



Report to Planning Committee – 2 July 2026  
 Business Manager Lead: Oliver Scott – Planning Development  
 Lead Officer: Kirsty Catlow – Planning Development Officer

| Report Summary            |   |                           |              |
|---------------------------|---|---------------------------|--------------|
| <b>Application Number</b> | 26/00545/PIP  |                           |              |
| <b>Proposal</b>           | Application for permission in principle for a residential development of a minimum of 3 dwellings and maximum of 6 dwellings  |                           |              |
| <b>Location</b>           | Land Adjacent The Elms, Cotham Lane, Hawton NG24 3RL  |                           |              |
| <b>Applicant</b>          | Mrs Carolyn Pykett  | <b>Agent</b>              | Mr Nick Hill |
| <b>Web Link</b>           | <a href="#">26/00545/PIP   Application for permission in principle for a residential development of a minimum of 3 dwellings and maximum of 6 dwellings   Land Adjacent The Elms Cotham Lane Hawton</a> |                           |              |
| <b>Registered</b>         | 16.04.2026  | <b>Target Date</b>        | 28.05.2026   |
|                           |   | <b>Ext of Time Agreed</b> | 10.07.2026   |
| <b>Recommendation</b>     | That Permission in Principle is Approved  |                           |              |

**This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.**

**1.0 The Site**

1.1 The application site comprises of rectangular parcel of agricultural land measuring 0.45 hectares in area, located to the south of Cotham Lane towards the southeast of

Hawton. The site currently comprises of flat agricultural land bounded by established trees and hedges.

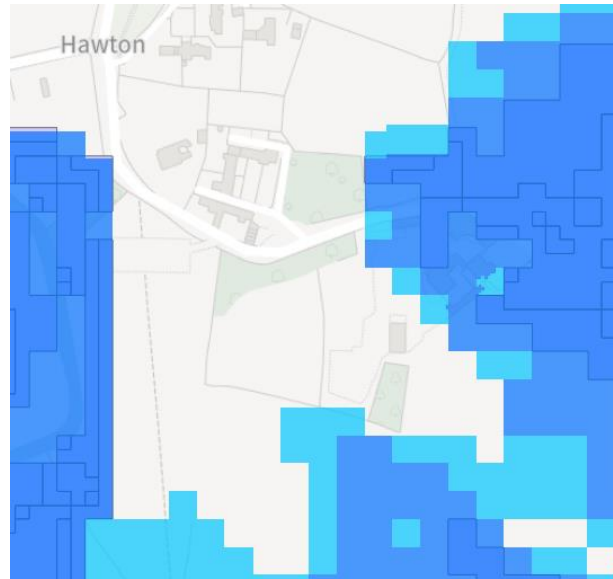


*Photographs taken from the east across the site*

- 1.2 The site is surrounded by a mix of rural land uses, including agricultural land, farm buildings and residential development to the north off Sycamore Close. To the east of the site is The Elms, a mixed commercial site including a timber yard. To the north is Cotham Lane with the remainder of the site surrounded by open fields.



- 1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The Elms, to the east, Sycamore Close and The Poplars to the north, are non-designated heritage assets. There is a Scheduled Monument known as Hawton moated site, located approx. 350m to the north west. The site is located within Flood Zone 1 and is therefore at a low risk of flooding from rivers and seas. However, there are areas within Flood Zones 2 and 3 located to the south, east and west of the site. Part of the site, to the western boundary is at risk of surface water flooding.



1.4 The site is located outside of a built-up settlement and within the open countryside.

## 2.0 **Relevant Planning History**

2.1 The application site has no relevant planning 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 3 dwellings and a maximum of 6 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, a new access would be required off Cotham Lane. 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  
Site Location Plan

## Supporting Statement

Received by the Local Planning Authority on 13<sup>th</sup> April 2026

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

4.1 Occupiers of 8 properties have been individually notified by letter and a site notice has also been displayed near to the site.

4.2 Site Visit undertaken: 11.05.2026.

### **5.0 Planning Policy Framework**

#### **5.1 The Development Plan**

*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

Core Policy 14: Historic Environment

#### **5.2 *Allocations & Development Management DPD (adopted July 2013)***

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

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 consulta on. 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.

5.5 The following emerging policies are considered to carry weight in the consideration of this application:-

Policy DM5(b): Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

#### 5.6 **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 **Hawton Parish Council** – The Parish Council were not quorate so could not consider the application.

6.2 **NCC Highway** – Given the limited scale of development proposed, the increase in vehicle trips associated with up to six dwellings would not be expected to result in a material detriment to traffic flows along this section of Cotham Lane, Hawton. Further

supporting increased traffic flows will be of nil detriment, this road has an Annual Average Daily Traffic (AADT) of below 1,500, implying there will be no noticeable change with the added traffic six dwellings would generate. Additionally, based on the available frontage to the site seen in the provided Site Plan, it is considered that a suitable vehicular access of adequate width could be achieved.

On this basis, subject to the documentation provided at the design stage, the Highway Authority has no concerns regarding this application.

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

6.3 Two letters of representation, one from The Poplars, and one on behalf of the residents of 1, 2, 3, 4 and 6 Sycamore Close, have been received objecting to the application on the following grounds;

- The site is not in a sustainable location. Hawton is a small and historic hamlet, separate from the planned expansion of Newark
- The development would lead to urban creep in the open countryside, contrary to the Development Plan and set a harmful precedent
- The Middlebeck urban extension will deliver over 3000 dwellings
- 3-6 dwellings would have a disproportionate impact on the village of Hawton, an expansion of approximately 20%, which would harm the rural setting of the hamlet.
- Lack of a five-year housing land supply does not override the need to protect the countryside.
- Adverse impacts upon landscape character, heritage significance, highway safety and the character of the hamlet are substantial.
- The Elms and Sycamore Close are non-designated heritage assets and the proposal would materially alter the setting and significance of these assets
- No heritage impact assessment has been submitted
- The proposed access is on a dangerous bend
- Hawton does not have a regular bus service, just a demand-responsive services which is not regular, reliable and accessible
- Future residents would be depended on private car use
- Paragraph 11(d) of the NPPF requires the planning balance to be undertaken at the PIP stage. That balance cannot be properly struck where all of the potential adverse impacts of the development have been withheld from assessment. In a case such as this– where the impacts on landscape, heritage, highways and ecology are known to be potentially significant– it is not appropriate to conclude that the balance is neutral or positive simply because the detail has been deliberately deferred.

## 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).

7.4 On 16th 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

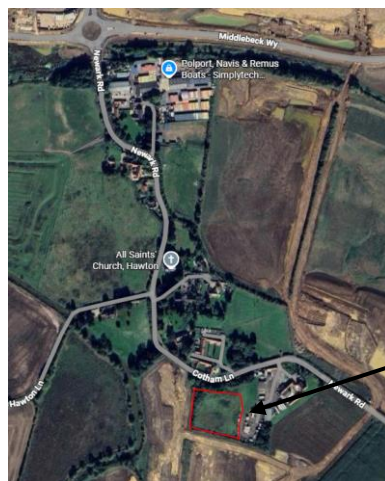
7.5 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered 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. Hawton is identified as an 'other village' and the site lies outside the village within the countryside, as such the proposal will be assessed against Policy DM8 of the Allocations and Development Management DPD.

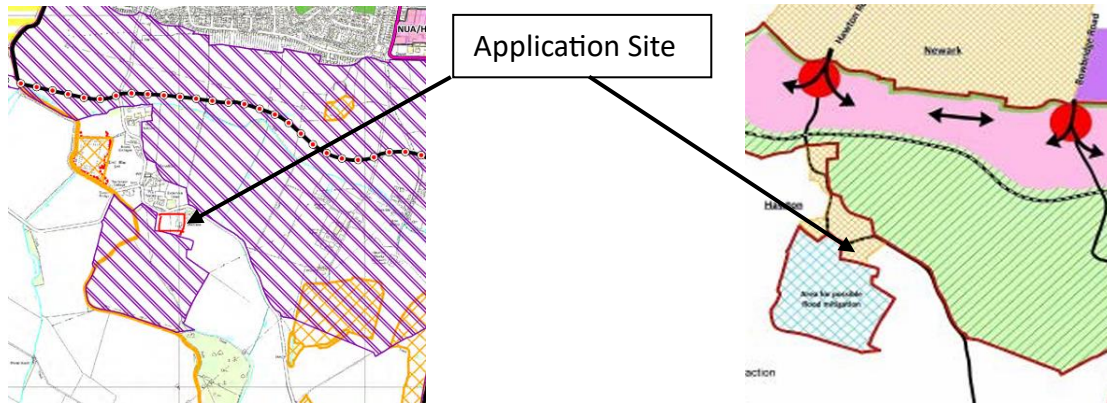
- 7.7 The site is located outside the built-up area of Hawton within the open countryside. The site is detached from the small hamlet of Hawton but is within approximately 2 miles of Newark Urban Area and only 0.5 miles from Middlebeck Way – Newark's new Southern Link Road connecting the A46 to the west to the A1 to the east.



Application site

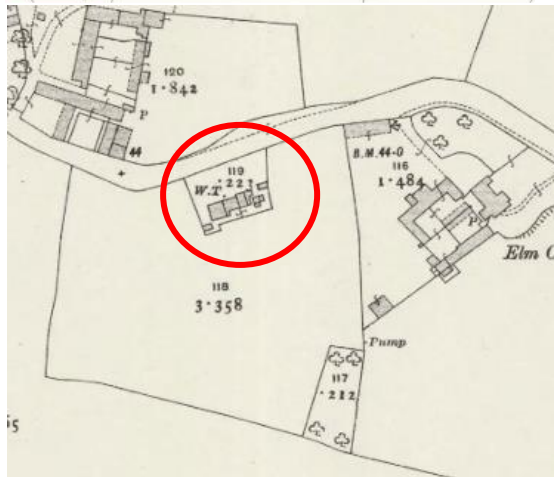
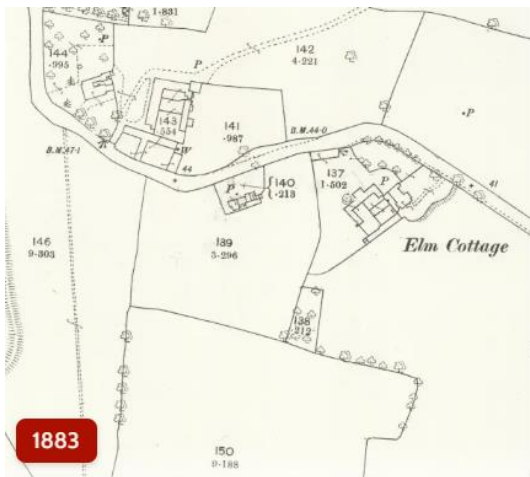
*Aerial photograph of the site*

- 7.8 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.
- 7.9 The site is physically separated from the main built-up part of the settlement but is within close proximity of the Newark Urban Area, albeit trips would be mostly car orientated, and it is not in an entirely isolated location. Land to the north of the southern link road is allocated for residential, with associated flood alleviation to the southeast of the site and green infrastructure via a new country park, to the northeast of the site.

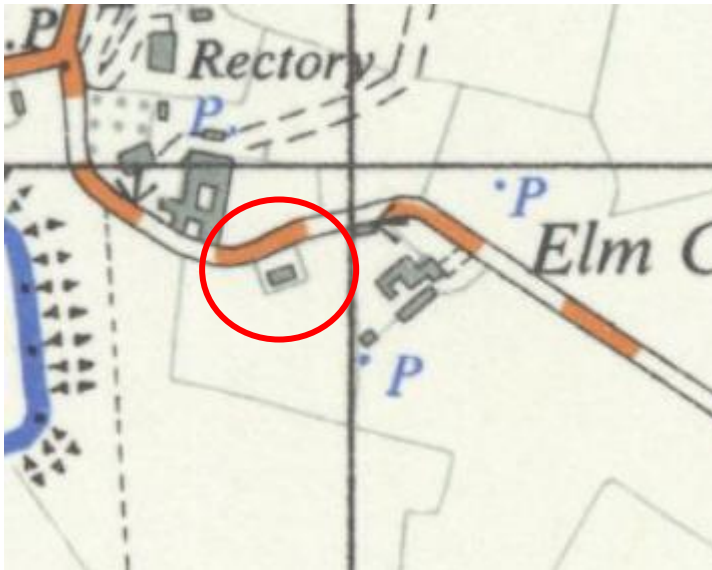


Extract from DPD Newark proposals map

7.10 Furthermore, there is evidence of historical buildings on part of the site which is shown below.



Historical OS map from 1915



*Historical OS map from c.1968*

- 7.11 Whilst the site is located within the open countryside, given its proximity to the Newark Urban Area, and Newark's southern link road it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.
- 7.12 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.
- 7.13 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. Despite the proposals to build 3000 houses at Middlebeck, and elsewhere throughout the District, the Local Planning Authority 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.
- 7.14 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.
- 7.15 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.'*
- 7.16 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 close to a large urban area this is considered acceptable.
- 7.17 The site will provide between 3 and 6 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 scheme would be modest and proportionate, reflecting the site's location and relationship to Hawton. Officers are of the view that such an approach would, in principle, be acceptable on this site, due to its transitional nature, located close to a hamlet and open countryside.

#### Land Use

- 7.18 Residential use of the land is considered acceptable, given its proximity to existing development and its connections to the urban area of Newark and beyond.

#### *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 2 land (very good).
- 7.23 The impacts of the loss of this 'very good' agricultural land measuring a modest 0.45 hectares would be limited, and would not weight significantly against the proposal, in the overall planning balance.

#### Amount of Development

- 7.24 The application proposes between 3 and 6 dwellings. The site covers approximately 0.45 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 6, which equates to an approximate density of 13.33 dwellings per hectare. Given the location of the site, in an area which forms part of the transition from a small hamlet to the open countryside, 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 Details Stage.
- 7.25 The maximum number of dwellings proposed here would be 6 units. Whilst the hamlet of Hawton is modest, with 80 residents at the time of the 2021 census, given the modest scale of the proposed development, it would not overwhelm the existing village. Given the proximity of the site to the urban area of Newark, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed. With regards to the provision of affordable housing, there is no policy requirement to provide affordable housing provision on developments of less than 11 dwellings or where the combines gross floorspace is less than 1,000 square metres (gross internal area).

### Planning Balance

- 7.26 In this instance, the site is considered to be within the open countryside outside the built-up hamlet of Hawton and close to the urban area of Newark. Officers are of the view that 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 sustainable development unless there are convincing issues which would warrant refusal. The site is close to the Newark Urban Area which contains the main services and facilities for the District. The removal of 0.45 hectares of very good agricultural land would not be a significant loss. 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**

- 7.27 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.

### 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 District Council has undertaken a Landscape Character Assessment ("LCA") 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.

- 7.32 The site falls within the South-Nottinghamshire Farmlands Character Area and Policy Zone SN PZ 07 (Elston Village Farmlands) of the SPD, where the detailed landscape action is to 'Conserve and Create.' The landscape comprises of flat and open topography, predominately intensive arable land with well-trimmed hawthorn hedgerows to boundaries. The landscape condition and landscape sensitivity are both defined as moderate. In terms of landscape features, the Council's SPD seeks to create new hedgerows and enhance tree cover and landscape planting. For built form this seeks to create new development which reflects the local built vernacular and concentrate development around existing settlements.
- 7.33 In terms of heritage impact, there is a Scheduled Monument some 350 metre to the north west, and separated by fields, The Elms, to the east, and Sycamore Close, to the north, are non-designated heritage assets (NDHA). Given the separation distances involved, and the limited scale of the proposals, it is not considered that the scheme would have a detrimental impact on the setting of the Scheduled Monument or have an unacceptable impact on the interest or significance of the NDHA.
- 7.34 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 6 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. The site has strong hedgerow boundaries which should be retained where possible.

#### Impact upon Residential Amenity

- 7.35 Policy DM5(b) of the Emerging 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. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 7.36 The site is in a relatively isolated location in the open countryside. There are no residential properties adjoining the site that would be directly impacted upon by the proposed development. Given the size of the site, it is considered that acceptable

spacing and amenity could be achieved at technical detail stage, thereby achieving a scheme which would not result in unacceptable impacts upon the amenities of neighbouring occupiers, in relation to overbearing impacts, overshadowing, loss of light or loss of privacy. This would be subject to technical details and further assessment.

#### Impact on Highways

- 7.37 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5(b) of the Emerging DPD 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.
- 7.38 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.
- 7.39 No details of the proposed access arrangements have been submitted. The site lies to the south of Cotham Lane which is single-carriageway subject to a 30mph speed limit. The Highway Authority have advised that given the limited scale of development proposed, the increase in vehicle trips associated with up to six dwellings would not be expected to result in a material detriment to traffic flows along this section of Cotham Lane, Hawton. Further supporting increased traffic flows would be of nil detriment, this road has an Annual Average Daily Traffic (AADT) of below 1,500, implying there will be no noticeable change with the added traffic six dwellings would generate. Additionally, based on the available frontage to the site seen in the provided Site Plan, it is considered that a suitable vehicular access of adequate width could be achieved. The design of any access/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.
- 7.40 Overall, it is considered that the scheme could provide a safe access to the site, however this would be subject to detailed assessment at the technical design stage.

#### Trees, Landscaping and Ecology

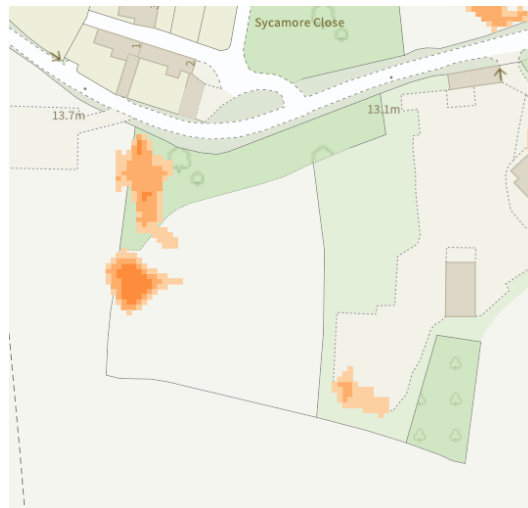
- 7.41 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5(b) of the Emerging DPD states that natural features of importance within or adjacent to

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 unlikely that the proposal would require the removal of any trees or hedgerow bounding the site, except to provide a suitable access. In the event this was 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.
- 7.43 Ultimately, it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees 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.
- 7.44 Landscaping and green infrastructure should be incorporated into the proposal in line with emerging Policy DM7 and the Landscape Character Assessment SPD. It is strongly recommended that the existing boundary hedgerows are retained and reinforced wherever possible, and any replacement trees of a similar species be included in the landscaping plan to replace any trees that require removal (if any).

#### Flood Risk

- 7.45 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.
- 7.46 The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. Parts of the western area of the application site is at risk of flooding from surface water.



- 7.47 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 Technical Details Consent stage.

#### Contamination Risk

- 7.48 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.
- 7.49 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.
- 7.50 Due to the previous agricultural use of the site there is potential for contamination to be present. 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)

- 7.51 The site is located within the Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £45m<sup>2</sup> for CIL purposes. This would apply at Technical Details stage when the floor area is known.

### Biodiversity Net Gain (BNG)

- 7.52 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 – LEG2627/8011

- 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 between 3 and 6 dwellings and is an acceptable amount of development for the site. The principle of development is therefore acceptable subject to final details, mitigation measures, access arrangements and site-specific impacts, which would be assessed in detail at Technical Details Consent stage.

- 9.2 It is therefore recommended that unconditional Permission in Principle is approved.
- 9.3 It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.
- 9.4 Technical Consent Submission Requirements:
- Completed Technical Details Consent Application Form
  - Site Location Plan
  - Existing and Proposed Site Plan (including details of access, boundary treatments and landscaping)
  - Existing and Proposed Plans and Elevations
  - Preliminary Ecology Assessment (and any follow-up surveys as recommended)
  - Tree survey, Arboricultural Impact Assessment and Tree Protection Plan (where relevant)
  - Contaminated Land Desktop Study/Preliminary Risk Assessment
  - Details of BNG

## **10.0 Informative Notes to the Applicant**

01. The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's Development Plan Policy sets out the criteria for which all new development should be assessed against. These includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character, heritage matters and biodiversity and green infrastructure. The Technical Details Consent application would need to carefully consider these criteria and the Applicant's attention is drawn to the Officer Report that accompanies this decision for further advice on these criteria.
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.



Committee Plan - 26/00545/PIP

