwelling or 'it is of exceptional quality and truly outstanding, reflecting the highest standards of architecture, and would help raise standards of design more generally in rural areas and significantly enhance its immediate setting'.
- 7.13. Eakring is considered an 'other village' and has a noticeable lack of services within the village. The Daffodil Tearoom is in operation and serves as a general café or similar rather than a service provider. There is a limited degree of specialist businesses operating within the village, none of which would be considered as providing a needed service.
- 7.14. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the District has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. The LPA is currently only able to demonstrate a housing land supply of 3.84 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.

- 7.15. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.16. Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’
- 7.17. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. 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 and given its location adjacent to an existing settlement this is considered acceptable.
- 7.18. In terms of sustainability, although nearby Eakring has very little services to offer, the site is located 2.4 miles away from the principal village of Bilsthorpe with a 4 minute drive between the two. It would take 49 minutes to walk from Eaking to Bilsthorpe but take c12 minutes on a bike. Further to this, the village has bus services of 28b which runs roughly every hour through Bilsthorpe, Rainworth and Mansfield. The 364 school service which offer regular services from Southwell to Bilsthorpe, Eakring, Wellow, Ollerton, Edwinstowe and Cavendish. The 27x bus also runs through the village once a day following the same path as 28b but omits Bilsthorpe, therefore providing access to the principal village of Bilsthorpe and the Service Centre of Clipstone through various bus services.
- 7.19. The site would provide up to 4 additional housing units on the edge of the village on land considered open countryside. At this stage it is not known whether these would be bungalows or houses, these details would come at the technical detail stage. It is considered that four 1-2 two storey houses are likely to be most appropriate however this will be dealt with at the technical details stage.
- 7.20. In terms of impact on the adjacent conservation area, there is a limited degree of impact on the non-designated heritage assets located to the east of the site at Apple Cottage and another further into the village. These buildings are typically of a traditional rural character in their design. Directly opposite the site is a modern eco

housing development. The site is an open piece of land bounded by trees and hedgerows with open countryside extending outwards from the site away from the conservation area. Naturally any loss of open spaces on the edge of the settlement could cause visual harm, however, it is noted that conservation have not considered there to be any harm in principle, subject to technical details at this stage.

- 7.21. Built form has already been established on the adjacent roadside of more modern dwellings which forms part of the areas character; however, the technical details stage offers an opportunity to have a degree of control over any potential impact. Sympathetic designs reflective of the rural nature and character, reflecting the wider village and nearby non-designated heritage assets would help minimise any impact on the Conservation Area.

Land Use

- 7.22. Residential is a suitable use of the land considering the proximity to the village of Eakring and the Service Centre of Clipstone and principal village of Bilsthorpe, as well as its position adjacent to a small number of other dwellings. The development of this site would also broadly reflect the existing pattern of development found along this section of Bilsthorpe Road with dwellings along the highway.
- 7.23. The site would be bounded by agricultural land to the north and west. Although the agricultural land appears to be continued to be used as such with no evidence to suggest otherwise, it is not considered that there would be no a conflict between the two uses of agricultural and residential operating side by side.

Loss of Agricultural Land

- 7.24. 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.'
- 7.25. Clearly 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.
- 7.26. 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.

- 7.27. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 2 land (Very Good).
- 7.28. The loss of this 'Very Good' agricultural land measuring a modest 0.39 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance. The site forms part of a wider agricultural field that would remain in use. Therefore, in the wider scheme of things, a substantial amount of usable farmland would be retained.

Amount of Development

- 7.29. The application proposes 4 dwellings. The site covers approximately 0.39 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 4, which equates to an approximate density of 10.3 dwellings per hectare. Given the rural, open countryside location this ratio is considered acceptable, as any higher density would likely result in an unacceptable visual impact, traffic generation, drainage, sewerage or local infrastructure, in accordance with SP3 (this would be a matter for the TDC stage).

Planning Balance

- 7.30. In this instance, the location is considered to be within the open countryside adjacent the built village of Eakring. 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 Eakring is an 'other village', with little in terms of the essential amenities, Eakring has transport connections to Clipstone which is a service centre with plenty of amenities through a bus service as well as proximity via bus, cycle and car to the principal village of Bilsthorpe. 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

- 7.31. 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.
- 7.32. 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

- 7.33. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.34. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.35. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.36. The site is located within the Mid Nottinghamshire Farmlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment (2010). Just outside the site falls the MN PZ 31 Eakring Village Farmlands with Ancient Woodland and MN PZ 26 Eakring Brail Wood Village Farmlands with Ancient Woodlands
- 7.37. MN PZ 26 describes the area as having gently undulating rounded topography, blocks of mixed deciduous woodland, predominantly medium scale arable field systems and medium distance views to frequently wooded skylines. The landscape condition is defined as very good, and sensitivity as moderate. The intention of the policy is to 'conserve' the ecological diversity of woodland and maintain hedgerows as well as conserving the local character by the use of vernacular materials, styles and scale in any new developments around the conservation area of Eakring.
- 7.38. MN PZ 31 mirrors PZ 26 with gently undulating topography, medium distance views to frequently wooded skylines, blocks of mixed deciduous woodland and intensive arable fields with trimmed hedges and low intensity farming with permanent improved pastures. The landscape condition is defined as very good, and sensitivity as moderate with the intention to conserve.
- 7.39. The landscape of the area is rural with views of open fields with the village scene located close by. The immediate area is characterised by a rural road bordered with fields or grass land either side leading out of the village, past the proposed site and further into the distance. The settlement of Eakring is located close by to the east, with the conservation area starting at Apple Cottage immediately next to the site.
- 7.40. The topography of the site is flat and gradually sloping further into the field outside of the red line boundary. The immediate neighbour is a two story reflecting the rural character of the site in its red brick design. Therefore, regarding impact on the landscape, up to four dwellings of up to two storeys could be acceptable if developed with an appropriate rural design that reflects the agricultural nature of the area and historic fabric of the nearby village.

- 7.41. 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.
- 7.42. Comments from neighbours regarding concerns on the historic fabric of the area and character are noted, however, these details are subject to appraisal in the technical details stage. No details have been submitted at this stage for appraisal, nor are they required.

Impact on Residential Amenity

- 7.43. 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.
- 7.44. 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 Apple Cottage located immediately east of the proposed site with the site sharing a boundary. To the south on the adjacent side of the road is a limited number of properties on the Harrowgate development separated by the highway.
- 7.45. 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 east. To avoid any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy (subject to final details) the comments objecting to the proposal are noted and should be taken into consideration regarding the overall design.

Impact on Highways

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

- 7.47. 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.
- 7.48. 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 south. Highways have reviewed the application and stated that they believe the access for up to four dwellings could be achievable but require visibility splays to be certain. These will be expected in any technical details stage.
- 7.49. 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.

Trees, Landscaping and Ecology

- 7.50. 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
- 7.51. The site is an undeveloped area of grassland lacking in any substantive features such as trees or landmarks. A limited degree of trees are located towards the boundary entrance. 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.
- 7.52. 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

- 7.53. 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.

- 7.54. Para 172 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.
- 7.55. The application site is located within Flood Zone 1, the lowest risk of flooding. As such, the sequential test is automatically satisfied. In accordance with national and local policy, any flood risk information to be submitted at the technical details stage should be proportionate to the level of risk. This is expected to include confirmation of the flood zone, demonstration of how surface water will be appropriately managed on site, suitable drainage and attenuation measures to ensure risk of flood is not increased elsewhere.

Contamination Risk

- 7.56. 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.
- 7.57. 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
- 7.58. Aerial photographs show the site with clear signs of agricultural use from 2007 to potentially 2022 in the wider area and including the site. 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)

- 7.59. The site is located within the Housing Low Zone 1 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £0m² for CIL purposes. 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)

- 7.60. 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

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.

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 4 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
- 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/
- 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.

