Report to Planning Committee – 4 June 2026
Business Manager Lead: Oliver Scott – Planning Development
Lead Officer: Kirsty Catlow – Planning Development Officer

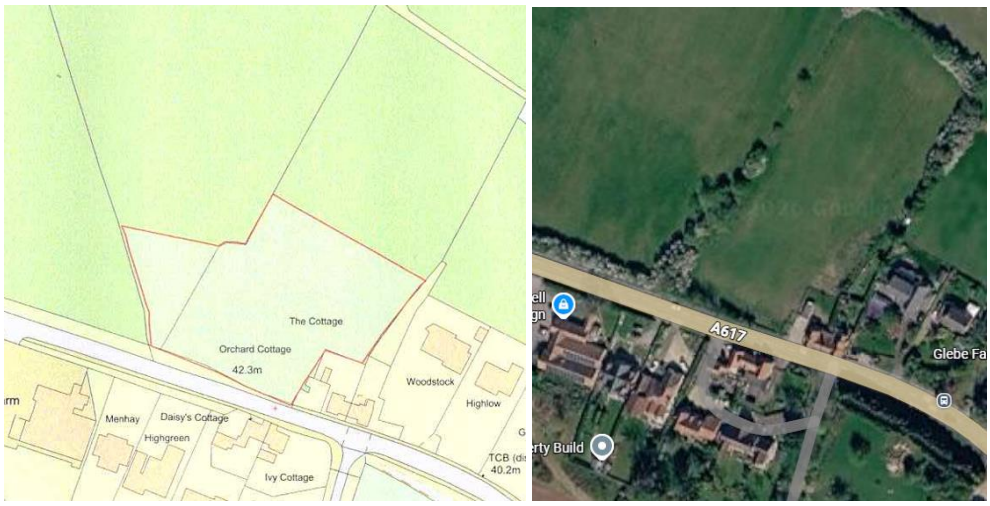
Report Summary			
Application Number	26/00468/PIP		
Proposal	Application for permission in principle for a minimum of 1 dwelling and a maximum of 5 dwellings		
Location	Land Adjacent Orchard Cottage, Kirklington Road, Hockerton, NG25 0PJ		
Applicant	Mr Heaselden	**Agent**	GPS Planning and Design Ltd – Mr Jon Pope
Web Link	26/00468/PIP | Application for permission in principle for a minimum of 1 dwelling and maximum of 5 dwellings. | Land Adjacent Orchard Cottage Kirklington Road Hockerton NG25 0PJ		
Registered	26.03.2026	**Target Date**	15.05.2026
		Ext of Time Agreed	12.06.2026
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 plan.

1.0 The Site

1.1 The application site comprises of parcel of agricultural land measuring 0.5 hectares in area, located to the north of the A617 Kirklington Road and to the west of the village of Hockerton. At the time of the officers site visit was the site was pasture land. The site is bounded by a post and rail fence and hedgerow along the boundary with the highway.

1.2 To the north and west is open countryside, to the east and south are residential properties. The site gently slopes in an upwards in a northernly direction, there is a sporadic hedgerow along the western boundary.



1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The nearest Listed building is located approx. 120m to the south of the site at Hockerton Grange. A Public Right of Way runs through the western parcel of the site in a diagonal direction from the bottom SE corner to the top NW corner of the site. The site is located within Flood Zone 1 on the Environment Agency's Flood Zone maps, and is therefore at a low risk of flooding from rivers and seas. The site is also in an area at a low risk of surface water flooding.

1.4 The site is considered to be beyond the main built-up area of the village of Hockerton and within the open countryside.

2.0 Relevant Planning History

2.1 The application site has no relevant history.

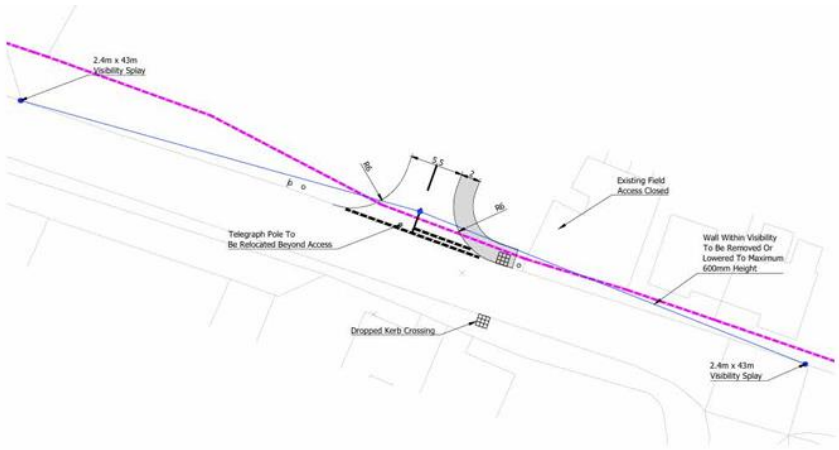
3.0 The Proposal

3.1 The application seeks Permission in Principle (the first of a 2-stage process) for residential development of a minimum of 1 dwelling and a maximum of 5 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 is proposed (as is the case here), 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, an access design drawing has been submitted to show how the site could be accessed via a new 5.5m wide access onto the Kirklington Road, adjacent to Orchard Cottage to the east, which would have visibility splays of 2.4m by 43m.



3.5 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.

3.6 Documents assessed in this appraisal:

Application Form
Site Location Plan
Supporting Letter

Received by the Local Planning Authority on 27th March 2026

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 10 properties have been individually notified by letter, and a site notice has also been displayed near to the site.

4.2 Site Visit undertaken: 15.04.2026

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 3: Housing Mix, Type and Density
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 (adopted July 2013)**

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM8: Development in the Open Countryside
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

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

newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/local-development-framework/amended-allocations-and-development-management-dpd/Plan-Review-AADMDPD---2-Pub-Stage---Clean-Version.pdf

ADMDPDProposedModsFINAL.pdf

5.3 **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (amended Feb 2025)
- Planning Practice Guidance (PPG)
- NSDC Landscape Character Assessment SPD 2013
- NSDC Residential Cycle and Car Parking Standards 2021
- NCC Highways Design Guide

6.0 Consultations

NB: Comments below are provided in summary – for comments in full please see the online planning file.

6.1 **Hockerton Parish Council** – Object.

The site is unsuitable for residential development. Busy section of the A617, numerous road traffic incidents. Access directly onto A617 will increase risks of accidents.

Existing maintenance concerns. Drainage is poor and causes surface water on the A617. Hedgerow overgrown and obstructing the Speed Control Signage. Low confidence in the landowners commitment and responsibility.

In addition, in advance of the Technical Details Consent Stage, expressed concern over the access, flooding and drainage issues, environmental considerations and overlooking/overshadowing of existing properties.

6.2 **NCC Highway** – Given the limited scale of development proposed, the increase in vehicle trips associated with up to five dwellings would not be expected to result in a material detriment to traffic flows along this section of the A617. Furthermore, based on the available frontage to the site, it is considered that a suitable vehicular access of adequate width could be achieved.

However, the site is located on the outer edge of the village and is served by a substandard-width footway running adjacent to the A617. This road has an Annual Average Daily Traffic (AADT) of approximately 10,700 vehicles, of which around 10% comprise HGVs. As a result, pedestrians generated by the proposed development would be required to walk in very close proximity to a significant volume of fast-moving and large vehicles.

While the site lies within a 30mph speed limit, the absence of speed enforcement measures raises concern regarding potential non-compliance, particularly on the approach into Hockerton. In this context, the pedestrian environment would offer limited protection or comfort, and the route cannot be regarded as providing a safe or attractive walking connection for future residents.

On this basis, notwithstanding the acceptability of the traffic impact and access arrangements, the location raises concerns in respect of pedestrian safety and the suitability of the site in transport terms.

6.3 **NCC Rights of Way** – The fact that the plan provided runs into the second field across which the only Public Right of Way in the village is situated, any building in this open field would drastically change the aspect of the current footpath. It is also expected that there will be disruption during any proposed development (dust, noise and possibly the need for a TTRO).

As this is the only and therefore regularly used footpath in the village, we would not support the development in its current proposed layout.

Representations/Non-Statutory Consultation

6.4 One letter of representation has been received objecting on the following grounds;

- The site is not suitable for residential development
- Over-development of a sensitive and restrictive plot
- Flood risk and inadequate drainage arrangements
- History of run-off from the field
- The site already suffers from drainage problems, no robust or reliable drainage solution in place. The introduction of housing and hard surfacing will inevitably increase runoff and strain on the existing system
- Represents 'backland' development
- Intrusive relationship
- Change the character of the area
- Will cause harm to neighbouring residential amenity
- Loss of rural character, urbanise the space, erode rural character and result in a permanent and harmful change to the setting
- Loss of hedgerow and vegetation and loss of buffer to noise
- Impact on highway safety
- Impact on value of property

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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management (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 the Principal Villages specified within Spatial Policy 1, but <u>within</u> 'other villages' in the District will be considered against the 5 criteria within Spatial Policy 3 (Rural Areas). Applications for new development outside villages, within the open countryside, will be assessed against DM8 (Development in the Open Countryside).

<u>Location</u>

7.6 The site is located to the west of the village of Hockerton, adjacent to the main built-up area of the settlement, and located within the open countryside. To the south and east are residential properties along the Kirklington Road with open countryside to the north and west. Further to the west is Sunnybank Farm.

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. The proposal is for permission

in principle, therefore the design and architectural merit of the proposal is unknown at this stage. As a result, the proposal is in conflict with Policy DM8.

7.8 Whilst Hockerton is classed as an 'other village' under the settlement hierarchy set out under Spatial Policy 1 of the Amended Core Strategy, it has some local services of its own, including a Public House which is located within approximately 0.1 miles of the site and a small number of local services and facilities including a Village Hall. There is also a footpath that starts outside Orchard House to the east of the site and also runs on the southern side of the road. Furthermore, the site is approximately 100m from a bus stop, with connections to Newark and Southwell located approximately 2.5 miles from the site, which is identified as a 'Service Centre' under the Settlement Hierarchy of Spatial Policy 1, and is well served in terms of services and facilities. Whilst the concerns raised by the County Council with regards to pedestrian safety and impact on the Public Right of Way (PROW) are noted, Kirklington Road does carry a footpath on both sides which provide a link from the site to the bus stop to the east of the site. Furthermore, the agent has indicated that as part of any future Technical Details submission, a footway could be provided along the site frontage, to provide a link from the existing footway to the PROW to the west.

7.9 Whilst the site is located within the open countryside, given its proximity to Hockerton, and the existing residential development to the east and south of the site, it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.

7.10 Following the publication of the NPPF on 12th December 2024, the Local Planning Authority 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.

7.11 The NPPF 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.

7.12 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.

7.13 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.

7.14 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', as is the case here.*

7.15 As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy and policy DM8, the tilted balance is engaged, and the provision of housing (for 1 to 5 dwellings) 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.

7.16 The proposals would provide a minimum of 1 and a maximum of 5 additional housing units on land considered to be within the open countryside. At this stage it is not known whether the dwellings would be bungalows or houses, nor the final design, but such details would come at the technical detail stage. The agent has indicated that the dwellings are to be laid out and designed to be in keeping with the character of the locality, as well as reflecting the varied size and scale of other dwellings that exist in the surrounding area. Officers are of the view that such an approach would, in

principle, be acceptable on this site, due to its transitional nature, located between a small rural settlement and open countryside.

7.17 Given that the site is served by existing footpath links, and is located on a bus route, with a bus stop located within a short walk of the site frontage, Officers are of the view that the site would be within an accessible location. This, together with the 'tilted balance' as set out above, results in the location of the site being suitable for residential development.

Land Use

7.18 Residential use of the land is considered acceptable, given its proximity to the village of Hockerton and the Service Centre of Southwell, and its position close to existing built-up development located within the village.

Loss of Agricultural Land

7.19 As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states *'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'*

7.20 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.

7.21 Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.

7.22 Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 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 Hockerton that would not be includes 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 1-5 dwellings to the District's housing land supply would represent a notable benefit of the proposal. Further benefits to the local economy both short term during construction, but also longer term due to future occupants spend in the local area and use of services and facilities would also flow from the proposal. Given the small scale of the site and associated BMV, this would constitute a sufficient benefit justifying the loss of BMV.

7.23 The loss of this 'good to moderate' agricultural land measuring a modest 0.5 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

7.24 The application proposes between 1 and 5 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 5, which equates to an approximate density of 10 dwellings per hectare. Given the existing pattern of development along this section of the Kirklington Road, and its rural 'edge of settlement location', this maximum is considered acceptable in principle and would not appear out of character within the existing density of development in the area. Any higher density could result in unacceptable harm to the character and visual amenities of the area. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage.

7.25 The maximum number of dwellings proposed here would be up to 5 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 dwelling(s) at an appropriate distance. Furthermore 2 dwellings would not overwhelm services and facilities within the village such as the church and transports services, nor public house and schools within the catchment.

Planning Balance

7.26 Members will be aware of a recent appeal decision relating to an application for Planning in Principle for a minimum of 2 dwellings and a maximum of 5 dwellings on a site at Normanton. In that case the Inspector took the view that the site was not adjacent to the village, but well beyond it, being physically separated by undeveloped land, most of which is farmed. In this case, the site is bordered to the east by existing residential development with further residential development to the south and west on the opposite side of the A617. In terms of accessibility to existing services, in the Normanton case, the Inspector took the view that the public footpaths to Normanton and Southwell would not provide realistic options for regular use by future occupiers, and that there was no evidence of any bus services. In this case, there is a footpath link from the site to an existing Public House and a bus stop approx. 100m away. Officers are therefore of the view that whilst there are similarities between the two

cases, they are not directly comparable. In any event, each application must be determined on its own merits, and whilst appeal decisions are material planning considerations, caution should be applied when making site comparisons.

7.27 In this instance, the location is considered to be within the open countryside adjacent the built village of Hockerton. However, 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 Hockerton is an 'other village', with some but not all the essential amenities, Hockerton has transport connections to Southwell, 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

7.28 The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD, and emerging Policy DM5b, set 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.

7.29 It should be noted that the proposal is sited within a historic landscape and has the potential for archaeological findings, therefore policies DM9 and CP14 are relevant as well as Section 16 of the NPPF. As such, a Heritage Assessment Report would be required at technical details stage, and it may be appropriate for archaeological findings to be provided.

<u>Impact on Visual Amenity and the Character of the Area</u>

7.30 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.

7.31 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.

7.32 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.

7.33 The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

7.34 The site is located within the Mid-Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 34 'Hockerton Village Farmlands'. The landscape generally within the zone is very gently undulating. Visual features tend to be medium distance views to frequently wooded skylines, although often enclosed by vegetation, and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as good with a few detracting features including the A617, and landscape sensitivity is defined as moderate. The policy action for the zone is to 'Conserve and Reinforce' with policy actions to conserve the rural character of the landscape.

7.35 No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Consent stage. The construction of up to 5 new dwellings would be more visually prominent than the existing site, which is currently in agricultural use. The design of any scheme should aim to minimise 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 help assimilate any development within the surrounding landscape.

<u>Impact upon Residential Amenity</u>

7.36 Policy DM5(b) of the emerging Amended 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.

7.37 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.

7.38 The closest dwelling is Orchard Cottage, to the east, with open countryside to the north and west. There are properties to the south, however, these are separated by the A617. The proposed site is substantial in size, and it is considered that up to 5 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 there only being a site location plan provided, 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

7.39 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.

7.40 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.

7.41 The proposal would require the creation of a new access off the A617 Kirklington Road. This section of the A617 is single carriageway and is subject to a 30mph limit. An access diagram has been submitted to demonstrate good visibility in both directions and the Local Highways Authority have advised that a suitable vehicular access of adequate width could be achieved. The design of any junction would be required at Technical Details Consent stage, and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed, having regard to the NCC Highways Design Guide. Parking provision would need to adhere to the recommendations set out in Table 2 of the NSDC SPD on car and cycle parking. For dwellings with 3 or more bedrooms 3 car parking spaces would be required.

7.42 The comments of the Highway Authority with regards to the substandard width of the footpath are noted. There are footpaths on both the north and south sides of the A617 which serve existing dwellings at this end of the village.

7.43 There is a Public Right of Way (PROW) to the west which runs into the second field. The comments of the Rights of Way team are noted, however, no details of the layout of the scheme have been submitted at this stage. Due to the size of the site and the low number of dwellings proposed, Officers are of the view that a scheme could be designed so as not to have any adverse impacts upon the setting of the PROW or the

enjoyment of its users. Any Technical Details application would have to demonstrate that it would not negatively impact on the PROW.

7.44 Overall, it is considered that the scheme could provide a safe access to the site, subject to detailed assessment at the technical stage.

Trees, Landscaping and Ecology

7.45 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.

7.46 It is likely that the creation of a new vehicular access off Kirklington Road would require the removal of trees and / or a section of hedgerow along the southern boundary of the site. In the event 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 by the PEA, would be required to support the Technical Details Consent stage.

7.47 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 or 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.

7.48 Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7 and the Landscape Character Assessment SPD. 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

7.49 Core Policy 10 of the Core Strategy and Policy DM5(b) of the emerging Amended Allocations and Development Management DPD along with the NPPF, set out a sequential approach to flood risk. Core Policy 9 requires new development proposals to pro-actively manage surface water.

7.50 The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. It is therefore sequentially preferable in terms of flood risk. The site is also at low risk of surface water flooding.

7.51 It is however noted that the site slopes downwards towards Kirklington Road. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. 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. For example, if soakaways are not suitable, the site is large enough to accommodate on-site surface water attenuation measures. Details of water management (the disposal of surface water and foul sewage) would be expected to be submitted during the second stage.

Contamination Risk

7.52 Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

7.53 Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

7.54 Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application. The Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL)

7.55 The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m2 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)

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

8.0 Implications

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

Legal Implications – LEG2627/3079

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 residential development, and between 1 and 5 dwellings would be 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)
- 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
- Heritage Assessment (Archaeological surveys would be welcomed)
- 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 incudes 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 in Principle without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 26/00468/PIP

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