



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Wednesday, 4 March 2026

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor M Home
Councillor K Melton
Councillor P Rainbow**

**Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor M Spoor
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 12 March 2026 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

	<u>Page Nos.</u>
1. Notification to those present that the meeting will be recorded and streamed online	
2. Apologies for Absence	
3. Declarations of Interest by Members and Officers	
4. Minutes of the meeting held on 12 February 2026	3 - 14
Part 1 - Items for Decision	
5. Land West Of Allenby Road, Southwell - 25/01879/OUTM	15 - 101
6. Land To The Rear Of Home Farm Barn, Winkburn - 25/01941/PIP Site Visit: 10.20am	102 - 114
7. Land Off Mansfield Road, Clipstone - 23/01846/FULM	115 - 160
8. Land West of Eakring Road, Bilsthorpe - 26/00074/PIP Site Visit: 10.45am	161 - 179
Part 2 - Items for Information	
9. Appeals Lodged	180 - 181
10. Appeals Determined	182 - 183
Part 3 - Statistical and Performance Review Items	
11. Development Management Performance Report	184 - 191
12. Quarterly Planning Enforcement Activity Update Report	192 - 209
Part 4 - Exempt and Confidential Items	
13. Exclusion of the Press and Public	
There are none.	

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 12 February 2026 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor M Home, Councillor K Melton, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor M Spoons, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor P Harris and Councillor T Smith

100 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

101 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, A Freeman and K Melton declared an other registerable interest for any relevant items as appointed representatives on the Trent Valley Internal Drainage Board.

102 MINUTES OF THE MEETING HELD ON 15 JANUARY 2026

AGREED that the minutes from the meeting held on 15 January 2026 were agreed as a correct record and signed by the Chair.

103 LAND WEST OF ALLENBY ROAD, SOUTHWELL - 25/01879/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning with all matters reserved except for access to Allenby Road, for up to seventy dwellings, including affordable housing, highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from the Senior Planning Officer, which sought amendment to conditions 02, 09, 19, 22 and 25 following discussions with the agent.

Members considered the presentation from the Senior Planning Officer, which

included photographs and plans of the proposed development.

Mr R Lewis, representing Southwell Civic Society spoke in objection to the application.

Mrs A Brooks, the Agent spoke in support of the application.

Members considered the application, and the Local Ward Member commented that this site had been put forward under the call for sites in 2012 and was deemed unacceptable. The call for sites at that time had produced seven to eight other sites, two of which were still to be developed. Southwell was up to capacity with new housing. This was a gateway site in the open countryside and was a step nearer to Southwell joining with Halam, which was considered creep of urbanisation. The schools and doctor's surgeries were also reaching capacity. The additional traffic would also aggravate the already congested roads. A concern was raised regarding surface water flooding on the road further down from the site due to the land levels. A Member commented that Southwell had been allocated its share of new developments and was over stocked with housing. However, Members recognised that other areas in the District have seen a greater share of new housing. The Chair commented that the landscape had changed through development and the need to consider the impact on the landscape and character of Southwell should be undertaken. A deferral was proposed and seconded to obtain a professional opinion regarding the character and impact on the landscape and the impact of this proposed development on Southwell's distinctive landscape.

AGREED (with 10 votes For, 1 vote Against and 1 Abstention) that the application be deferred pending a professional landscape survey.

104 LAND AT 50A MAIN STREET, LOWDHAM, NG14 7BE - 25/01298/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed erection of two dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons:

- (i) There were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and
- (iii) The impact of the proposed development was difficult to visualise.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from two neighbours and the Agent.

The Senior Planning Officer also proposed a minor modification to Condition 02 to amend the plans to omit the ground source heat pump from the parking area, if the Planning Committee was minded to approve the application.

Members considered the presentation from the Senior Planning Officer, which

included photographs and plans of the proposed development.

Mr R Wood, local resident spoke in objection to the application.

Mr L Wiltshire, representing Lowdham Parish Council spoke in objection to the application.

Mr D Wainwright, the applicant spoke in support of the application.

Councillor T Wendels, Local Ward Member for Lowdham spoke in objection to the application.

Members considered the application, and it was commented that the proposed two storey properties would be overbearing on the street scene. Other Members commented that the proposed development was for two small, two bed room semi-detached properties and not family homes. The premises below the proposed site were commercial dwellings with customers visiting via car all day, it was felt that the access/egress could not be argued for the small amount of additional traffic that would be generated from the two properties. The visibility would also be improved by the removal of part of the wall, should the committee be minded to approve the application. A Member commented that the report indicated the shortfall of provision for two-bedroom houses in Lowdham, which would meet the small identified need. Concern was raised regarding the site increasing the chance of flooding due to the removal of the grassed area. It was suggested that the flood alleviation plan would be in place in the next year and it was unlikely that the proposed houses would be built in that timescale, it was therefore considered minimal risk. A Member commented that this scheme would allow two local residents to remain in the village and prevent the loss of young local people leaving the village.

In answer to a Member question regarding the Highway objection, it was confirmed that there would not be a loss of commercial space in the car park. Car parking proposed was in line with SPDs and guidance. There would be some improvement with visibility with the removal of part of the wall. The turning area had been satisfied, from a highway safety point of view and was adequate in terms of the planning application. There was still an objection regarding pedestrian highway splays, however given that there was not a significant intensification of use the recommendation was approval.

Councillor S Saddington having entered the meeting during the Officer presentation took no part in the debate or vote.

- AGREED (with 7 votes For and 5 votes Against) that Planning Permission be approved, subject to:
- (i) the conditions contained within the report, subject to the amendment of Condition 02 to amend the plans regarding the removal of the ground source heat pump from the parking area; and
 - (ii) the signing of a Unilateral Undertaking to secure the dwellings as self-build.

105 LINCOLN ROAD PLAYING FIELD, LINCOLN ROAD, NEWARK ON TRENT - 25/00679/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the removal of Condition 5 (Replacement Road Network) and to amend the wording of Condition 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM.

Members considered the presentation from the Senior Planning Officer, which included plans of the proposed development. The officer explained that the application relates to the regeneration scheme known as Yorke Drive, Newark, where consent was granted under 22/01528/RMAM for the construction of 207 dwellings, with new sports pitches and pavilion building.

Members were advised that the principle of development is established under the original application, which remains extant. Officers explained that the proposed revisions to the wording of each of the conditions, and the removal of condition 5, would assist the delivery of the scheme. It was not felt that the amendments would impact on the character of the area, neighbouring amenity, highways safety or flood risk. As such, it was recommended that the section 73 application be approved.

Members considered the application acceptable.

AGREED (with 12 votes For and 1 Abstention) that the removal of Condition 5 (Replacement Road Network) and to amend the wording of Condition 6 (Stopping-Up Order), 12 (Bus Route Parking) and 16 (PROW Diversion) attached to planning permission 22/01528/RMAM, be approved.

106 HOLLY HOUSE, 5 EAST LANE, EDWINSTOWE, NG21 9QN - 25/02047/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the retention of a garage as constructed.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mrs C Watson, the applicant spoke in support of the application.

Members considered the application, and it was commented that the works already undertaken were over-bearing in a conservation area and should not be allowed. Other Members commented that whilst the roof line was too high, certain other changes including the brick work, which could be changed or rendered, windows including the window on the gable could be made. Negotiations between the applicant and Officers could make the building more palatable. It was further

commented that the applicant did also comply with the Enforcement Team when asked to stop works.

Councillor M Spoors having left the meeting during the Officer presentation took no part in the vote.

A vote was taken for refusal and lost with 2 votes For and 10 votes Against.

AGREED Moved Councillor A Freeman and Seconded Councillor K Melton (with 10 votes For and 2 votes Against) that contrary to Officer recommendation Planning Permission be approved, subject to conditions including securing appropriate changes to the materials and brickwork including the black timberwork and amending the window on the gable, to be delegated to the Business Manager – Planning Development, in consultation with the Planning Committee Chair and Vice-Chair.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	Against
L Dales	For
S Forde	For
A Freeman	For
M Home	For
K Melton	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
L Tift	Against
T Wildgust	For

107 LAND AT RADLEY ROAD, HALAM - 25/01853/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for construction for a minimum and maximum of two dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the reason that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mr A Paris, local resident spoke in objection to the application.

Mr N Baseley, the Agent spoke in support of the application.

Members considered the application, and the Local Ward Member commented that nothing had changed from the 2018 appeal decision, this proposed development was still in the open countryside and was not sustainable. Other Members commented that the development would be built between two existing properties, becoming part of the development itself and considered the proposal acceptable.

AGREED (with 8 votes For and 5 votes Against) that Planning in Principle be approved.

The Chair indicated that the meeting duration had expired therefore a motion was moved and seconded to continue the meeting. A motion was voted on with unanimous agreement to continue for a further hour.

108 LAND OFF SWINDERBY ROAD, SOUTH SCARLE - 25/01914/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for a residential development for two dwellings.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mr D Clarke, local resident and representing South Scarle Parish Meeting spoke in objection to the application.

Mr N Baseley, the Agent spoke in support of the application.

Members considered the application, and the Ward Member commented that this proposed development was in the open countryside and outside of the village envelope. The bus service provided was not functional for work/school travel. The current street scene was old farm buildings. The current land use was 3B agricultural land and was not infill in the village envelope. There were six properties currently up for sale, with a need for bungalows. There were no affordable houses within the village. A Member commented that there was a good train service 31 minute's walk from the village. Other Members commented that there were no street lighting and pavement around this location. The site may also be liable to flooding due to the land level differences.

A vote was taken for approval and lost with 4 votes For, 8 votes Against and 1 Abstention.

AGREED Moved Councillor L Dales and Seconded Councillor D Moore (with 8 votes For, 3 votes Against and 2 Abstentions) that contrary to Officer recommendation Planning Permission be refused for the following reasons:

- (i) Unsustainable – Policy SP1; and
- (ii) Open Countryside – Policy DM8.

The wording for refusal to be delegated to the Business Manager – Planning Development, in consultation with the Planning Committee Chair and Vice-Chair.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	Against
L Dales	For
S Forde	Abstention
A Freeman	For
M Home	For
K Melton	Abstention
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	Against
M Spors	For
L Tift	For
T Wildgust	Against

The Chair in agreement with Members of the Planning Committee changed the order of business on the agenda and brought Agenda Item No. 13 – Land to the Rear of 59 Beacon Hill, Newark (25/02147/PIP) as the next item of business. This decision was taken as there were three speakers for that application and time factors. There were no speakers thereafter and the agenda resumed its stated order.

109 LAND TO THE REAR OF 59 BEACON HILL ROAD, NEWARK ON TRENT, NG24 2JH - 25/02147/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for construction of between one (minimum) and two (maximum) dwellings.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons:

- (ii) There were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and
- (iii) The impact of the proposed development was difficult to visualise.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour.

Mr S Mawson, local resident spoke in objection to the application.

Councillor L Geary, representing Newark Town Council spoke in objection of the application.

Mr J Foot, Agent spoke in support of the application.

Members considered the application and compared this application with the neighbouring plot which had been granted planning permission for development on appeal. Members felt that there were significant differences with this development, the plot size was much narrower and there were no outbuildings in situ. Members felt that the gardens should remain as gardens as approval would set a precedent for further development in the gardens along Beacon Hill, which was considered as overwhelming the area, invasion of privacy for the neighbouring properties and land grab.

A vote was taken for approval and lost with 12 votes Against and 1 Abstention.

AGREED Moved Councillor A Freeman and Seconded Councillor D Moore (with 12 votes For and 1 Abstention) that contrary to Officer recommendation Planning Permission be refused for the following reasons:

- (i) Backland development;
- (ii) Incongruous form in conflict with DM5;
- (iii) Over intensification; and
- (iv) Out of Character for the area.

The wording for refusal to be delegated to the Business Manager – Planning Development, in consultation with the Planning Committee Chair and Vice-Chair.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	Abstention
L Dales	For
S Forde	For
A Freeman	For
M Home	For
K Melton	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
M Spors	For
L Tift	For
T Wildgust	For

110 LAND ADJACENT THE BRUSHES, RETFORD ROAD, WALESBY - 25/01974/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for residential development for a minimum of four dwellings and a maximum of four dwellings.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mr N Baseley, the Agent spoke in support of the application.

Members considered the application, and it was felt that the proposed development was in a sustainable location and on a main road, it was therefore considered acceptable.

AGREED (with 12 votes For and 1 vote Against) that the Permission in Principle be approved.

111 FIELD REFERENCE NUMBER 7919, CAUNTON ROAD, HOCKERTON - 25/01918/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for residential development for a minimum of two and up to four dwellings.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received from the Agent and a local resident.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (with 8 votes For, 3 votes Against and 2 Abstentions) that Permission in Principle be approved.

112 LAND OFF SAND LANE, SPALFORD - 25/02146/PIP

The Committee considered the report of the Business Manager – Planning Development, which sought permission in principle for a residential development of up to a maximum of two dwellings and a minimum of one.

A site visit had taken place prior to the commencement of the Planning Committee for Members, for the following reasons:

- (iii) There were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and
- (iii) The impact of the proposed development was difficult to visualise.

A Schedule of Communication was circulated prior to the meeting which detailed

correspondence received from the following: Ms Quibell (former owner of site); Spalford Parish Meeting; and Mrs Cassells.

Members considered the presentation from the Planning Case Officer, which included photographs and plans of the proposed development.

Members considered the application, and it was commented that Spalford was an unsustainable location as it was a hamlet, with no services other than an on-demand bus service. The proposed development would be surrounded by flood zone 2 & 3. In terms of need, five dwellings and two barn conversions had recently been approved. This was considered a development too far. The Planning Officer confirmed regarding a Member comment that the trees had already been felled on site, the trees were not protected and the owner had been permitted to remove them. Members raised concern that the removal of the trees would only exacerbate the flooding problem. The Senior Planning Officer advised in answer to a Member question that the access to the North which was viewed at the site visit, would not be allowed as it was outside the redline on the application plan. Access would be allowed through flood zone 2, which would need a sequential test, which had been undertaken by the applicant and deemed acceptable. The Senior Planning Officer confirmed that the previous application had been refused at appeal on the grounds of the sequential test.

A vote was taken for approval and lost with 1 vote For and 12 Votes Against.

AGREED Moved Councillor L Dales and Seconded Councillor D Moore (with 12 votes For, 1 vote Against) that contrary to Officer recommendation Permission in Principle be refused for the following reasons:

- (v) Policy SP3 & DM12;
- (vi) Surrounded by flood zone 2 & 3;
- (vii) Unsustainable location; and
- (viii) Out of character with the area.

In accordance with paragraph 18.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
L Dales	For
S Forde	For
A Freeman	For
M Home	For
K Melton	For
D Moore	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
M Spoors	For
L Tift	For
T Wildgust	Against

The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour.

113 PLANNING REFORM UPDATE

The Committee considered the report of the Director of Planning and Growth, which provided an update on the latest planning reforms.

The Planning Committee Chair indicated that the meeting duration of an additional one hour had expired therefore a motion was moved by the Chair and agreed by Members to continue the meeting for a further hour.

On the 16 December 2026, the government launched a consultation on a new National Planning Policy Framework (NPPF) and a suite of planning reforms. The deadline for responses was 10 March 2026.

The Planning and Infrastructure Bill received Royal Assent on the 18 December 2026. The new Act was central to the government's Plan for Change. Further consultation and regulations for this new legislation was planned for early 2026.

In addition, the government was also seeking views on reforming the role of statutory consultees in the planning system. This consultation would last for eight weeks from 18 November 2025 to 13 January 2026.

Prior to Christmas 2025 the Government also published a written ministerial statement on the new plan-making system. The new system would be based on the legislative changes set out in the Levelling-Up and Regeneration Act 2023, and accompanying the statement was a guidance on creating a Local Plan using the new system including proposed regulatory requirements. One element of the announcements that would have significant implications was that Supplementary Planning Documents would no longer be able to be adopted after 30 June 2026. The implications of those changes would be considered by Planning Policy Board in January and Cabinet in February 2026.

The Chair encouraged Members to submit any questions to the Business Manager – Planning Development, the Director of Planning and Growth or the Planning Policy Board.

AGREED that:

- (a) the contents of the report be noted;
- (b) the Council's response on planning reform consultations given the urgency involved with meeting the consultation deadline be delegated to the Director for Planning & Growth in consultation with the Planning Committee Chair and Vice-Chair; and
- (c) the presentation of all other reforms via the Planning Policy Board and Cabinet be endorsed.

114 MIDDLEBECK - AFFORDABLE HOUSING REVIEW (S106)

The Committee considered the report of the Business Manager – Planning Development, regarding the Affordable Housing Review (S106) at Middlebeck. Members were informed of the outcome of the review of the first S106 affordable housing review.

The Senior Planning Officer informed the Committee that there was a correction to the report to show the residual affordable housing figures for the site required was 15 and not 17. The corrections to the table as contained within the report was amended in the Schedule of Communication.

AGREED that the report be noted.

115 APPEALS LODGED

AGREED that the report be noted.

116 APPEALS DETERMINED

It was noted that several appeal decisions had been issued by PINS sometime after the original decision was made. Officers explained that this was due to a technical problem with the email being used by PINS. This had now been resolved.

AGREED that the report be noted.

Meeting closed at 9.16 pm.

Chair



Report to Planning Committee 12 March 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/01879/OUTM		
Proposal	Outline planning application (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing), highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure.		
Location	Land West Of Allenby Road Southwell		
Applicant	Richborough	Agent	Fisher German LLP - Kerry Andrews
Registered	14.11.2025	Target Date / Extension of Time	13.02.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and subject to the signing of a S106 for the contributions.		

UPDATE

The application was presented to the Planning Committee on 12th February 2026 with a recommendation of approval.

Members of the Committee resolved to defer the application to allow Officers to seek professional landscape advice on the impact of the proposal. Officers have sought such advice, and this update report is sought to address Members concerns and to address some of the other matters raised during those discussions.

The Committee report from 12th February is appended to the report as Appendix A. The independent landscape advice is contained in full in Appendix B.

Further Representation received

One additional neighbour comment has been received since committee raising the following matters:

- Outside of the current natural built area;
- Probability of further development along Halam Road towards Cooks Lane;
- Open up possibility of further development outside of the town's current boundaries;

One objector to the application raised that Members should have regard to the NPPF as published in December 2025. Members should note that this is a DRAFT version of the NPPF which was published in December 2025 but carries no weight due to it being for consultation only, which closes on 10th March 2026. Although it informs of the direction of travel for Government, it should not be used in decision making until it is progressed through to adoption.

The landscape section from the February Committee report has been extracted below (paragraphs 7.29 – 7.81). Officer comments are included in bold. Additional clarity is provided on developer contributions. Additional officer advice is set out in an updated conclusion from the February Report alongside the draft conditions. Please refer back to Appendix A for the full original report, and Appendix B for the verbatim landscape advice.

Impact on the Heritage Impact and the Visual Amenities of the Area

7.29. *Landscape*

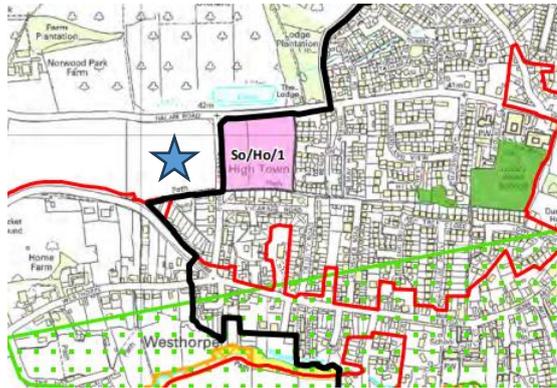
- 7.30. Core Policy 9 (Sustainable Design) states that new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments. DM5 requires development to respect the existing local vernacular in terms of scale, layout, design, materials and detailing.
- 7.31. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.
- 7.32. 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.
- 7.33. The site is located within the Mid Nottinghamshire Farmlands Policy Zone and specifically Halloughton Village Farmlands (MN PZ 38) according to the Council's Landscape Character SPD (2013). This landscape is gently undulating and rounded landform, with medium to long distance views towards frequently wooded skylines. These views are, however, often enclosed by hedgerows, vegetation (woods and

riparian vegetation) and settlements. The buildings tend to be vernacular, with a few exceptions of more modern developments, principally around the north west of Southwell.

- 7.34. The landscape condition is defined as good and the area has a coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. The landscape sensitivity is defined as moderate with an apparent landform with intermittent areas of woodland giving moderate visibility value.
- 7.35. Landscape actions are to conserve and reinforce and where this relates to hedgerows and are gappy and in poor condition, these should be reinforced with new planting. New planting should take into consideration medium and longer distance views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond.
- 7.36. Its characteristic features are as follows, with those considered representative of the Site and its setting highlighted in bold underline text:
- **Gently rolling topography**
 - **Simple pattern of large arable fields.**
 - **Nucleated settlement pattern of villages and isolated farmsteads.**
 - **Small-scale pastoral landscapes and remnant orchards around settlements.**
 - **Lines of willow and other riparian trees along streams.**
 - **Open views to the Trent Valley, power stations and pylons.**
- 7.37. Based upon the above appraisal, the Site and its setting are not considered representative of the Village Farmlands Landscape Type, being located on the edge of a town with a more complex pattern of small arable fields and no available views to the Trent Valley because of the intervening settlement and topography.
- 7.38. The characteristic visual features of the Halloughton Village Farmlands are as follows, which those considered representative of the Site and its setting highlighted in underline text :
- Very gently undulating and rounded topography.**
Medium distance views to frequently wooded skylines, although often enclosed by vegetation – hedgerows, woodland etc.
Mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture.
Small commercial agriculture – Mushroom Farm, Strawberry Poly-tunnels.
Small industrial estate.
Leisure facilities surrounding Southwell – Golf Course, Horsey culture, Sports Fields.
- 7.39. Based upon the above appraisal, the Site and its setting are considered to be moderately representative of the Halloughton Village Farmlands Policy Zone.
- 7.40. The Landscape and Visual Impact Appraisal submitted with the application also states that the site is located within the National Character :48 – Trent and Belvoir Vales. This character area is defined as having an undulating, strongly rural and predominantly

arable farmland, centred on the River Trent. A low-lying rural landscape with relatively little woodland cover, the NCA offers long, open views.

- 7.41. The site falls outside of policy So/Pv Southwell Protected Views (see below), which sets out that the Council will seek to protect views of and across the principal heritage assets comprising of the Minster and Thurgarton Hundred Workhouse. The site is significantly outside of the view cone, therefore the impact in this regard is not considered applicable.



- 7.42. *Extract from Southwell policy map*

- 7.43. The application is in Outline form with the scale, massing and layout of the site yet to be considered, and would come from the subsequent detailed application known as Reserved Matters. The site is found at the settlement edge and has a rising landform from north to south. The surrounding landform, which is already built on and adjoins the site, is on a similar landform.
- 7.44. The combination of the hedgerow, hedge line trees, the level change and surrounding tree cover is typical of the host landscape. These factors influence the opportunity for, and frequency of, seeing the site from the wider open countryside. The effect of the site reduces expediently with distance and is not prominent in views.
- 7.45. The public right of way is located through the site, and although users of this would experience a change in their 'environment', the landscape buffer area as indicated on the indicative landscape plan shows that the western edge of the site can still be enhanced and the landscape strengthened to help to screen and protect the visual amenity. Whilst landscaping and layout is a reserved matter, the mitigation that this could bring to the proposal would offset the visual effect on the site's countryside setting. A condition could be imposed to ensure the landscape buffer to the west of the site is retained through to the detailed stage, as this would result in appropriate mitigation. The area around the footpath to the west of the site is identified in the Southwell NP as a 'green link' under Policy E5 and thus should be preserved as such, moving forward. This in itself does not preclude it from further development as this mitigation can be achieved through careful design.
- 7.46. Consequently, in landscape terms, subject to the appropriate design and landscaping to secure mitigation and reinforcement, the proposal would be in keeping with the local landscape character and setting and although it would result in limited number

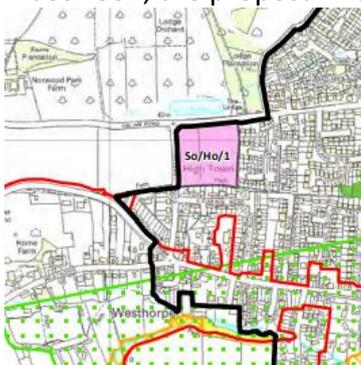
of material landscape or visual effects, these would be localised to the existing settlement edge location.

- 7.47. Responses from residents and consultees have mentioned inclusion of the site previously for consideration in the existing Allocations and Development Management DPD 2013, however it was removed from selection following a review of the Gateway Sites Assessment report (2012). This stated that the western boundary of the site does not conform to a physical natural or man-made barrier which would naturally define the extent of the site. At the present time (2012) Allenby Road itself provides a more appropriate limit to the growth of the settlement in the location, and in moving forward also provide a more defensible boundary in the long-term. The conclusion was that due to the open and prominent location with no natural screening to the west, the assimilation into the surrounding landscape character would be more difficult to achieve **than with other gateway site options.** (emphasis added).
- 7.48. **The Site is assessed within the document as Site 1: Land West of Allenby Road. At the time of the report, its Site Description states that its western boundary appears to conform to a crop division rather than a more physical natural or man-made barrier and that it affords no visual screening. Since then, a hedgerow has been planted along this boundary (albeit in poor condition), and a small number of native trees have established.**
- 7.49. The report offers the following conclusion in relation to the Site, based upon an assessment of five factors:
- 7.50. *The site is both open and prominent with no natural screening to the west. It is therefore considered that the potential for the assimilation of the site into the surrounding landscape character and context would be more difficult to achieve than with other gateway site options.*
- 7.51. Since the publication of the report, four of the seven sites have been developed. The Site is the only land parcel that is dismissed for development.
- 7.52. It appears that the dismissal of the Site in this report is largely predicated upon the lack of screening on its western boundary, whereas the comparison sites had existing screening features. As noted, a hedgerow has now been established on the Site's western boundary, and there is potential for further vegetation features to be included within a development proposal, as shown on the Indicative Framework Plan. The report highlights the risk of "fast growing non-native planting" being established on the western boundary, but that is highly unlikely in the current policy and legislative environment, and this would be subject to a Reserved Matters application process in any case.
- 7.53. The report also notes the sloping nature of the Site and the visual exposure to Halam Road, but this has been subject to visual assessment by the Applicant.
- 7.54. It is therefore considered that the Gateway Sites Assessment to be out of date in terms of the baseline condition of the Site and the current policy and legislative

environment. Whilst the comments in relation to the western Site boundary are valid, these can be proactively addressed through the planning process.

- 7.55. This report led to the deletion of the site from the DRAFT Allocations document as it was in 2012, felt that the impact from this and the other sites assessed as part of this report, was greater than the ones that went on to be included in the current Plan. This does not automatically mean that a scheme is not deliverable on this site. Members should note that the report was 14years ago when the Council was able to demonstrate a 5yr housing supply under the former local plan assessment. Planning Policy now is under a different situation and material considerations must be considered in the round under the updated and current NPPF and PPG.
- 7.56. *Heritage*
- 7.57. Built Development – The site is located outside of the defined Southwell Conservation Area, to which the boundary is to the south of the site. There are no built heritage assets located within the site, however to the south of the site, outside of the site boundary, are buildings of local interest, non-designated heritage assets. These buildings are identified within the Southwell Neighbourhood Plan and within the Southwell Conservation Area Appraisal.
- 7.58. The Southwell Conservation Area Appraisal states the area of Westhorpe Character Area is generally agricultural in character. Westhorpe merged with Southwell following development in C18 and C19 along Westgate was consolidated in the C20. Development has extended in an east-west direction to include the subsidiary settlements of Westhorpe and Easthorpe so that the town now generally occupies the valleys of the dumble and the River Greet and the wooded ridge of higher ground between them.
- 7.59. The majority of the historic buildings within Westhorpe are of traditional construction and of modest scale, with brick and pantiles the most common facing materials. Generally, the buildings comprise simple cottage and farm buildings, and this is true of the non-designated heritage assets to the south of the site. Westhorpe Hall is the only high-status building within Westhorpe. There is no uniformed grain to the developments with area of open spaces which contribute to the character. It has its individual identity and historical context to the western periphery of Southwell. Oxton Road is generally of a verdant character with tree lined streets.
- 7.60. The Council's Conservation Officer has commented on the proposal stating that the most sensitive area of the site is to the south-west, where there are impacts to heritage assets. The existing cottages on the Oxton Road site are within the rural backdrop, which makes a positive contribution to their setting, illustrating the historic development of the town as a rural community. They have stated that in order to retain this rural character, the landscaping as shown on the indicative plan around the south-west corner of the development site, as this is a high point of the site, should be retained as a benefit.

- 7.61. Norwood Park, which is located to the north of the site, is an unregistered park and garden and therefore a non-designated heritage asset. It is considered that there is no intervisibility between Norwood Hall or the heritage assets within the park. The historic parkland site is over the brow of a hill, and is separated by the road, woodland and agricultural land. The retention of the hedgerows and mature trees along this boundary helps to retain the separation between the parkland and its heritage assets from the development site.
- 7.62. The retention of landscaping and a play area to the west and south of the site would help to maintain a rural character from the public footpath, and would retain views of Sunbury Cottage to aid in placemaking and wayfinding to retain this focal point. Officers have advised to avoid the area to the west of the site, where the LEAP is located, from being built up and interrupting wider views towards the Conservation Area and equally towards the north and towards Norwood Park. As stated before, this western site is identified within the Southwell NP as being a 'green link' therefore keeping it free of built development would not be unreasonable.
- 7.63. The site is located to the north but outside of the Southwell policy area So/PV. The policy in the ADMDPD states that for developments outside of the view cone, development proposals which have the potential to negatively impact on the view of these heritage assets will not normally be acceptable. The level of potential impact will be dependent on factors such as scale, height, location and the scope for mitigation. The adjacent site to the east of Allenby Road, which is also outside of the view cone, but closer to the Southwell and within the land allocation So/Ho/1, was assessed by the Conservation Officer as not having any inter-visibility between the site and the Minster, Holy Trinity Church or the Workhouse. It was considered that the land was not significant to any of the assets' setting. Therefore, given that this application site is on a similar trajectory, with further built development located inbetween, the proposal would not result in harm to the setting of these assets.



- 7.64. The proposal is concluded to result in less than substantial harm to the setting of the Southwell Conservation Area and the non-designated heritage assets, resulting in harm to the setting of the town. In accordance with para 215 of the NPPF, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

- 7.65. Para 216 of the NPPF states *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 7.66. The Southwell Neighbourhood Plan (2016) and Policy DH1 states that development should take in to account the Design Guide. The proposal is not subject to detailed design at this stage and just the principle.
- 7.67. *Archaeology* – The site is located approximately 1km west of Southwell Minster and the town's historic core. Within the wider landscape there are a number of earthwork features identified to the south and west of the site which appear to relate to former agricultural activity. The available resources suggest the site has been in agricultural use for the most of its recent history. The geophysical survey reports on a potential feature which does appear to coincide with the early cartographic evidence and also a pit which may coincide with the eastern internal field boundary shown on the 1947 oblique of the area.
- 7.68. The 1835 Sanderson map annotates the area as 'Brick Hill Field' and the pit identified in the geophysical survey may be related to this industry. The 1841 tithe map of the area also shows extant and former field boundaries and track/pathway.
- 7.69. The presence of archaeological features on site cannot be entirely excluded, either predating the brick industry located in the area, or directly relating to the pre-industrial brick manufacture and the associated infrastructure and extractive activities. The Council's Archaeology consultant has recommended that an archaeological field evaluation is undertaken consisting of 3% coverage within the redline area, with a 1% contingency; this recommendation is consistent with evaluation recommendations for other sites in the region and district. The evaluation, adhering to an agreed and approved written scheme of investigation, will seek to identify the presence, extent, depth, date and significance of any below-ground archaeology. The results of the fieldwork will be used to inform and further measures to preserve in situ or preserve by record and significant archaeology identified during the evaluation.
- 7.70. The consultant has agreed with the agent that the fieldwork through trial trenching will be required to inform reserved matters but is not required for determination of this outline application. They agree to the imposition of a planning condition requiring a program of trial trenching to be undertaken prior to reserved matters stage.
- 7.71. Taking the above factors into consideration (landscape, heritage and archaeology), the site has been assessed in accordance with the landscape character SPD and the national landscape character, and it is considered that mitigation measures to reinforce landscape boundaries and a buffer would be acceptable mitigation. **The Indicative Framework Plan is generally a positive response to the Site's character and its relationship to its setting. The Landscape and Visual Assessment (LVA) has considered the potential effects of the proposed development at construction stage, upon completion, and 15 years following completion. This is a comprehensive approach that enables the short- and long-term effects of the scheme to be**

understood. The assessment concluded that the most significant effects would be on the Site, with a Major/Moderate adverse effect at construction stage diminishing to Moderate/Minor adverse by Year 15. Effects upon the Landscape Type and Policy Zone are judged to be of Moderate adverse significance at construction stage, diminishing to Minor adverse significance by Year 15. Effects upon the remaining receptors are all judged to be Negligible/Imperceptible at all stages. The Council's Landscape Consultant is broadly in agreement with the overall findings of the LVA's landscape assessment.

- 7.72. The visual assessment was informed by a process of Zone of Theoretical Visibility (ZTV) modelling and fieldwork. The baseline studies revealed that the combination of topography, vegetation and structures was such that the Site occupies a limited visual envelope, with visual effects highly unlikely beyond a distance of 350m from the Site.
- 7.73. A total of 15 viewpoint locations were agreed with the Local Planning Authority as part of the scoping process, including the users of Public Rights of Way and public highways. These were used as the baseline for the visual assessment. As noted above, these did not include Public Footpath 209/30/1, which runs through the southern part of the Site.
- 7.74. The visual assessment concluded that the only visual receptors that would experience greater than Minor adverse effects in the long term would be the users of Public Footpath 209/45/1 (mis-referenced in the LVA as 209/34/2) and the users of Halam Road as they approach Southwell.
- 7.75. With regard to the users of Public Footpath 209/45/1, the assessment concludes that these would experience Major adverse effects during the construction stage, diminishing to Moderate significance at Year 15. It is therefore likely that similar effects would be experienced by the users of Public Footpath 209/30/1.
- 7.76. With regard to the users of Halam Road, the assessment concludes that these would experience Moderate adverse effects at construction stage, diminishing to Moderate/Minor significance at Year 15. The Landscape Consultant is broadly in agreement with the overall findings of the LVA's visual assessment.
- 7.77. The site is located outside of any heritage designation, however as stated above the site is adjacent to the Southwell Conservation Area, and adjacent to non-designated heritage assets.
- 7.78. The proposal is considered to have less than substantial harm to the setting of the Southwell Conservation Area. Para 13 of the Planning Practice Guidance (PPG) *'The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such*

as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.'

- 7.79. This harm needs to be weighed in the planning balance against the public benefits gathered by the scheme proposed in accordance with the NPPF and the PPG. Public benefits are defined in the PPG (para 20) as anything that delivers economic, social or environmental objectives as stated in para 8 of the NPPF. This includes the delivery of homes to *meet the needs of present and future generations*.
- 7.80. The proposal would result in the delivery of up to 70 dwellings, including affordable dwellings. The Council cannot demonstrate a 5yr housing land supply and in accordance with para 11dii of the NPPF, planning permission should be granted unless adverse impacts demonstrably outweigh the benefits. Para i) however states that where the proposal affects designated heritage assets a strong reason for refusing the development to ensure its protection also apply. It is considered the case that the harm to the setting of the Conservation Area is on the lower end of less than substantial harm and advice has been given that this harm can be mitigated for. Therefore, the benefits of the provision of housing to contribute to the 5yr housing supply (including affordable housing) outweighs any harm identified.
- 7.81. The site could have archaeological impact, however potential archaeological interest on this site is not demonstrably of equivalent significance to scheduled monuments, and only of local significance. Archaeological impact can be addressed by appropriate recording and mitigation.**

S106 developer contributions (UPDATED) – Members raised concern that they did not know where the Hill View Surgery was that has been mentioned by the NHS. This has been clarified as being the surgery in Farnsfield. Subsequently the table below has been updated.

	Contribution based on up to 70 dwellings	
Affordable Housing	30% on site provision (60% social/affordable rent; 25% First Homes and 15% Shared Ownership)	On site
Community facilities	Off-site community facilities contribution £1,384.07 x 70 = £96,884.90 + indexation Sought for: <ul style="list-style-type: none"> • Improvements to existing sports buildings in Southwell (details to be determined on the specific scheme at draft agreement stage but is likely to be one of the following sites, Southwell Rugby Club, bowls, tennis, cricket club, local scouts hut, or Brinkley football site.) 	Off Site
Education provision	Not requested by Nottinghamshire County Council	-
Health	£982.62 x 70 = £68,783.40 Sought for: <ul style="list-style-type: none"> • Southwell Medical Centre • Hill View Surgery <u>Farnsfield</u> • Jubilee Park Medical Partnership – Lowdham Site 	Off site
Libraries (building costs)	Not requested by Nottinghamshire County Council	-
Libraries (stock)	161 (population) x 1.532 (items) x £12.67 (cost per item) = £3,125	Off site
Amenity Green Space & Open Space for Children and Young People	Green Space - SPD requirement is 14.4m ² /dwelling = 0.1008 ha (1,008m ²). Children and young people - SPD requirement is 18m ² per 2 bed and above dwellings = 0.1260ha (1,260m ²) Total = 0.2268ha (2,268m ²) Proposed provision – 0.8ha of public open space within the site comprising of native planting, outdoor children’s play equipment and recreational footpath.	On site
Maintenance of Amenity Green Space	SPD requirement is £282.79 / dwelling = £19,795.3	-
Maintenance of Public Open Space for Children and Young People	SPD requirement is £1031.30/ dwelling = £72,191	-
Transport	Contribution of £35,000 for the provision of the local community transport scheme Contribution of £4,800 is paid to provide improvements to two bus stops	Off site

9.0 Conclusion

- 9.1. The application is for outline planning permission with all matters reserved apart from access. The Council cannot demonstrate a 5yr housing land supply with the Council's current supply at 3.84yrs. Therefore, the tilted balance in favour of sustainable development as stated in paragraph 11d of the NPPF is engaged.
- 9.2. Members will note that the site is located outside of the defined urban boundary of Southwell as defined within the Council's current and emerging Allocations and Development Management DPD. However, due to the close physical relationship to Southwell and its urban boundary and the lack of a sufficient housing supply, it is considered that the principle of development on the site is acceptable.
- 9.3. The site is located just outside of the defined Conservation Area and there are non-designated heritage assets also outside but in close proximity to the site. Para 11.d states that where there are strong reasons for refusing a development based on impact to designated heritage assets then this carries more weight than the delivery of housing (through the tilted balance). The harm to the Conservation Area and heritage assets are considered on the lower end of the less than substantial harm which, subject to the design and layout of the scheme could result in an acceptable impact.
- 9.4. Similarly, where the proposal would result in harm to flood risk the tilted balance does not apply. It has been demonstrated that the site is located within Flood Zone 1 and land which is the lowest lying to the north of the site, is susceptible to surface water flooding. However, the NPPF and PPG state that where the site can be developed away from areas of higher risk the sequential test does not apply. The proposal has not received an objection from the Environment Agency and the Lead Local Flood Authority have not objected subject to the imposition of a condition. Therefore, based on the above, it is considered that the tilted balance is still engaged in decision making.
- 9.5. The proposal has received comments from the surrounding community on its impact upon the surrounding landscape. Whilst this was a concern as raised through the 'Gateway' report in 2012, the Council is in a different policy position from 2012, and the review was undertaken as part of a range of sites within Southwell. The ones taken forward to the Plan, were the ones of least harm. The site has a sloped character with the highest part of the site to the south and the lowest to the north joining Halam Road. Whilst this would ensure the site has greater prominence in the area, with sufficient mitigation and a landscape buffer to the western boundary, the harm is not considered to be significant or detrimental to the surrounding landscape. **Following the deferral from February Planning Committee, Officers have appointed a**

Landscape Consultant to review the application proposal against the submission, taking in to account the existing and former policy position stated in the Gateway report. The conclusion of that review was that the landscape has changed since the Gateway report, and the site is not considered to be within a 'valued' landscape for the purposes of planning policy. The Illustrative Framework Plan has been submitted that presents a logical response to the Site and its context, including the retention of a substantial belt of open space with tree planting along its western boundary and lesser belts of open space to the north and south. There would be no visual effects of greater than Moderate significance at Year 15 and the proposal is considered acceptable on landscape and visual grounds.

- 9.6. The proposal has been assessed by Nottinghamshire County Council Highways with regards to the proposed access from Allenby Road, and the submission includes a Stage 1 Road Safety Audit. The proposed access to the site is not considered to result in harm to highway safety.
- 9.7. Matters of residential amenity, ecology and impact on trees, are all considered acceptable or can be fully assessed through the subsequent reserved matters application, which relates to detail.
- 9.8. **The benefits to the scheme are clearly outlined in the report which includes a S106 compliant scheme, namely the delivery of 30% onsite affordable housing provision, monetary contributions towards community facilities (£96,884.90), health (£68,783.40), libraries (£3,125), improvements to the local community transport scheme and bus stops and onsite open space including children's play equipment. In addition to the delivery of a mix of housing to local supply.**
- 9.9. **Members have previously raised the prematurity of this site coming forward when the other Allocated sites have not yet been delivered, and that they should have preference before seeking further development outside of the defined built-up area. Officer advice remains that we have a shortfall in housing land supply. Furthermore, the Council is not able to control where development comes forward and in what order. Fundamentally, the Committee can only consider applications on their own merits. The sites Allocated for development will remain allocated through the existing and emerging Development Plans. To prevent other sites coming forward for development until such time as others have Planning Permission, is not a material planning reason to refuse permission nor is it reasonable to do so.**
- 9.10. The proposal is therefore considered acceptable and in Officer's opinion there is no strong reason for refusing outline planning permission, which would outweigh the benefits of delivering housing in this highly sustainable location that would contribute to the Council's 5yr Housing Land Supply. The proposal is therefore considered to accord with the Development Plan, taking in to account the material considerations of the NPPF, PPG, the Landscape Character SPD and the Southwell Conservation Area Appraisal.

9.11. Legal Implications - LEG2526/3033

9.12. 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.

10.0 Conditions

The conditions originally presented to Members have been updated following the previous late items schedule for February Committee, and those changes are shown in bold.

01

Application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Details of the appearance, landscaping, **internal access**, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The availability of the Southwell FP30 and FP45 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

04

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the root protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

05 - LLFA

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Link Engineering Flood Risk Assessment (FRA) and Drainage Strategy Report ref LE25158 version 1.8 dated 2026.01.12, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.

- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

06 - Highways

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of the junction/access onto Allenby Road and highway improvement works for the northbound bus stop together with improved (footway) pedestrian facilities and crossing points has been submitted to and approved in writing by the Local Planning Authority.

1. (a) The approved highway scheme shall be completed in accordance with the approved details before the first dwelling is occupied. For the avoidance of doubt the highway works shall include: -
 - (b). (i) The construction of the new junction to Allenby Road together with uncontrolled pedestrian crossing points/tactile paving (all to NCC standard highway details).
 - (ii) The widening of the hardstanding raised area to the north bound bus stop located outside no. 13 Allenby Road (to NCC standard highway details).
 - (iii) The construction of new uncontrolled pedestrian crossing points/tactile paving to the footway on the southwest corner junction of Allenby Road/Halam Road (all to NCC standard highway details).
 - (iv) The full length of the existing footway fronting the site on Allenby Road is to be widened and formalised to 2m in width (to NCC standard highway details).

Reason: In the interests of highway safety; to ensure satisfactory highway infrastructure provision and to safeguard the users of the highway. Note: For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act Section 278 Agreement with the Highway Authority to comply with the requirements of this condition.

07 – Highways

No part of the development shall be occupied or brought into use until driver's visibility splays detailed on drawing ref: 110535-PEF-ZZ-XX-DR-TP-00003 are cleared of all obstructions to

visibility exceeding 600mm in height above carriageway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason: To ensure adequate visibility at the site access in the interests of road safety.

08 – Highways

(a) No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the logistics of construction has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall include, but not be limited to:

- (i) Construction traffic routes, including provision for access to the site
- (ii) Entrance/exit from the site for visitors/contractors/deliveries
- (iii) Location of directional signage within the site
- (iv) Siting of temporary containers
- (v) Parking for contractors, site operatives and visitors
- (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- (vii) Temporary roads/areas of hard standing
- (viii) Storage of materials and large/heavy vehicles/machinery on site
- (ix) Measures to control noise and dust
- (x) Details of street sweeping/street cleansing/wheelwash facilities
- (xi) Details for the recycling/disposing of waste resulting from demolition and construction works

(b) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are needed prior to the commencement of development in order to ensure that adequate on-site provision is made for construction traffic, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers during construction.

09 – Highways

The submission of any reserved matters application pursuant to this outline consent shall be accompanied by details of car parking facilities for each residential plot within the development and a ‘heat map’ showing the parking facilities provided.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development.

10 – Highways

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles to each dwelling to include the provision of electric vehicle charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities

shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

REASON: In the interest of furthering travel by sustainable modes.

11 – Environmental Health

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 - Archaeology

Part 1 No development or enabling or associated engineering works shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation (WSI) for evaluation trenching and contingency for further mitigation work if required (i.e. excavation, subject of a separate and approved WSI). These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis

4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

13 - Archaeology

Part 2 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the preceding Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

14 – Archaeology

Part 3 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the local museum service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

15 - Landscaping

The reserved matters submission for the landscaping of the Site shall include the submission of Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape Strategy (drwg no. 1830-L-D-PL-200 rev V3) or any updated version that shall be agreed through the relevant reserved matters approval

o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.

o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Amended Core Strategy.

16 - Landscaping

All hard and soft landscape works shall be carried out during the first planting season following commencement of the development or in accordance with an approved implementation plan for the Site as approved by the reserved matters approval. The works shall be carried out before any part of the development is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

17 - Ecology BNG

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the 'DEFRA Biodiversity Net Gain Report V2' and Statutory Biodiversity Metric, dated 30/10/2025 and January 2026 respectively and both produced by Heatons Ecology Ltd.

B. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisations(s) delivering the HMMP;

(c) the location and details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat.

C. Notice in writing shall be given to the local planning authority when the HMMP works have started.

D. Notice in writing shall be given to the local planning authority when the site construction compound has been removed.

E. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 9 months of removal of the site construction compound.

F. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure

18 - Ecology

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The CEMP (Biodiversity) should incorporate in full the Precautionary Methods of Working detailed within Section 45 of the Preliminary Ecological Appraisal Report V3, January 2026 produced by Heatons Ecology Ltd.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard protected species as required by the National Planning Policy Framework, ADMDPD Policy DM5 and Core Strategy Policy 12.

19 - Ecology

A. The approved development must not commence until a Faunal Enhancement Plan has been submitted to, and been approved by, the local planning authority. The plan must show the type, and proposed locations for 15 integrated bat boxes and 15 integrated bird boxes within new dwellings and details for incorporating these (i.e., height and orientation). The plan must show where hedgehog holes must be created in solid boundaries within the approved development to create a 'hedgehog highway'.

B. Prior to occupation of the final dwelling hereby approved, photographic evidence of all installed boxes, and photographic evidence of hedgehog holes created within the approved development, must be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. Thereafter, the installed boxes shall be retained for compliance.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

20 - Noise

The reserved matters application shall be accompanied by a Noise Attenuation Scheme taking in to account the submitted Noise Assessment (October 2025).

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF.

21

The development hereby permitted authorises the erection of no more than 70 dwellings. Any reserved matters application for the development hereby approved shall broadly show development in the area shown as developable/residential on plan reference O110 Rev F.

Reason: To define the planning permission and to ensure an appropriate landscape buffer is provided within the site.

22

The following activities must not be carried out under any circumstances **during the construction phase**.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.

- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the **Local** Planning Authority.

Reason: To protect existing trees and hedgerows within the site.

23

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Amended Core Strategy.

24

The construction phase of the development shall be carried out in complete accordance with Appendix D of the Air Quality Assessment (August 2025) or any amending document approved by the Local Planning Authority.

Reason: To ensure that adequate mitigation is made for Air Quality and in the interests of residential amenity.

25

The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:

- **Dwg No: 333102543-0101 – Site Location Plan**
- **Dwg No: 110535-PEF-ZZ-XX-DR-TP-00001 Rev P05 – Site Access Arrangement; and**
- **Dwg No: 110535-PEF-ZZ-XX-DR-TP-00002 Rev P03 –Vehicle Tracking of Site Access**

Reason: For the avoidance of doubt as to what is approved.

APPENDIX A

ORIGINAL COMMITTEE REPORT DATED 12.02.2026



Report to Planning Committee 12 February 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/01879/OUTM		
Proposal	Outline planning application (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing), highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure.		
Location	Land West Of Allenby Road Southwell		
Applicant	Richborough	Agent	Fisher German LLP - Kerry Andrews
Registered	14.11.2025	Target Date / Extension of Time	13.02.2026
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and subject to the signing of a S106 for the contributions.		

This application is being referred to the Planning Committee for determination, in accordance with the Council's Scheme of Delegation, as the site is a departure from the plan.

The Site

- 1.1 The site is located outside of the defined built up area of Southwell, as defined by the Allocations and Development Management DPD and is still outside in the Amended Allocations and Development Management DPD (status explored later in this report). The site comprises of land at 3.59ha in area.

1.2 The site relates to existing open agricultural fields to the west of the existing settlement of Southwell. The site is bounded on all sides by a large mature hedgerow and hedgerow trees to the north, west and southern boundaries. One tree is located within the site. An existing informal field farm access is located to the east of the site, from Allenby Road, forming a break in the hedgerow.

1.3 A public right of way is located north-south through the site and east-west along the southern boundary (SouthwellFP45 & SouthwellFP30). (see below)

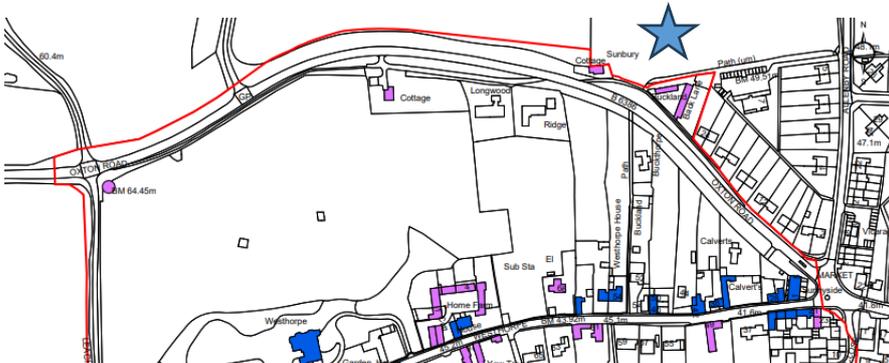


1.4

1.5 The site is located just outside of the defined Conservation Area, which runs to the south of the site along Oxton Road. There are unlisted buildings of local interest (shown in pink) to the south of the site on Oxton Road (see below, the star indicates the site location). Further details of the conservation and historical impact is explored in the heritage section of this report.



1.6



1.7

1.8 The site is within Flood Zone 1 according to Environment Agency maps therefore at lowest risk from fluvial flood risk and very low risk from surface water flooding. The map below shows the flood risk which coincides with the location of the watercourse to the north of the site (to the south of Halam Road)

1.9 There is no planning history relating to the site.



1.10

1.11 The site has the following constraints:

- Flood risk – Zone 1
- Buildings of local interest
- Footpaths Southwell FP45 & FP30
- Conservation Area setting

2.0 **Relevant Planning History**

2.1. PREAPM/00198/25 Erection of up to 70 dwellings Positive advice given 20.10.2025

3.0 **The Proposal**

3.1 This application seeks outline planning permission (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing provision), highway works, public open space, children's play space, landscaping, drainage and all other associated works.

3.2



3.3 The application has been assessed based on the following plans and documents:

- Application form
- DRWG 0110 Rev F Indicative Framework Plan;
- DRWG no. 110535-PEF-ZZ-XX-DR-TP-00001 Rev P03 Site Access Arrangement;
- DRWG no. 1830-L-D-PL-200 Rev V3 Illustrative Landscape Strategy;
- Location Plan;
- DRWG no. 0101 Site Location Plan;
- Agricultural Quality Report 2704/1 (14 October 2025);
- Air Quality Assessment (August 2025 revised October 2025 Rev 1);
- Arboricultural Impact Assessment V4 October 2025;
- Climate Change Statement (November 2025);
- DEFRA Biodiversity Net Gain Report (October 2025);
- **DEFRA Biodiversity Net Gain Report January 2026;**
- Design and Access Statement (November 2025);
- Flood Risk Assessment & Drainage Strategy Report V1.7 (November 2025);
- **UPDATED Flood Risk Assessment & Drainage Strategy Report V1.8 (12.01.2026);**
- Geophysical Survey Report ref.25689 (dated 19/09/2025);
- Heritage Impact Assessment (October 2025);
- Landscape and Visual Appraisal V3 (October 2025);
- Mineral Resource Assessment (04 November 2025);
- Noise Assessment (October 2025);
- Nottinghamshire Rapid Health Impact Assessment (RHIS) Template 2025-30;
- Phase 1 Geo-environmental Assessment (28 October 2025);
- Planning Statement (27/10/2025 updated 04/11/2025 V1);
- Preliminary Ecological Appraisal (October 2025);
- **Updated Preliminary Ecological Appraisal Ref.V3 (January 2026);**
- Stage 1 Road Safety Audit – Designers Response rev. S2_P1 (07/10/2025);
- Statement of Community Involvement;
- Transport Statement Rev. P3 (23/10/25);
- Utilities Assessment Rev.2 (15/10/2025);
- BNG Metric;

- **BNG Metric V2 January 2026;**

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 27 properties have been individually notified by letter. Two site notices have also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 21.11.2025.

5.0 Planning Policy Framework

5.1. Southwell Neighbourhood Plan (made October 2016)

Policy E1 – Flood Risk Assessments & Mitigation

Policy E2 – Flood Resilient Design

Policy E3 – Green Infrastructure & Biodiversity

Policy E4 – Public Rights of Way & Wildlife Corridors

Policy E5 – Green Link

Policy DH1 – Sense of Place

Policy DH2 – Public Realm

Policy DH3 – Historic Environment

Policy TA1 – Cycle & Pedestrian Routes

Policy TA2 – Public Transport Connectivity

Policy TA3 – Highways Impact

Policy TA4 – Parking Standards

Policy CF1 – Identified Assets

Policy CF2 – Green and Open Spaces and Burial Grounds

Policy HE1 – Housing Type and Density

5.2. 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 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 10A – Local Drainage Designations

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

SoAP1 – Role and Setting of Southwell

5.3. Allocations & Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 - Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development
So/HN/1 - Southwell Housing Need

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- *Not subject to a proposed main modification;*
- *The modifications/clarifications identified are very minor in nature; or*
- *No objection has been raised against a proposed main modification*

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

The policies which now carry substantial weight and therefore applicable to the consideration of this application are:

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5(a) – The Design Process
DM5(b) – Design
DM5(d) – Water Efficiency Measures in New Dwellings
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment

Core Policy 3 – Housing Mix, Type and Density

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2024 (updated 2025)
- Planning Practice Guidance (online resource)
- Residential cycle and car parking standards Supplementary Planning Document (SPD)
- Landscape Character Assessment SPD
- S.72 Planning (Listed Buildings and Conservation Areas) Act 1990
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places (October 2019)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Building for a Healthy Life Criteria¹.

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/consultation-and-pre-decision-matters)

Environment Agency – - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

NCC Lead Local Flood Authority – 03.12.2025 (Initial objection) Whilst the principles of the development are acceptable there are a number of issues within the submission that must be resolved before outline permission is granted.

1. The application fails to consider the flood alleviation works carried out in the immediate downstream location of the site and in particular any exceedance flow impacts on that area.
2. The use of one single attenuation basin as shown on the proposals for this site in not recommended due to the potential off site impact of exceedance flows. The applicant should consider the use of two or more smaller basins through the site.
3. Section 4.9 makes reference to culverting of a watercourse. This would not be permitted and the applicant should consider alternatives.
4. On page 2 of the Flood Risk Assessment Figure 8 appears to be blank.
5. Appendix A, the proposed plan appears incomplete.

The issues identified above have the potential to impact on the layout of the development and as such we object to the proposals as they stand.

¹ <https://www.designforhomes.org/wp-content/uploads/2020/11/BFL-2020-Brochure.pdf>

16/01/2026 **NO OBJECTION** subject to conditions

Historic England – In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Sport England – The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case.

NCC Rights of Way – Requires further information

1. Proposed maintenance of the footpaths
2. Traffic/ private vehicular access/intensification, would this be a danger to ROW users?
3. Clarification on who would maintain the footpaths going forward. Any change to the surface composition must be agreed with the Rights of Way Team.
4. How the developer would ensure the safety of the public, during the building phase.

No objection pending further information – Confirmation of the conditions (listed above) being accepted/included, there would be no objections.

Following further clarification on the comments raised, NCC Rights of Way officer stated that the comments raised are more specific to the detailed application through the Reserved Matters Application and not the Outline.

NCC Highways – No objections subject to conditions/informatives.

Town/Parish Council

- 6.1. Southwell Town Council – Object but state *Should the Outline Planning Permission be approved, Southwell Town Council would note the following concerns and priorities that we would wish to see addressed in Reserved Matters.*

- *Affordable Housing*
- *Waste Water Infrastructure*
- *Trees and Hedges*
- *Climate Change*

Representations/Non-Statutory Consultation

NCC Planning Policy – *Due to the length of these comments you are advised to review this on the Council's website. Summaries will be included in the relevant sections where necessary.*

NSDC Environmental Health (Contaminated Land) A Phase 1 Geo-environmental Assessment has been completed by Fisher German in support of this application.

Whilst no potential sources of contamination are identified, the report recommends that a phase 2 intrusive investigation is completed. Given this recommendation I would request the use of the full phased contamination condition in the event that any elevated contamination is identified in the phase 2.

Air Quality The report uses current guidance (IAQM, EPUK etc.) on which to base the assessment and to consider the impact of traffic emissions and dust generated during the site development.

A qualitative construction phase dust assessment has been completed and with mitigation dust risk is described as 'not significant'. An appropriate suite of mitigation measures (based on IAQM guidance) is proposed in Appendix D and I would expect these to be required by condition.

Operational phase traffic emissions have been screened using appropriate guidance and given current DEFRA mapped air quality levels and predicted vehicle movement numbers, the requirement for detailed assessment has been screened out and the impact is therefore considered 'not significant'.

Environmental Health welcomes the proposed incorporation of Electric Vehicle (EV) charge points at each dwelling as part of the design to minimise the impact of the development on air quality. I would request that this is secured by condition. Other design aspects that could be included which would also benefit local air quality are:- secure cycle storage for each dwelling, pedestrian and cycle connectivity into the wider network, resident sustainable travel information packs.

Broadly speaking Environmental Health can accept the findings of the assessment providing that dust mitigation and EV charge points at each dwelling (as a minimum) are mandated by condition.

I would point out that Environmental Health is not able to consider any risk to ecological receptors and appropriate expertise should be sought for this.

Finally, section 6.3 of the Summary and Conclusions describes a qualitative odour assessment being completed, however no odour assessment appears to have been carried out. I assume that this is a typo and therefore needs correcting.

NSDC Environmental Health (Noise) I have reviewed the noise assessment submitted in support of the outline application. This demonstrates that for the majority of the site an acceptable acoustic environment can be achieved both within proposed dwellings and external amenity space. However, noise levels nearest to the highway adjoining the site are above guideline levels. As such, attenuation by design, acoustic barriers and glazing will be required in these areas. Final design details are not known at this stage. The acoustic assessment should be taken account of in determining site layout, and an updated assessment submitted when final details are known.

NHS Greater Nottinghamshire Clinical Commissioning Partnership – Impact of new development on GP practice - The development is proposing up to (70) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.5 per dwelling, primary care health provision would result in an increased patient population of approx. (175) (2.5 x A).

GP practice most likely to be affected by growth and therefore directly related to the housing development - It is unlikely that NHS England or Nottingham and Nottinghamshire ICB would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest to is: • Southwell Medical Centre • Hill View Surgery • Jubilee Park Medical Partnership – Lowdham Site

Necessary to make the development acceptable in planning terms All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective, the infrastructure will need to be developed to accommodate the increased population. Patients may not necessarily register with the above practices due to Patient Choice. However, infrastructure financing in the form of S106 will be required to ensure that there is adequate primary care health facilities within the Newark & Sherwood District Council area.

Plans to address capacity issues The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.

Fairly and reasonably related in scale and kind to the development. - As a consequence and since the number of dwellings exceed 65, we would ask for £982 per dwelling for costs of Primary Health Care provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations, revised indexation 2016. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.

Financial contribution requested - £68,740.00 (70 x £982 per dwelling)

NSDC Conservation The proposed /development is considered to result in less than substantial harm to the setting of the Southwell Conservation Area, resulting in harm to the historic rural setting of the town. It is appreciated that there may be public benefits which may outweigh the level of harm.

Lincs County Council Archaeology If the planning authority is mindful to grant planning permission prior to the evaluation I recommend that a pre-commencement archaeological condition is attached to any consent issued in respect of this proposal. A condition is required to secure works based on current guidance from the Lincolnshire Handbook (2024).

NSDC Planning Policy *Southwell Neighbourhood Plan* The Amended Southwell Neighbourhood Plan was published under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 in December 2024. An Examiner has not yet been appointed, and the objections raised at the Regulation 16 stage remain unresolved. As these issues have not been considered through examination, the emerging Amended Neighbourhood Plan cannot be given any meaningful weight at this time. The existing

Southwell Neighbourhood Plan remains extant and continues to form part of the statutory development plan until it is formally replaced or updated.

The Council is currently unable to demonstrate a five-year housing land supply. As a result, the tilted balance set out in Paragraph 11(d) of the NPPF is engaged. I am not aware of any protected areas or assets of particular importance that would provide a clear reason for refusing the application. Therefore, in accordance with part 2 of Paragraph 11(d), planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, with particular regard to its key policy areas.

NSDC Sports, Community Facilities and Events Manager - If this proposal were to receive planning consent I would request that the scheme is compliant in respect of the Developer Contribution SPD. Specifically in respect of the Community facility contribution which would be allocated to suitable projects in the Southwell locality.

Southwell Civic Society - The Council's policy advice notes that the 2012 Gateway Study concluded that development of the application site would result in "an unacceptable level of impact and (it) was therefore excluded from the Draft Allocations & Development Management DPD". The 'unacceptable level of impact' has not changed so it is difficult to understand why the policy advice does not acknowledge this fact and that, in relation to the 'tilted balance', the harmful impact that would be caused by the proposed development would engage NPPF footnotes 7 and 9.

Consequently, we consider that the adverse impacts described above would 'significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places'. Therefore, the development plan policies should prevail, and the application should be refused.

Trent Valley Internal Drainage Board – No comments received.

Community Health Partnership – No comments received.

- 6.2. 15 comments have been received from any third party/local residents which are summarised below:

Principle

Creeping suburban ribbon development

Density of housing proposed is higher than new development to east of Allenby Road

70 dwellings not in line with the character of the area, overdevelopment; Needs reducing in line with other developments such as the 45 houses on Bramley Fields;

Houses on Lower Kirklington Road are struggling to sell, so why build more?

No need for more housing – even affordable housing is not affordable;

The point of extending the Conservation Area was to protect the rural environmental of the properties around Oxton Road;

Erosion of countryside 'Gateway';

There are other available sites in the town which are preferable to this one to meet both current and any additional housing targets;

Allenby Road provides a natural boundary to the town;

Concern about spread to Halam in the future;

Application is premature whilst a new Development Management DPD is in progress;

Highways/Rights of Way

Exacerbate existing issues on Halam Road and the area in general;

Allenby Road/Oxton Road is an almost blind junction;

Cars always parked on the northern side of Oxton Road going west;

Concern that the footpath will turn in to an access point from Oxton Road;

Condition of local roads with pot holes are terrible;

Has consideration been given to the access from Halam Road as opposed to Allenby Road?;

Estate roads accessing the properties should be fit for purpose and to proper adoptable highway standard with 2m wide footways on either side;

Flood Risk

Northern side of the site regularly floods, with standing water for weeks;

Loss of yet more arable land would upset the existing flood defences along Halam Road;

Increase flood risk with more concrete;

Ecology/Biodiversity

10% Biodiversity Net Gain by planting new trees and additional vegetation along the site boundaries is not balanced for the loss of agricultural land;

Loss of well used green space, used by dog walkers and others;

Destroying precious habitat for our wildlife;

Residential Amenity

Site is visible from the rear of properties on Oxton Road. Impact on construction work and the lives of those residents will be abominable;

Inevitably there will be noise, air contamination, dirt, vibration and light pollution throughout the building works;

No details of when the screening will go up to the south of the site; This should be early on in the development;

Next to a children's nursery, will cause disruption to the children attending & concern for their health;

Other matters

Southwell is already stretched at the surgery and schools, consideration of impact on these should be given.

A new park is not needed and will have no impact on current residents;

Not enough services for Southwell and have to go out of town to do a main shop due to inadequate Co-op foodstore to serve Southwell;

7.0 Comments of the Business Manager – Planning Development / Appraisal

7.82. The key issues are:

1. Principle of development
2. Loss of agricultural land
3. Housing need & mix
4. Impact on the Heritage Impact and the Visual Amenities of the Area
5. Impact on Residential Amenity
6. Highway Safety and Public Right of Way
7. Flood Risk and Drainage
8. Ecology, Trees and BNG

Principle of Development

7.83. The National Planning Policy Framework (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.

- 7.84. The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. 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 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the hierarchy as a Service Centre and has a good range of local facilities including schools, public transport and local employment. Beyond Principal Villages new development will be considered against Location, Scale, Need, Impact and Character. However, as part of the criteria Spatial Policy 3 states that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Where Neighbourhood Plans define village envelopes, development will only be supported beyond them if they meet the requirements of relevant policies within the Core Strategy or Allocations & Development Management DPD.
- 7.85. The first assessment which is necessary as part of the current assessment is to determine whether the site can be considered in the village or falls outside of the village and therefore should be assessed as development in the open countryside.
- 7.86. In this respect, the explanation text of the Amended Core Strategy Spatial Policy 3 is relevant:
- 7.87. *4.25 In implementing Spatial Policy 3 its locational criteria supports the development of sites in 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, farm yards and community facilities.*
- 7.88. The proposal does not comply with any of the above criterion and given it is an undeveloped open field, it is expressly stated within the policy explanation that SP3 does not include such land. Therefore, the site is located within the open countryside where policy DM8 applies. However, the site is in close proximity to the defined settlement of Southwell, which is defined as a Service Centre under Spatial Policy 1 and has facilities to support additional development.
- 7.89. Due to the changes to the NPPF in December 2024 which amended the housing mechanism for housing delivery, the Council can no longer demonstrate a 5yr housing land supply. Therefore paragraph 11(d) of the NPPF is engaged which applies the presumption in favour of sustainable development, and granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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.

- 7.90. Caveats to this relate to development relating to habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.
- 7.91. Therefore, given the tilted balance in favour of development, although the site is located outside of the defined settlement boundary where residential development would normally be unacceptable, given the Council has no 5yr housing land supply, to resist development for this reason alone would be inappropriate.
- 7.92. Other material considerations also must be taken into account, and these are explored below.
- 7.93. Status of the Southwell Neighbourhood Plan. The existing Neighbourhood plan was approved and adopted by the Council as part of its Development Plan 2016. Due to the plan approaching 10 years old, a new plan was started in 2024 under the Neighbourhood Planning (General) Regulations 2012 but has been delayed due to outstanding objections. An Examiner has not yet been appointed, and the objections raised at the Regulation 16 stage remain unresolved. As these issues have not been considered through examination, the emerging Amended Neighbourhood Plan cannot be given any meaningful weight at this time.
- 7.94. The existing Neighbourhood Plan remains extant and continues to form part of the statutory development plan until it is formally replaced or updated.
- 7.95. History of the site In the Options Report of the Draft Allocations and Development Management DPD (2013), Newark and Sherwood District Council initially proposed allocating the site. However, following a significant level of objection, the Council undertook a Gateway Study to assess which sites in Southwell would be the most suitable for allocation, focusing on their impact on the town's key gateways. This site was found to have an unacceptable level of impact and was therefore excluded from the Draft Allocations and Development Management DPD.

Loss of Agricultural Land

- 7.96. 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.'
- 7.97. 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.

- 7.98. 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.
- 7.99. Having reviewed Natural England's Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Soil testing has been carried out to distinguish whether the site is formed by Grades 3a or 3b land. The conclusion of this report is that the land is Grade 3a and therefore of good quality, albeit on the lowest end of the scale.
- 7.100. The loss of this 'good to moderate' agricultural land should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Housing need & mix

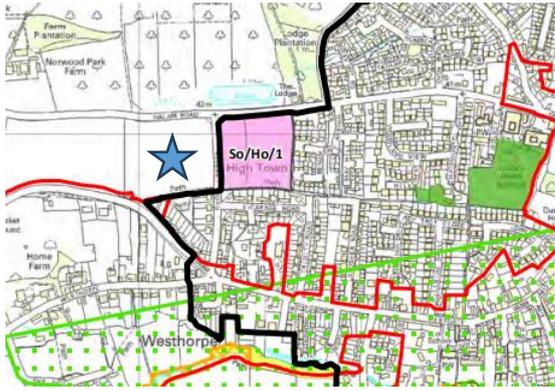
- 7.101. Core Policy 3 of the Amended Core Strategy DPD states an emphasis of family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly and disabled population. The District Council will seek to secure an appropriate mix of housing types to reflect local housing need. This will depend on the local circumstances of the site, the viability and any localised housing need. The amended Core Policy 3 proposed through the Amended Allocations and Development Management DPD largely follows this same emphasis but emphasises the need for 2 and 3 bedroom family housing and a greater provision of bungalows on appropriate large sites and support for specialist housing such as extra care and retirement housing.
- 7.102. In addition, particular emphasis will be placed on considering the impact of physical disability and mental health when addressing housing needs. On sites of 10 dwellings or more, provision of 23% of new homes to M4(2) accessible and adaptable standard will normally be required. On sites of 50 dwellings or more 1% of new dwellings will normally be required to meet M4(3) wheelchair accessible standard and should be provided as part of the affordable housing delivered on site. The provision of M4(2) and M4(3) will be required unless site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step free access is not viable, neither M4(2) or M4(3) should be applied.
- 7.103. The Council's latest housing need report from Arc4 District Wide Housing Needs Assessment (Dec 2020), states that within the Southwell Sub Area the greatest need for market housing is 3 bedroom properties (33.3%), followed by 4 bedrooms or more (24%) then 3 and 2 bed roomed bungalows (15.2% & 14.8%).

- 7.104. In addition to the above there would be a requirement to provide affordable housing onsite at 30%, with the general makeup being 60% social rented/affordable rented – 40% affordable home ownership products. Working on a maximum provision on site of 70 dwellings, 30% affordable housing would equate to 21 dwellings (13:8 tenure split of dwellings). The amended Core Policy 1 within the Amended Allocations and Development Management DPD retains the stated tenure mix but the affordable home ownership product element of the contribution will comprise the overall national 25% First Homes with the remaining 15% made up of the other affordable home ownership products based on an up-to-date assessment of local need. First Homes should secure a minimum discount of 30% against market value (see below, extract from the revised Core Policy 1).
- 7.105. The Planning Statement submitted with the application states that at para 6.26 *“Delivery of 30% of the scheme as much needed local affordable housing in Southwell in accordance with NSDC policy requirements. The affordable homes proposed will contribute positively to addressing the shortfall in affordable housing within the district. This is a tangible benefit and merits significant weight.”*
- 7.106. The existing Southwell Neighbourhood Plan from 2016 states at Policy HE1 for Greenfield sites of schemes over 11 dwellings a housing mix is prescribed. However, the Arc4 report supersedes this document, as it was produced in 2020 and represents more up to date information. However, policy HE1 of the emerging NP broadly aligns with the requirements of the Arc4 report.
- 7.107. This provision can be secured through an associated S106, including the make-up of tenure and bedroom numbers. It is considered that this matter is acceptable.
- 7.108. *Density*
- 7.109. Core Policy 3 of the Amended Core Strategy DPD requires development densities in all housing developments to be no lower than 30 dwellings per hectare. Developments below this should be justified. Within the submission, 70 dwellings are proposed and given the site area of 3.29hectares would equate to 21 dwellings per hectare. Given this site is on the edge of a settlement, a density at 30 per hectare, may be too intensive and the layout should be designed to reflect a transitional site to the open countryside and thus a reduction in density is appropriate for this reasoning.

Impact on the Heritage Impact and the Visual Amenities of the Area

- 7.110. *Landscape*
- 7.111. Core Policy 9 (Sustainable Design) states that new development should be of an appropriate form and scale to its context complementing the existing built and landscape environments. DM5 requires development to respect the existing local vernacular in terms of scale, layout, design, materials and detailing.

- 7.112. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.
- 7.113. 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.
- 7.114. The site is located within the Mid Nottinghamshire Farmlands Policy Zone and specifically Halloughton Village Farmlands (MN PZ 38) according to the Council's Landscape Character SPD (2013). This landscape is gently undulating and rounded landform, with medium to long distance views towards frequently wooded skylines. These views are, however, often enclosed by hedgerows, vegetation (woods and riparian vegetation) and settlements. The buildings tend to be vernacular, with a few exceptions of more modern developments, principally around the north west of Southwell.
- 7.115. The landscape condition is defined as good and the area has a coherent pattern of elements composed of predominantly arable fields, blocks of deciduous woodland and isolated farms. The landscape sensitivity is defined as moderate with an apparent landform with intermittent areas of woodland giving moderate visibility value.
- 7.116. Landscape actions are to conserve and reinforce and where this relates to hedgerows and are gappy and in poor condition, these should be reinforced with new planting. New planting should take into consideration medium and longer distance views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond.
- 7.117. The Landscape and Visual Impact Appraisal submitted with the application also states that the site is located within the National Character :48 – Trent and Belvoir Vales. This character area is defined as having an undulating, strongly rural and predominantly arable farmland, centred on the River Trent. A low-lying rural landscape with relatively little woodland cover, the NCA offers long, open views.
- 7.118. The site falls outside of policy So/Pv Southwell Protected Views (see below), which sets out that the Council will seek to protect views of and across the principal heritage assets comprising of the Minster and Thurgarton Hundred Workhouse. The site is significantly outside of the view cone, therefore the impact in this regard is not considered applicable.



7.119.

Extract from Southwell policy map

7.120. The application is in Outline form with the scale, massing and layout of the site yet to be considered, and would come from the subsequent detailed application known as Reserved Matters. The site is found at the settlement edge and has a rising landform from north to south. The surrounding landform, which is already built on and adjoins the site, is on a similar landform.

7.121. The combination of the hedgerow, hedge line trees, the level change and surrounding tree cover is typical of the host landscape. These factors influence the opportunity for, and frequency of, seeing the site from the wider open countryside. The effect of the site reduces expediently with distance and is not prominent in views.

7.122. The public right of way is located through the site, and although users of this would experience a change in their 'environment', the landscape buffer area as indicated on the indicative landscape plan shows that the western edge of the site can still be enhanced and the landscape strengthened to help to screen and protect the visual amenity. Whilst landscaping and layout is a reserved matter, the mitigation that this could bring to the proposal would offset the visual effect on the site's countryside setting. A condition could be imposed to ensure the landscape buffer to the west of the site is retained through to the detailed stage, as this would result in appropriate mitigation. The area around the footpath to the west of the site is identified in the Southwell NP as a 'green link' under Policy E5 and thus should be preserved as such, moving forward. This in itself does not preclude it from further development as this mitigation can be achieved through careful design.

7.123. Consequently, in landscape terms, subject to the appropriate design and landscaping to secure mitigation and reinforcement, the proposal would be in keeping with the local landscape character and setting and although it would result in limited number of material landscape or visual effects, these would be localised to the existing settlement edge location.

7.124. Responses from residents and consultees have mentioned inclusion of the site previously for consideration in the existing Allocations and Development Management DPD 2013, however it was removed from selection following a review of the Gateway Sites Assessment report (2012). This stated that the western boundary of the site does not conform to a physical natural or man-made barrier which would naturally define the extent of the site. At the present time (2012) Allenby Road itself provides a more

appropriate limit to the growth of the settlement in the location, and in moving forward also provide a more defensible boundary in the long-term. The conclusion was that due to the open and prominent location with no natural screening to the west, the assimilation into the surrounding landscape character would be more difficult to achieve **than with other gateway site options.** (emphasis added).

7.125. This report led to the deletion of the site from the **DRAFT** Allocations document as it was in 2012, felt that the impact from this and the other sites assessed as part of this report, was greater than the ones that went on to be included in the current Plan. This does not automatically mean that a scheme is not deliverable on this site. Members should note that the report was 14years ago when the Council was able to demonstrate a 5yr housing supply under the former local plan assessment. Planning Policy now is under a different situation and material considerations must be considered in the round under the updated and current NPPF and PPG.

7.126. *Heritage*

7.127. Built Development – The site is located outside of the defined Southwell Conservation Area, to which the boundary is to the south of the site. There are no built heritage assets located within the site, however to the south of the site, outside of the site boundary, are buildings of local interest, non-designated heritage assets. These buildings are identified within the Southwell Neighbourhood Plan and within the Southwell Conservation Area Appraisal.

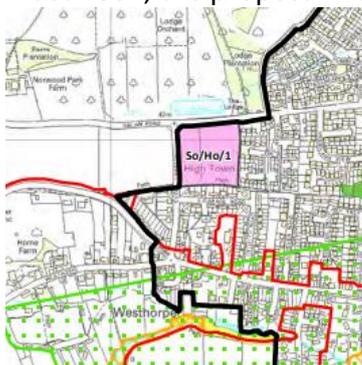
7.128. The Southwell Conservation Area Appraisal states the area of Westhorpe Character Area is generally agricultural in character. Westhorpe merged with Southwell following development in C18 and C19 along Westgate was consolidated in the C20. Development has extended in an east-west direction to include the subsidiary settlements of Westhorpe and Easthorpe so that the town now generally occupies the valleys of the dumble and the River Greet and the wooded ridge of higher ground between them.

7.129. The majority of the historic buildings within Westhorpe are of traditional construction and of modest scale, with brick and pantiles the most common facing materials. Generally, the buildings comprise simple cottage and farm buildings, and this is true of the non-designated heritage assets to the south of the site. Westhorpe Hall is the only high-status building within Westhorpe. There is no uniformed grain to the developments with area of open spaces which contribute to the character. It has its individual identity and historical context to the western periphery of Southwell. Oxton Road is generally of a verdant character with tree lined streets.

7.130. The Council's Conservation Officer has commented on the proposal stating that the most sensitive area of the site is to the south-west, where there are impacts to heritage assets. The existing cottages on the Oxton Road site are within the rural backdrop, which makes a positive contribution to their setting, illustrating the historic development of the town as a rural community. They have stated that in order to retain this rural character, the landscaping as shown on the indicative plan around the

south-west corner of the development site, as this is a high point of the site, should be retained as a benefit.

- 7.131. Norwood Park, which is located to the north of the site, is an unregistered park and garden and therefore a non-designated heritage asset. It is considered that there is no intervisibility between Norwood Hall or the heritage assets within the park. The historic parkland site is over the brow of a hill, and is separated by the road, woodland and agricultural land. The retention of the hedgerows and mature trees along this boundary helps to retain the separation between the parkland and its heritage assets from the development site.
- 7.132. The retention of landscaping and a play area to the west and south of the site would help to maintain a rural character from the public footpath, and would retain views of Sunbury Cottage to aid in placemaking and wayfinding to retain this focal point. Officers have advised to avoid the area to the west of the site, where the LEAP is located, from being built up and interrupting wider views towards the Conservation Area and equally towards the north and towards Norwood Park. As stated before, this western site is identified within the Southwell NP as being a 'green link' therefore keeping it free of built development would not be unreasonable.
- 7.133. The site is located to the north but outside of the Southwell policy area So/PV. The policy in the ADMDPD states that for developments outside of the view cone, development proposals which have the potential to negatively impact on the view of these heritage assets will not normally be acceptable. The level of potential impact will be dependent on factors such as scale, height, location and the scope for mitigation. The adjacent site to the east of Allenby Road, which is also outside of the view cone, but closer to the Southwell and within the land allocation So/Ho/1, was assessed by the Conservation Officer as not having any inter-visibility between the site and the Minster, Holy Trinity Church or the Workhouse. It was considered that the land was not significant to any of the assets' setting. Therefore, given that this application site is on a similar trajectory, with further built development located inbetween, the proposal would not result in harm to the setting of these assets.



- 7.134. The proposal is concluded to result in less than substantial harm to the setting of the Southwell Conservation Area and the non-designated heritage assets, resulting in harm to the setting of the town. In accordance with para 215 of the NPPF, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

- 7.135. Para 216 of the NPPF states *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 7.136. The Southwell Neighbourhood Plan (2016) and Policy DH1 states that development should take in to account the Design Guide. The proposal is not subject to detailed design at this stage and just the principle.
- 7.137. *Archaeology* – The site is located approximately 1km west of Southwell Minster and the town's historic core. Within the wider landscape there are a number of earthwork features identified to the south and west of the site which appear to relate to former agricultural activity. The available resources suggest the site has been in agricultural use for the most of its recent history. The geophysical survey reports on a potential feature which does appear to coincide with the early cartographic evidence and also a pit which may coincide with the eastern internal field boundary shown on the 1947 oblique of the area.
- 7.138. The 1835 Sanderson map annotates the area as 'Brick Hill Field' and the pit identified in the geophysical survey may be related to this industry. The 1841 tithe map of the area also shows extant and former field boundaries and track/pathway.
- 7.139. The presence of archaeological features on site cannot be entirely excluded, either predating the brick industry located in the area, or directly relating to the pre-industrial brick manufacture and the associated infrastructure and extractive activities. The Council's Archaeology consultant has recommended that an archaeological field evaluation is undertaken consisting of 3% coverage within the redline area, with a 1% contingency; this recommendation is consistent with evaluation recommendations for other sites in the region and district. The evaluation, adhering to an agreed and approved written scheme of investigation, will seek to identify the presence, extent, depth, date and significance of any below-ground archaeology. The results of the fieldwork will be used to inform and further measures to preserve in situ or preserve by record and significant archaeology identified during the evaluation.
- 7.140. The consultant has agreed with the agent that the fieldwork through trial trenching will be required to inform reserved matters but is not required for determination of this outline application. They agree to the imposition of a planning condition requiring a program of trial trenching to be undertaken prior to reserved matters stage.
- 7.141. Taking the above factors into consideration (landscape, heritage and archaeology), the site has been assessed in accordance with the landscape character SPD and the national landscape character, and it is considered that mitigation measures to reinforce landscape boundaries and a buffer would be acceptable mitigation. There would be no immediate harm to the landscape setting in the medium to long distance views.

- 7.142. The site is located outside of any heritage designation, however as stated above the site is adjacent to the Southwell Conservation Area, and adjacent to non designated heritage assets.
- 7.143. The proposal is considered to have less than substantial harm to the setting of the Southwell Conservation Area. Para 13 of the Planning Practice Guidance (PPG) *'The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.'*
- 7.144. This harm needs to be weighed in the planning balance against the public benefits gathered by the scheme proposed in accordance with the NPPF and the PPG. Public benefits are defined in the PPG (para 20) as anything that delivers economic, social or environmental objectives as stated in para 8 of the NPPF. This includes the delivery of homes to *meet the needs of present and future generations*.
- 7.145. The proposal would result in the delivery of up to 70 dwellings, including affordable dwellings. The Council cannot demonstrate a 5yr housing land supply and in accordance with para 11dii of the NPPF, planning permission should be granted unless adverse impacts demonstrably outweigh the benefits. Para i) however states that where the proposal affects designated heritage assets a strong reason for refusing the development to ensure its protection also apply. It is considered the case that the harm to the setting of the Conservation Area is on the lower end of less than substantial harm and advice has been given that this harm can be mitigated for. Therefore, the benefits of the provision of housing to contribute to the 5yr housing supply (including affordable housing) outweighs any harm identified.
- 7.146. The site could have archaeological impact, however this is not considered to be worthy of scheduled monument significance and only of local significance. The harm to which can be mitigated by appropriate recording and mitigation.

Impact upon Residential Amenity

- 7.147. The Policy DM5(b) advises development proposals should have regard to their impact on amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.148. The layout of the development and scale is not subject to this application and is for reserved matters stage. It is considered that a scheme can be designed to have an acceptable impact on neighbour amenity.
- 7.149. Comments have been received concerned over the impact of the development upon users of the local children's nursery in terms of their health. The Air Quality

assessment has been reviewed by the Council's Environmental Health and officers concur with the assessment as suggest that the dust mitigation measures proposed within Appendix D of the report is conditioned. The operational traffic emissions have been concluded as not significant.

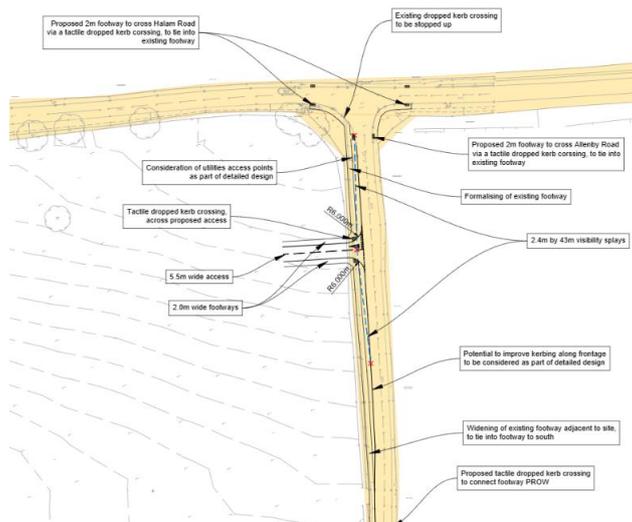
- 7.150. The agent has submitted a noise assessment report which has been assessed by the Council's Environmental Health Officers who state that the majority of the site can achieve an acceptable acoustic environment both within the proposed dwellings and external amenity space. However, noise levels nearest to Halam Road are above guideline levels. As such, attenuation by design, acoustic barriers and glazing will be required in these areas. Final design details are not known at this stage and it is reasonable to condition this information to come through at Reserved Matters stage and this will be managed by condition.
- 7.151. No conflict is identified in terms of amenity (loss of privacy, light or overbearing) therefore in respect of DM5(b) and the proposal is a compatible use for its context as required by CP9.

Impact upon Highway Safety and Public Rights of Way (PRoW)

- 7.152. SP7 and DM5(b) set out policy in respect of highway safety, transport and parking. Para 116 of the NPPF states *'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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*
- 7.153. The Outline planning application is for all matters reserved apart from access, therefore the impact upon the surrounding area is a matter which the Local Planning Authority must take into consideration to ensure an acceptable development.
- 7.154. As part of the proposal, the agent has submitted a Transport Statement (TS) and a stage 1 road safety audit, along with the details of the site access point, all of which have been assessed by Nottinghamshire County Council Highways officers.
- 7.155. In terms of traffic impact, the proposal will have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal, and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to.
- 7.156. The application site is well placed to where residents can walk and travel to/from nearby public transport facilities. It is important that new development promotes sustainable travel journeys in the creation of new and improved infrastructure that supplements Active Travel.

7.157. In this case having regard to the needs of pedestrians/bus users given the Active Travel philosophy it would be beneficial for the developer as part of the proposed scheme to provide a number of highway improvements as indicated within the TS i.e. dropped crossings/tactile paving, footway widening etc. in the area where each and every development must work with the Highway Authority in line with the Active Travel viewpoint.

7.158. In addition to this there is a need to maximise the width of the hardstanding area to the north bound bus stop on Allenby Road close to the application site.



7.159.

7.160. A new vehicular and pedestrian access is proposed on Allenby Road that will form part of a 278 agreement with NCC Highways as will other highway improvements. The proposed junction will operate under priority control and has been assessed in capacity terms and safety; the layout and driver's visibility requirements are considered satisfactory.

7.161. Residents who have responded during the application, have raised concerns over the safety of the site and the increase in the number of vehicles. However, the Highway Authority have assessed all the information, including the improved pedestrian access around the site. This will help to improve safety, and given the concern raised with regards to the use of the footways for school children around the site, the improvements are considered acceptable.

7.162. Although the proposal may increase the number of movements around the site, it has been assessed by the Highways Authority, that subject to conditions relating to the improvements, there is no conflict with the requirements of DM5(b) (the emerging plan), SP7, or the NPPF.

7.163. Car Parking - The Council's Residential cycle and car parking standards Supplementary Planning Document (SPD) provides guidance of minimum parking standards required for new developments regardless of tenure. As the design of the development has not

yet been detailed, this is not able to be assessed and is thus for reserved matters stage. However, there is an expectation that the site can develop a scheme which is compliant with the SPD. Provision should also be made for secure cycle storage and storage of equipment, which is a matter for the detailed application stage.

- 7.164. PRoW – Southwell footpaths 30 and 45 cross the application site. The application has received a response from VIA East Midlands (on behalf of Notts CC) seeking further details on the maintenance of the footpath, details of the intensification and danger to the ROW users, changes to the surfacing and safety of the public during building works. Given the layout of the site is not yet decided, details of these matter requested by VIA cannot be confirmed or clarified. The indicative layout, although this does not carry any weight in determination, does allow for the alignment of the PRoWs within the scheme and would largely follow the existing alignment. The detail of the PRoW as requested by VIA is for consideration at reserved matters stage.
- 7.165. Policy E5 of the Southwell NP states, *‘Development proposals that could contribute to the creation of a Green Link around Southwell to help maintain the rural character of the town, maintain attractive PROWs linked to open spaces, for the benefit of the public and wildlife, will be supported.’* The incorporation of the PRoW to the west of the site within the open space, and similarly to the south of the site, would ensure this compliance.

Flood Risk Impacts and surface water drainage

- 7.166. Part of the site falls within Flood Zone 1, at lowest risk from fluvial flooding as shown on the Environment Agency’s Flood Map for Planning and at low risk from surface water flooding. Land to the north of the site, along Halam Road and outside the application site, and land to the junction of Allenby Road and Halam Road, is shown to have a pool of water (see the map below) thus showing a higher risk of surface water flooding.
- 7.167. Core Policy 10 ‘Climate Change’ of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 ‘Climate Change’, Policy DM5(c) ‘Sequential Test’ of the Emerging Amended Allocations & Development Management DPD clarifies that development proposals follow a sequential approach to development and flood risk, seeking to steer new development away from those areas at highest risk. Core Policy 10A (Local Drainage Designations) states that the policy applies to Southwell and that the geographic extent, forms of development which will be subject to the designation and the specific standards that proposal will need to meet, will be defined through a Local Drainage Designations SPD. The SPD has not been produced and there is no expectation that this will be done before the change to the plan making regulations, where the current guidance (before the new regulations come in to force) alludes to no new SPDs can be commenced after 30 June 2026. Therefore, the focus is on updating existing SPDs

mainly where it relates to S106 contributions. Given there is no geographical context of how to apply the policy, and the site is located outside of the defined built up area, it is difficult to state this policy could apply. However, given the very closely connected relationship of the site to the Southwell Urban Area it would seem sensible and logical to apply this policy too. Policy E1 of the Southwell Neighbourhood Plan (NP) states there should be no development within the flood plain of local watercourses that would result in a loss of floodplain storage.

- 7.168. Areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones.



7.169.

- 7.170. The site is located within the land at lowest risk from fluvial flooding, however land to the north of the site is at medium to high risk from surface water flooding (see above). This area coincides with the location of an open watercourse and an area of low lying land, where water naturally pools in the lowest section of the site. The PPG states that *'The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.'* (Paragraph: 027 Reference ID: 7-027-20220825)

- 7.171. Para 175 states that *'The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.'* Due to the small extent of surface water risk adjacent or within the site, it is considered that the proposal could be designed to demonstrate there would not be any built development in areas at risk from flooding.

7.172. In accordance with Annex 3:Flood risk vulnerability classification of the PPG, the use of the land for dwelling is classified as 'more vulnerable' and in accordance with Table 2: Flood risk vulnerability and flood zone 'incompatibility', the use of the land is compatible in flood zone 1 and the application of the exceptions test is not necessary.

7.173. The Environment Agency have stated that they have no fluvial flood risk concerns associated with the site. NCC as the Lead Local Flood Authority, have commented on the application, and following their initial objection and the submission of further information from the agent, they are now satisfied with the impact from the development. The drainage strategy submitted with the application (as part of the revised flood risk assessment) demonstrates that an appropriate drainage system for both foul and surface water can be provided on the site which discharges to a suitable outfall with runoff rates being limited at Greenfield runoff rate (this rate sets the basis for setting consents for the drainage of surface water runoff from sites). Subject to the mitigation measures proposed, the development may proceed, and the development will not significantly increase flood risk to the wider catchment area. The drainage plan shows the use of swales to detain water and additional flood mitigation to the Halam Road boundary, along with a detention basin to the north-eastern corner of the site, which is the lowest section of the site. Where possible, preference should be given to multifunctional sustainable drainage systems, and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

- i. into the ground (infiltration);
- ii. to a surface water body;
- iii. to a surface water sewer, highway drain, or another drainage system;
- iv. to a combined sewer.

7.174. The discharge is proposed to the existing watercourse which in the hierarchy is accepted. The LLFA have agreed with this conclusion and the submitted information within the document and have thus removed their objection, subject to the imposition of a condition relating to the detailed surface water drainage scheme being submitted in accordance with these principles.

7.175. The Town Council have provided comments on the proposal stating they are aware streams and rivers are plagued by sewerage pollution from Combined Sewer Overflows. Making sure new developments do not exacerbate this problem is a priority. Separate systems for foul and surface water and sufficient sustainable drainage systems would be expected.

7.176. Therefore, given the submitted information relies on this form of attenuation for surface water, and a condition can be imposed to secure this, it is considered that a scheme can be developed which would ensure the development, in terms of flood risk would be acceptable and not increase flood risk elsewhere. The proposal is considered to positively manage surface water and thus would accord with the Development Plan, NPPF, PPG and the Southwell Neighbourhood Plan.

Impact upon Ecology and trees (including BNG)

- 7.177. The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5(b). Core Policy 12 and Policy DM7 seek to conserve and enhance the biodiversity of the district whilst DM5(b) seeks to retain features through integration and connectivity of green infrastructure to deliver benefits.
- 7.178. The revised Preliminary Ecological Appraisal submitted the application identifies areas of priority habitats beyond the application site but states that the development would not anticipate having adverse impacts on these areas due to the distance, lack of functionally linked habitats and the nature of the proposed development. Given the nature of the hedgerows on site, they are classified as Priority Habitats under the UK Biodiversity Action Plan. As part of this hedgerow is to be removed, adverse impacts are anticipated. However the impacts of this removal are due to be resolved through the requirements of Biodiversity Net Gain (BNG).
- 7.179. The site has been assessed to contain areas of modified grassland, individual trees, native hedgerows with and without trees, which are all of moderate ecological importance. The areas of modified grassland is to be retained in the most part which is acceptable, with the removal of one tree (T11) within the centre of the site (classified a U category), and removal of part of the hedgerow to Allenby Road to provide the access point. All trees and hedgerows to be removed are to be re-provided for within the site as part of the redevelopment.
- 7.180. *Bats* – The ash tree within the centre of the site (T11 as mentioned above) has been assessed for its roosting potential for bats. The aerial inspection concluded that the woodpecker hole is open on both sides, and therefore remains suitable as a feature for a bat. It is recommended that the tree is inspected by a bat licensed ecologist prior to felling. The habitats onsite and along the boundaries are considered to provide a low suitability for foraging/commuting bats. Due to the potential change in light levels and the use of the surrounding area, it is encouraged that the suitable lighting scheme is adopted.
- 7.181. *Birds* – Habitats such as hedgerows, trees and arable fields provide some suitable nesting and foraging opportunities for a range of bird species. The tree due for removal should first be checked to ensure no nesting birds are present. It is advised that the removal is taken place outside of bird nesting season of March – August inclusive. However, if clearance is required within this time then checks must be carried out within 24hours of works commencing.
- 7.182. No great crested newts have been found on the site following the survey.
- 7.183. The Council's ecologist has assessed the proposal and concurs with the survey and recommends conditions relating to the submission of a Construction Environmental Management Plan (CEMP) and a Faunal enhancement plan. As part of the latter plan, they suggest at least 15 integrated bat boxes, 15 integrated bird boxes and hedgehog highways. The Emerging Southwell NP policy E3.5C states that on sites over 10

dwellings, integrated bat roosting boxes to be provided on 20% of the dwellings and integrated swift boxes in minimum groups of 3 to be provided on 10% of the dwellings, and integrated bird nesting boxes for species other than swifts on 10% of the dwellings. Based on the number of dwellings provided being 70, then 20% would be 14 boxes and 10% being 7. The condition as recommended by the Council's ecologist would comply with this requirement.

- 7.184. *Trees* – One ash tree which is to be felled as part of the proposal. The Arboricultural assessment states this trees is on declining health with deadwood within the canopy and decay on the north side of the main stem. It is unlikely to offer long-term contribution. The remaining trees around the site are of B1 - C2 condition (moderate to low).

BNG

- 7.185. Due to the updated sustainable urban drainage information, the BNG calculations have been updated also. The area of neutral grassland within the vicinity of the proposed play area has been assigned a precautionary 'poor' condition.
- 7.186. The site falls within the Mapped Measure A/M2 on the Nottinghamshire & Nottingham Local Nature Recovery Strategy Habitat Map, which states "Target habitat enhancement and creation in areas where this will reduce fragmentation and increase ecological connectivity, through the creation of linkages, corridors and stepping stones." The ecologists consider that these habitats provide biodiversity value and met the requirements of this measure. Within the context of the site the ecologist agrees that the habitats do provide connectivity around the proposed development to the adjacent landscape.
- 7.187. The amended habitat score is now +0.97 Habitat units, equivalent to an uplift of 13.47% and +0.69 Hedgerow units equivalent to an uplift of 13.50% and as such off-site units will not be a requirement.
- 7.188. The site would be subject to the General Biodiversity Gain Condition and would require submission and subsequent approval by the local planning authority of a Biodiversity Gain Plan (BGP) prior to the commencement of development.
- 7.189. No conflict has been identified in respect of CP12, DM7 and DM5(b), NPPF and the PPG which are material planning considerations as well as the Southwell NP.

Other Matters

- 7.190. Contamination – A Phase 1 Geo-Environmental Assessment has been submitted by the application, which has been assessed by the Council's Environmental Health Officers. They state that whilst no potential sources of contamination are identified, the report recommends that a phase 2 intrusive investigation is completed. This can be secured through the standard phased contamination condition to ensure if elevated contamination is identified at the next stage.

- 7.191. Air Quality – The report has been assessed by Environmental Health officers, and some comments have been summarised briefly in the Residential Amenity section of the report. However, in summary, officers consider that the report follows current guidance and subject to a condition seeking appropriate mitigation, the impact of dust is not considered to be significant. Operational traffic emissions have been screened using appropriate DEFRA guidance and the impact is not considered to be significant. Officers welcome the inclusion of Electric Vehicle (EV) charging points to dwellings to minimise the impact on air quality and additional measures such as cycle storage, pedestrian and cycle connectivity and resident travel information packs. Officers can accept the findings of the submitted assessment providing that dust mitigation and EV charge point at each dwelling are mandated by condition. Officers note that within the report (section 6.3 Summary and Conclusions) describes a qualitative odour assessment being completed. No such assessment has been received and it is assumed this is a typo. No such report is required but could be included in a CEMP if Members require.
- 7.192. Minerals In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering, or in close proximity to, the site. There are no current or permitted minerals sites close to the application site. The County Council therefore does not wish to raise any objections to the proposal from a minerals' perspective.
- 7.193. Waste In terms of the Waste Local Plan, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (in accordance with Policy SP8 'Safeguarding Waste Management Sites' of the Waste Local Plan). As set out in Policy SP1 'Waste Prevention and Re-use' of the Waste Local Plan, the development should be 'designed, constructed and operated to minimise the creation of waste, maximise the use of recycled materials and assist with the collection, separation, sorting, recycling and recovery of waste arising from the development during its use.' In accordance with this, if the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided in paragraph 049 of the Planning Practice Guidance.

7.194. S106 developer contributions –

	Contribution based on up to 70 dwellings	
Affordable Housing	30% on site provision (60% social/affordable rent; 25% First Homes and 15% Shared Ownership)	On site
Community facilities	Off-site community facilities contribution £1,384.07 x 70 = £96,884.90 + indexation Sought for: <ul style="list-style-type: none"> • Improvements to existing sports buildings in Southwell (details to be determined on the specific scheme at draft agreement stage but is likely to be one of the following sites, Southwell Rugby Club, bowls, tennis, cricket club, local scouts hut, or Brinkley football site.) 	Off Site
Education provision	Not requested by Nottinghamshire County Council	-
Health	£982.62 x 70 = £68,783.40 Sought for: <ul style="list-style-type: none"> • Southwell Medical Centre • Hill View Surgery • Jubilee Park Medical Partnership – Lowdham Site 	Off site
Libraries (building costs)	Not requested by Nottinghamshire County Council	-
Libraries (stock)	161 (population) x 1.532 (items) x £12.67 (cost per item) = £3,125	Off site
Amenity Green Space & Open Space for Children and Young People	Green Space - SPD requirement is 14.4m ² /dwelling = 0.1008 ha (1,008m ²). Children and young people - SPD requirement is 18m ² per 2 bed and above dwellings = 0.1260ha (1,260m ²) Total = 0.2268ha (2,268m ²) Proposed provision – 0.8ha of public open space within the site comprising of native planting, outdoor children’s play equipment and recreational footpath.	On site
Maintenance of Amenity Green Space	SPD requirement is £282.79 / dwelling = £19,795.3	-
Maintenance of Public Open Space for Children and Young People	SPD requirement is £1031.30/ dwelling = £72,191	-
Transport	Contribution of £35,000 for the provision of the local community transport scheme Contribution of £4,800 is paid to provide improvements to two bus stops	Off site

	Scheme for free introductory bus passes set out in a Travel Plan.	
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7.195. The agents have confirmed that the scheme would be policy compliant in terms of the required Developer Contributions that could be secured through a S106 agreement. Contributions from NCC for Education provision have not been requested as it would be covered by CIL contributions. No contributions have been requested towards library building costs as was the request of NCC. Health provision contributions have been requested and would be served in the local area. Payments would be required for transport provisions which are mainly to the local bus service and bus stop improvements. Open space requirements have been addressed onsite with an overprovision. If this is to be provided onsite then the maintenance contribution may not be required but it will depend on how this will be maintained moving forward, either via a management company.

7.196. **Community Infrastructure Levy (CIL)** – The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/
The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

7.197. **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 scheme can deliver more than 10% BNG onsite, and this will be secured by appropriate legal agreement.

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.

8.2. Legal Implications - LEG2526/5676

8.3. 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

- 9.13. The application is for outline planning permission with all matters reserved apart from access. The Council cannot demonstrate a 5yr housing land supply with the Council's current supply at 3.84yrs. Therefore, the tilted balance in favour of sustainable development as stated in paragraph 11d of the NPPF is engaged.
- 9.14. Members will note that the site is located outside of the defined urban boundary of Southwell as defined within the Council's current and emerging Allocations and Development Management DPD. However, due to the close physical relationship to Southwell and its urban boundary and the lack of a sufficient housing supply, it is considered that the principle of development on the site is acceptable.
- 9.15. The site is located just outside of the defined Conservation Area and there are non-designated heritage assets also outside but in close proximity to the site. Para 11.d states that where there are **strong reasons** for refusing a development based on impact to designated heritage assets then this carries more weight than the delivery of housing (through the tilted balance). The harm to the Conservation Area and heritage assets are considered on the lower end of the less than substantial harm which, subject to the design and layout of the scheme could result in an acceptable impact.
- 9.16. Similarly, where the proposal would result in harm to flood risk the tilted balance does not apply. It has been demonstrated that the site is located within Flood Zone 1 and land which is the lowest lying to the north of the site, is susceptible to surface water flooding. However, the NPPF and PPG state that where the site can be developed away from areas of higher risk the sequential test does not apply. The proposal has not received an objection from the Environment Agency and the Lead Local Flood Authority have not objected subject to the imposition of a condition. Therefore, based on the above, it is considered that the tilted balance is still engaged in decision making.
- 9.17. The proposal has received comments from the surrounding community on its impact upon the surrounding landscape. Whilst this was a concern as raised through the 'Gateway' report in 2012, the Council is in a different policy position from 2012, and the review was undertaken as part of a range of sites within Southwell. The ones taken forward to the Plan, were the ones of least harm. The site has a sloped character with the highest part of the site to the south and the lowest to the north joining Halam Road. Whilst this would ensure the site has greater prominence in the area, with sufficient mitigation and a landscape buffer to the western boundary, the harm is not considered to be significant or detrimental to the surrounding landscape.
- 9.18. The proposal has been assessed by Nottinghamshire County Council Highways with regards to the proposed access from Allenby Road, and the submission includes a Stage 1 Road Safety Audit. The proposed access to the site is not considered to result in harm to highway safety.

- 9.19. Matters of residential amenity, ecology and impact on trees, are all considered acceptable or can be fully assessed through the subsequent reserved matters application, which relates to detail.
- 9.20. The proposal is therefore considered acceptable and in Officer's opinion there is not a strong reason for refusing outline planning permission, which would outweigh the benefits of delivering housing in this highly sustainable location that would contribute to the Council's 5yr Housing Land Supply. The proposal is therefore considered to accord with the Development Plan, taking in to account the material considerations of the NPPF, PPG, the Landscape Character SPD and the Southwell Conservation Area Appraisal.

10.0 Conditions

01

Application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The availability of the Southwell FP30 and FP45 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

04

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the root protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

05 - LLFA

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Link Engineering Flood Risk Assessment (FRA) and Drainage Strategy Report ref LE25158 version 1.8 dated 2026.01.12, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any

attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

06 - Highways

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of the junction/access onto Allenby Road and highway improvement works for the northbound bus stop together with improved (footway) pedestrian facilities and crossing points has been submitted to and approved in writing by the Local Planning Authority.

1. (a) The approved highway scheme shall be completed in accordance with the approved details before the first dwelling is occupied. For the avoidance of doubt the highway works shall include: -

(b). (i) The construction of the new junction to Allenby Road together with uncontrolled pedestrian crossing points/tactile paving (all to NCC standard highway details).

(ii) The widening of the hardstanding raised area to the north bound bus stop located outside no. 13 Allenby Road (to NCC standard highway details).

(iii) The construction of new uncontrolled pedestrian crossing points/tactile paving to the footway on the southwest corner junction of Allenby Road/Halam Road (all to NCC standard highway details).

(iv) The full length of the existing footway fronting the site on Allenby Road is to be widened and formalised to 2m in width (to NCC standard highway details).

Reason: In the interests of highway safety; to ensure satisfactory highway infrastructure provision and to safeguard the users of the highway. Note: For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act Section 278 Agreement with the

Highway Authority to comply with the requirements of this condition.

07 – Highways

No part of the development shall be occupied or brought into use until driver's visibility splays detailed on drawing ref: 110535-PEF-ZZ-XX-DR-TP-00003 are cleared of all obstructions to visibility exceeding 600mm in height above carriageway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason: To ensure adequate visibility at the site access in the interests of road safety.

08 – Highways

(a) No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the logistics of construction has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall include, but not be limited to:

- (i) Construction traffic routes, including provision for access to the site
- (ii) Entrance/exit from the site for visitors/contractors/deliveries
- (iii) Location of directional signage within the site
- (iv) Siting of temporary containers
- (v) Parking for contractors, site operatives and visitors
- (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- (vii) Temporary roads/areas of hard standing
- (viii) Storage of materials and large/heavy vehicles/machinery on site
- (ix) Measures to control noise and dust
- (x) Details of street sweeping/street cleansing/wheelwash facilities
- (xi) Details for the recycling/disposing of waste resulting from demolition and construction works

(b) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are needed prior to the commencement of development in order to ensure that adequate on-site provision is made for construction traffic, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers during construction.

09 – Highways

The development hereby permitted shall not be commenced until details of car parking facilities for each residential plot within the development in accordance with policy hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that adequate provision is made on the site for the traffic generated by

the development.

10 – Highways

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles to each dwelling to include the provision of electric vehicle charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

REASON: In the interest of furthering travel by sustainable modes.

11 – Environmental Health

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 - Archaeology

Part 1 No development or enabling or associated engineering works shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation (WSI) for evaluation trenching and contingency for further mitigation work if required (i.e. excavation, subject of a separate and

approved WSI). These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

13 - Archaeology

Part 2 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the preceding Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

14 – Archaeology

Part 3 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the local museum service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework 207 & 216 and policies DM8 (2013).

15 - Landscaping

The reserved matters submission for the landscaping of the Site shall include the submission of Landscape Masterplan and full details of both hard and soft landscape works (both in the

public realm/strategic landscaping works and for individual plots) and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape Strategy (drwg no. 1830-L-D-PL-200 rev V3) or any updated version that shall be agreed through the relevant reserved matters approval

- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.

- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours.

The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Amended Core Strategy.

16 - Landscaping

All hard and soft landscape works shall be carried out during the first planting season following commencement of the development or in accordance with an approved implementation plan for the Site as approved by the reserved matters approval. The works shall be carried out before any part of the development is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

17 - Ecology BNG

A. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the 'DEFRA Biodiversity Net Gain Report V2' and Statutory Biodiversity Metric, dated 30/10/2025 and January 2026 respectively and both produced by Heatons Ecology Ltd.

B. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- (a) a non-technical summary;

- (b) the roles and responsibilities of the people or organisations(s) delivering the HMMP;

(c) the location and details of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat.

C. Notice in writing shall be given to the local planning authority when the HMMP works have started.

D. Notice in writing shall be given to the local planning authority when the site construction compound has been removed.

E. A completion report, evidencing the completed enhancements, shall be submitted to, and be approved in writing by the local planning authority within 9 months of removal of the site construction compound.

F. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure

19 - Ecology

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The CEMP (Biodiversity) should incorporate in full the Precautionary Methods of Working detailed within Section 45 of the Preliminary Ecological Appraisal Report V3, January 2026 produced by Heatons Ecology Ltd.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard protected species as required by the National Planning Policy Framework, ADMDPD Policy DM5 and Core Strategy Policy 12.

19 - Ecology

A. The approved development must not commence until a Faunal Enhancement Plan has been submitted to, and been approved by, the local planning authority. The plan must show the type, and proposed locations for 15 integrated bat boxes and 15 integrated bird boxes within new dwellings and details for incorporating these (i.e., height and orientation). The plan must show where hedgehog holes must be created in solid boundaries within the approved development to create a 'hedgehog highway'.

B. Photographic evidence of all installed boxes, and photographic evidence of hedgehog holes created within the approved development, must be submitted to, and be approved in writing by, the local planning authority to fully discharge the condition. Thereafter, the installed boxes shall be retained for compliance.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

20 - Noise

The reserved matters application shall be accompanied by a Noise Attenuation Scheme taking in to account the submitted Noise Assessment (October 2025).

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF.

21

The development hereby permitted authorises the erection of no more than 70 dwellings. Any reserved matters application for the development hereby approved shall broadly show development in the area shown as developable/residential on plan reference 0110 Rev F.

Reason: To define the planning permission and to ensure an appropriate landscape buffer is provided within the site.

22

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To protect existing trees and hedgerows within the site.

23

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Amended Core Strategy.

24

The construction phase of the development shall be carried out in complete accordance with Appendix D of the Air Quality Assessment (August 2025) or any amending document approved by the Local Planning Authority.

Reason: To ensure that adequate mitigation is made for Air Quality and in the interests of residential amenity.

Informatives

01

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be entered into post the approval of the reserved matters or full application, the bond secured and the Highway Authority's technical approval and inspection fees must be paid before any drawings will be considered and approved.

02

There are two Public Rights of Way, Ref: Southwell FP30 and FP45 within the application site boundary. The applicant is advised that before undertaking any work that affects these footpaths you must contact Nottinghamshire CC - Highway Authority's Public Rights of Way Team. Consultation comments provided by the Public Rights of Way Team dated 02/12/2025 must be adhered to by the applicant/agent.

03

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

04

For Part B d) of Condition 17 completion of the development, and therefore the start of the 30-year period is considered to be when the site construction compound has been removed.

05

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

06

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

IMPORTANT

The development granted by this notice must not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

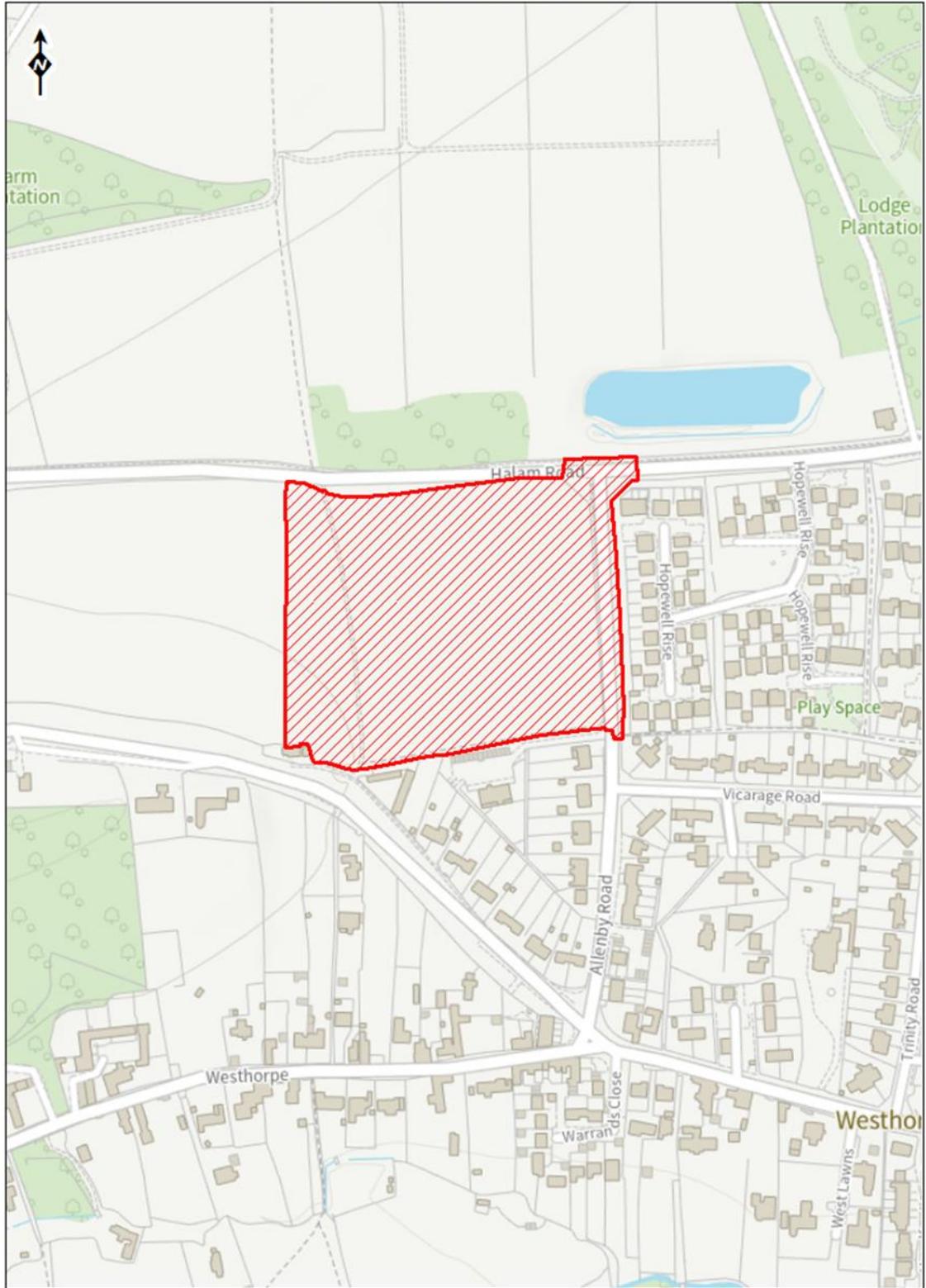
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk)) However in this case the Council consider that this development is not exempt and mandatory Biodiversity Net Gain does apply here.

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.



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Appendix B

Advice from the Council's appointed Landscape Consultant on the proposal.

NEWARK AND SHERWOOD DISTRICT COUNCIL: LAND WEST OF ALLENBY ROAD, SOUTHWELL

APPLICATION REF: 25/01879/OUTM

LANDSCAPE AND VISUAL CONSULTATION RESPONSE

Introduction

1. This consultation report is prepared in response to the submission of an outline planning application (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing), highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure on land to the west of Allenby Road, Southwell (the 'Site').
2. It will consider the anticipated implications of the proposals upon the Site and its landscape setting, and the visual amenity of those who currently view the Site.

Description of the Site and its Immediate Setting

3. The Site comprises a single field of gently sloping arable land with a northerly aspect, extending to approximately 3.59ha. It is located on the southern slopes of a minor valley formation with Halam Road running along the valley base. An aerial photograph of the Site is reproduced as Figure 1 below.
4. The Site is located on the western side of the town of Southwell. Clear views are available from the Site to residential dwellings to the east across Allenby Road and directly to the south. A children's day nursery is also located to the south. The Site's context to the north and west is open countryside and longer views are available along the valley to the west and across the valley to the north to Norwood Park.
5. The Site is crossed by two Public Rights of Way. Public Footpath 209/30/1 follows the Site's southern boundary connecting Allenby Road in the east with Oxton Road in the west, and Public Footpath 209/45/1 runs parallel to the Site's western boundary connecting Oxton Road in the South with Halam Road in the north. The two footpaths share a common connection with Oxton Road in the Site's south-western corner.
6. Figure 2 below illustrates the arable character of the Site and the presence of modern dwellings within its immediate setting, whilst Figure 3 illustrates the views to the west and Figure 4 illustrates the views to the north. Figure 5 illustrates the sloping topography of the Site and the settlement context to the south. The photographs were taken from the public footpaths within the Site.

Figure 1: Google Earth aerial photograph of the Site



7. Figure 2: View east from Public Footpath 209/30/1 to dwellings to the east of Allenby Road



Figure 3: View west from Public Footpath 209/30/1 to open countryside



Figure 4: View north from junction of Public Footpaths 209/30/1 and 209/45/1 across the Site to open countryside within Norbury Park



Figure 5: View south from Public Footpath 205/45/1 across the Site towards Southwell



8. A mature ash tree is located near to the northern boundary of the Site, visible on Figure 1, although it is displaying signs of fungal decay with large fungal brackets visible on its main stem and fallen branches.
9. The Site is bound by native hedgerows, but the western boundary hedgerow is in poor condition as illustrated by Figure 3. Trees are located within the southern, western and northern hedgerows as shown on Figure 1. Desire line paths are present on the field edge next to the northern and eastern boundaries.
10. The settlement context to the south of the Site comprises ribbon development along Oxtan Road and Allenby Road, with the day nursery having infilled the gap, and beyond this ribbon development along Westhorpe located within Southwell Conservation Area. Beyond this lies two minor watercourses forming tributaries of the Potwell Dyke, after which the land rises towards a local ridge line at Cundy Hill.
11. The settlement context to the east comprises recent residential development to the east of Allenby Road, forming part of the High Town suburb of Southwell.
12. To the west, the Site's landscape setting consists of rising valley slopes forming part of Norbury Park. These are formed of small fields of arable and pasture land with belts of trees, rising to a hilltop approximately 500m north of the Site, which is the treed skyline visible in Figure 4.
13. The landscape to the west of the Site comprises the head of the minor valley in which the Site is located. This is a well-treed landscape that limits visual exposure, and a number of tall ornamental conifer trees are a point of interest on the skyline. The dwellings that are visible in Figure 3 are located on the western side of Cooks Lane, approximately 300m to the west of the Site, with a belt of woodland to the left in this view.

Published Character of the Wider Setting

National Level Assessment

14. Natural England's National Character Assessment places the Site within the Trent and Belvoir Vales National Character Area (NCA 48). This is broadly described as undulating, strongly rural and predominantly arable farmland, centred on the River Trent. It is a low-lying rural landscape, and its relatively low woodland cover and dominance of farming resulting from fertile soils affords long, open views and a general absence of semi-natural habitat outside of the River Trent corridor.

15. The key characteristics of the Trent and Belvoir Vales are as follows, with those considered representative of the Site and its setting highlighted in bold text:

- **A gently undulating and low-lying landform in the main, with low ridges dividing shallow, broad river valleys, vales and flood plains. The mature, powerful River Trent flows north through the full length of the area, meandering across its broad flood plain and continuing to influence the physical and human geography of the area as it has done for thousands of years.**
- **The bedrock geology of Triassic and Jurassic mudstones has given rise to fertile clayey soils across much of the area, while extensive deposits of alluvium and sand and gravel have given rise to a wider variety of soils, especially in the flood plains and over much of the eastern part of the NCA.**
- **Agriculture is the dominant land use, with most farmland being used for growing cereals, oilseeds and other arable crops. While much pasture has been converted to arable use over the years, grazing is still significant in places, such as along the Trent and around settlements.**
- **A regular pattern of medium to large fields enclosed by hawthorn hedgerows, and ditches in low-lying areas, dominates the landscape.**
- Very little semi-natural habitat remains across the area; however, areas of flood plain grazing marsh are still found in places along the Trent.
- Extraction of sand and gravel deposits continues within the Trent flood plain and the area to the west of Lincoln. Many former sites of extraction have been flooded, introducing new waterbodies and new wetland habitats to the landscape.
- **Extensive use of red bricks and pantiles in the 19th century has contributed to the consistent character of traditional architecture within villages and farmsteads across the area. Stone hewn from harder courses within the mudstones, along with stone from neighbouring areas, also feature as building materials, especially in the churches.**
- A predominantly rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes, contrasting with the busy market towns of Newark and Grantham, the cities of Nottingham and Lincoln, the major roads connecting them and the cross-country dual carriageways of the A1 and A46.

- Immense coal-fired power stations in the north exert a visual influence over a wide area, not just because of their structures but also the plumes that rise from them and the pylons and power lines that are linked to them. The same applies to the gas-fired power station and sugar beet factory near Newark, albeit on a slightly smaller scale.

16. Based upon the above appraisal, the Site and its setting are considered to be moderately representative of the Trent and Belvoir Vales National Character Area.

Local Level Assessment: Newark and Sherwood Landscape Character Assessment SPD

17. This district level assessment, published in December 2013, divides the district into five Regional Character Areas (RCAs), and then identifies specific Landscape Types and Policy Zones within each RCA, which provide the basis for considering landscape issues as part of decisions for new development.

18. The assessment places the Site within the Mid-Nottinghamshire Farmlands RCA, which occupy a broad swathe of land running in a north-south alignment through the centre of the district.

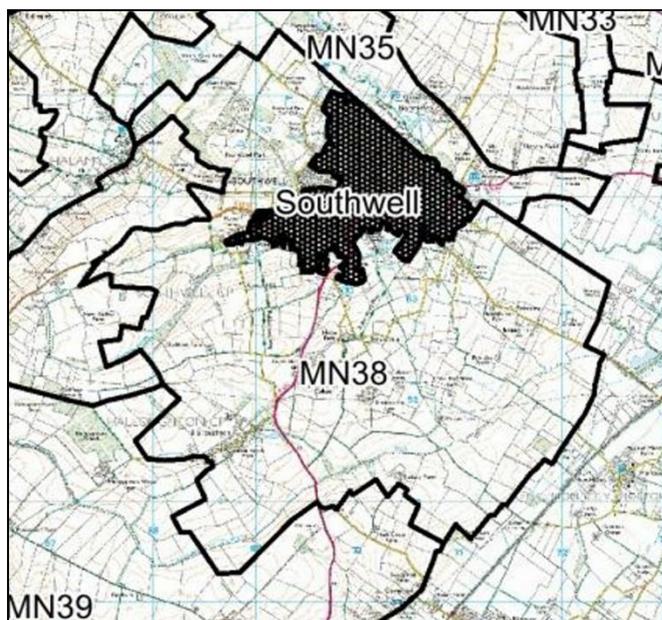
19. The Site is located within land associated with the Village Farmlands Landscape Type, which is broadly described as a gently rolling agricultural landscape with a simple pattern of large arable fields and village settlements. Its characteristic features are as follows, with those considered representative of the Site and its setting highlighted in bold text:

- **Gently rolling topography**
- Simple pattern of large arable fields.
- Nucleated settlement pattern of villages and isolated farmsteads.
- Small-scale pastoral landscapes and remnant orchards around settlements.
- Lines of willow and other riparian trees along streams.
- Open views to the Trent Valley, power stations and pylons.

20. Based upon the above appraisal, the Site and its setting are not considered representative of the Village Farmlands Landscape Type, being located on the edge of a town with a more complex pattern of small arable fields and no available views to the Trent Valley because of the intervening settlement and topography.

21. The assessment places the Site within Policy Zone MN38: Halloughton Village Farmlands, which wraps around the southern and western parts of Southwell as illustrated by Figure 6 below. The overall policy objective for this area is to 'Conserve and Reinforce', arising from a landscape condition score of Good and a sensitivity score of Moderate.

Figure 6: Extract from Landscape Character Assessment SPD showing the extent of Policy Zone MN38



22. The characteristic visual features of the Halloughton Village Farmlands are as follows, which those considered representative of the Site and its setting highlighted in bold text:

- **Very gently undulating and rounded topography.**
- **Medium distance views to frequently wooded skylines, although often enclosed by vegetation – hedgerows, woodland etc.**
- **Mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture.**
- Small commercial agriculture – Mushroom Farm, Strawberry Poly-tunnels.
- Small industrial estate.
- Leisure facilities surrounding Southwell – Golf Course, Horsey culture, Sports Fields.

23. Based upon the above appraisal, the Site and its setting are considered to be moderately representative of the Halloughton Village Farmlands Policy Zone.

24. The assessment sets out a number of landscape actions for this Policy Zone, with the following considered to be relevant to this application:

- Conserve and reinforce hedgerows where these are gappy and in poor condition, particularly internal hedgerows. Seek opportunities to restore the historic field pattern/boundaries where these have been lost and introduce more hedgerow trees. Reinforce with new planting to replace post and wire fencing.
- Ensure that new planting takes into consideration the medium and longer views across the shallow ridgelines around Southwell which allow views across to the Minster and landscape beyond.

- Conserve the local built vernacular and reinforce this in new development.
- Conserve and reinforce the rural character of the Policy Zone by concentrating new development around existing settlements of Southwell and Halloughton.
- Ensure that development proposals address the policy approach set by the Core Strategy and Allocations and Development Management DPD, taking account of the Southwell Landscape Setting Study (November 2012).

Current Policy Context

National Planning Policy Framework (NPPF)

25. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Within this chapter, Paragraph 187 states that planning policies should contribute to and enhance the natural and local environment by a range of measures including protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan) and recognising the intrinsic character and beauty of the countryside.

Newark and Sherwood Amended Core Strategy (March 2019)

26. Core Policy 13 relates to landscape character, and it reads as follows:

“Based on the comprehensive assessment of the District’s landscape character, provided by the Landscape Character Assessment Supplementary Planning Document, the District Council will work with partners and developers 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.”*

27. Based upon my field observations and the appraisals above, I do not consider the Site to fall within a ‘valued’ landscape for the purposes of national and local planning policy. There remains a policy obligation, however, for new development to recognise the intrinsic character and beauty of the countryside.

Southwell Gateway Sites Assessment (May 2012)

28. This document, which formed part of the evidence base to the adopted Local Plan, assessed seven sites on the edge of Southwell for their sensitivity to residential development, because of the lack of sufficient land to meet housing needs within the settlement boundary. It should be noted that this document is approximately 14 years old, and national planning policy in relation to housing has been updated several times since its publication. It is also notable that the land to the east of Allenby Road had not been developed at this time, but it is identified as a potential Local Plan allocation.

29. The Site is assessed within the document as Site 1: Land West of Allenby Road. At the time of the report, its Site Description states that its western boundary appears to conform to a crop division rather than a more physical natural or man-made barrier and

that it affords no visual screening. Since then, a hedgerow has been planted along this boundary (albeit in poor condition) and a small number of native trees have established.

30. The report offers the following conclusion in relation to the Site, based upon an assessment of five factors:

The site is both open and prominent with no natural screening to the west. It is therefore considered that the potential for the assimilation of the site into the surrounding landscape character and context would be more difficult to achieve than with other gateway site options.

31. Since the publication of the report, four of the seven sites have been developed. The Site is the only land parcel that is dismissed for development.

32. It appears that the dismissal of the Site in this report is largely predicated upon the lack of screening on its western boundary, whereas the comparison sites had existing screening features. As noted, a hedgerow has now been established on the Site's western boundary, and there is potential for further vegetation features to be included within a development proposal, as shown on the Indicative Framework Plan. The report highlights the risk of "*fast growing non-native planting*" being established on the western boundary, but that is highly unlikely in the current policy and legislative environment, and this would be subject to a Reserved Matters application process in any case.

33. The report also notes the sloping nature of the Site and the visual exposure to Halam Road, but this has been subject to visual assessment by the Applicant, as summarised in the following section.

34. I therefore consider the Gateway Sites Assessment to be out of date in terms of the baseline condition of the Site and the current policy and legislative environment. Whilst the comments in relation to the western Site boundary are valid, these can be proactively addressed through the planning process.

Description of the Proposed Development

35. The proposed development is described as follows:

Outline planning application (with all matters reserved except for access to Allenby Road) for up to 70 dwellings (including affordable housing), highway works, public open space, children's play space, landscaping, drainage and all other associated works, including infrastructure.

36. No parameter plans have been submitted with the application, so the only elements for approval are the capacity of the Site for residential development and the access from Allenby Road.

37. An Indicative Framework Plan has been submitted to indicate how the development might be delivered, and this is reproduced as Figure 7 below.

Submitted Landscape and Visual Assessment

44. A Landscape and Visual Appraisal (LVA) prepared by BLADE Landscape Architects Ltd, a Landscape Institute Registered Practice, has been submitted with the planning application.

45. Whilst this document has been broadly prepared in line with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), the LVA contains a number of notable omissions and methodological issues, as follows:

- The LVA entirely bases its assessment upon the indicative masterplan that has been prepared, but this has not been submitted for approval. It does not recognise that the outline nature of the application means that alternative layouts could come forward at Reserved Matters stage, and that the principle of development upon the Site is the matter in question.
- The LVA fails to recognise Public Footpath 209/30/1, which follows the Site's southern boundary, either as part of the baseline character or as a visual receptor. For example, in Table BLA 7.1 under recreational value, it states that the Site is "*crossed by an individual PRow*".
- The LVA makes no reference to the mature ash tree within the Site. Whilst this tree is in poor condition and the Arboricultural Impact Assessment by BLADE recommends its removal, it nevertheless makes a current contribution to the Site's baseline character and its removal will give rise to a change in the Site's landscape character.
- The LVA contains contradictory statements in relation to Southwell Conservation Area. Paragraph 6.64 states that the Conservation Area is adjacent to the south-west corner of the Site, whereas paragraph 10.3 states that the Site does not neighbour a Conservation Area.
- The approach to landscape impact assessment is flawed, in that landscape sensitivity is conflated with susceptibility by the assessor in paragraphs 7.34 to 7.43 of the LVA. The guidance is clear (Figure 5.1 of GLVIA3) that individual judgements on the susceptibility of landscape receptors to the type of change proposed and their relative value to society should be combined to derive an overall understanding of receptor sensitivity.
- The assessment of landscape value within the LVA is also partially flawed and inconsistent with the Landscape Institute's published guidance. Whilst the use of the value criteria set out in Table 1 of the Institute's Technical Guidance Note 02/21 is the correct approach, it is important to consider the value of the landscape in which the Site is located, not the Site itself, especially if it is a single field. Paragraph 2.4.5 of the Guidance Note states "*When assessing landscape value of a site as part of a planning application or appeal it is important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and the role they play within, the site's context. Value is best appreciated at the scale at which a landscape is perceived – rarely is this on a field-by-field basis.*" Furthermore, the LVA

has not considered the final criterion in Table 1, which relates to a landscape's perceptual value in terms of wildness and tranquillity.

- The visual assessment is overly simplistic, with no separate judgements given for the susceptibility and value of each visual receptor, and no explanation as to how the magnitude of change scores have been derived. GLVIA3 paragraph 3.35 cautions against the over-reliance on matrices or tabular summaries of effects which may not be accompanied by clear narrative descriptions.

46. The LVA has considered the potential effects of the proposed development at construction stage, upon completion, and 15 years following completion. This is a comprehensive approach that enables the short- and long-term effects of the scheme to be understood.

47. The landscape assessment has selected the following landscape receptors:

- The Site (direct effects)
- The Village Farmlands Landscape Type and the Halloughton Village Farmlands Policy Zone (indirect effects)
- The Mid-Nottinghamshire Farmlands Regional Character Area (indirect effects)
- The Trent and Belvoir Vales National Character Area (indirect effects)

48. The assessment concluded that the most significant effects would be on the Site, with a Major/Moderate adverse effect at construction stage diminishing to Moderate/Minor adverse by Year 15. Effects upon the Landscape Type and Policy Zone are judged to be of Moderate adverse significance at construction stage, diminishing to Minor adverse significance by Year 15. Effects upon the remaining receptors are all judged to be Negligible/Imperceptible at all stages.

49. Notwithstanding the methodological issues outlined above, I am broadly in agreement with the overall findings of the LVA's landscape assessment.

50. The visual assessment was informed by a process of Zone of Theoretical Visibility (ZTV) modelling and fieldwork. The baseline studies revealed that the combination of topography, vegetation and structures was such that the Site occupies a limited visual envelope, with visual effects highly unlikely beyond a distance of 350m from the Site.

51. A total of 15 viewpoint locations were agreed with the Local Planning Authority as part of the scoping process, including the users of Public Rights of Way and public highways. These were used as the baseline for the visual assessment. As noted above, these did not include Public Footpath 209/30/1, which runs through the southern part of the Site.

52. The visual assessment concluded that the only visual receptors that would experience greater than Minor adverse effects in the long term would be the users of Public Footpath 209/45/1 (mis-referenced in the LVA as 209/34/2) and the users of Halam Road as they approach Southwell.

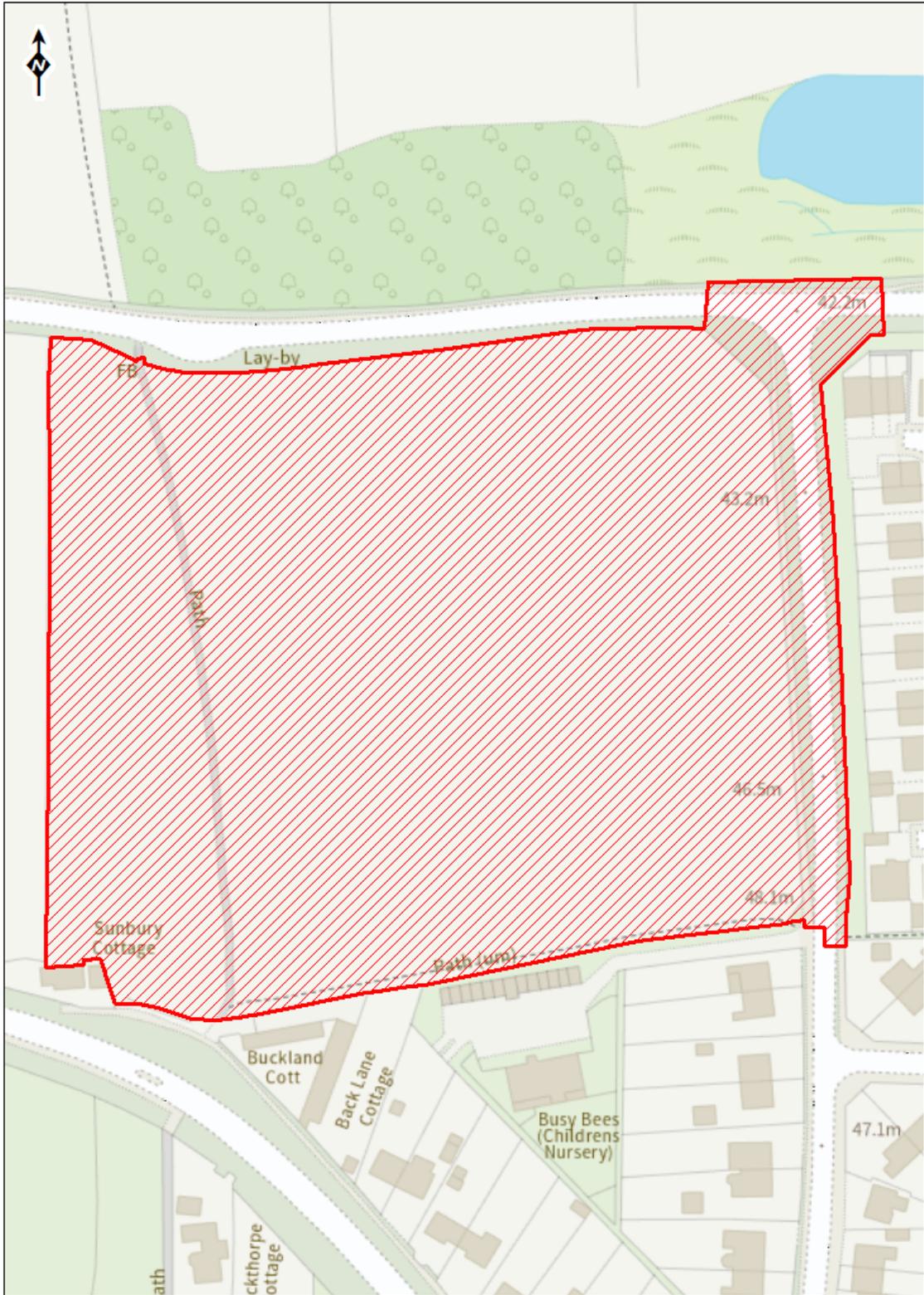
53. With regard to the users of Public Footpath 209/45/1, the assessment concludes that these would experience Major adverse effects during the construction stage, diminishing to Moderate significance at Year 15. It is therefore likely that similar effects would be experienced by the users of Public Footpath 209/30/1.
54. With regard to the users of Halam Road, the assessment concludes that these would experience Moderate adverse effects at construction stage, diminishing to Moderate/Minor significance at Year 15.
55. Notwithstanding the methodological issues outlined above and the omission of a key receptor, I am broadly in agreement with the overall findings of the LVA's visual assessment.

Conclusion

56. The Site comprises a single parcel of arable land located on the western edge of the town of Southwell. It adjoins modern residential development to the east and more historic development to the south, and its south-western corner is adjacent to Southwell Conservation Area. The Site possesses sloping topography and a northerly aspect, consistent with its position on the southern slopes of a minor valley. Two public footpaths cross the Site, providing access between the adjacent settlement and surrounding countryside.
57. The landscape in which the Site is located is moderately representative of the published character. I do not consider this to be a 'valued' landscape for the purposes of planning policy.
58. The proposed development comprises an outline planning application for up to 70 residential dwellings and associated infrastructure, accessed from Allenby Road. An Illustrative Framework Plan has been submitted that presents a logical response to the Site and its context, including the retention of a substantial belt of open space with tree planting along its western boundary and lesser belts of open space to the north and south.
59. The application was submitted with a Landscape and Visual Appraisal, which concluded that there would be no landscape effects of greater than Moderate/Minor significance at Year 15, and no visual effects of greater than Moderate significance. I am in agreement with the findings of this appraisal based upon my own desktop assessment and fieldwork.
60. It is therefore my conclusion that the proposed development is acceptable on landscape and visual grounds.

Ian Dudley BSc(Hons) MICFor CEnv CMLI

24th February 2026



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Report to Planning Committee – 12 March 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Dayo Adegbaju, Planner

Report Summary			
Application No.	25/01941/PIP		
Proposal	Application for permission in principle for residential development for minimum of 1 and up to 2 dwellings		
Location	Land To The Rear Of Home Farm Barn Winkburn		
Applicant	Winkburn Estate - Mr Adrian Thornhill	Agent	GraceMachin Planning & Property - Mr George Machin
Registered	25.11.2025	Target Date	30.12.2025 EOT until 16.03.2026
Recommendation	Grant Permission in Principle		

Link to Planning Application website:

[25/01941/PIP | Application for permission in principle for residential development for up to 2 dwellings | Land To The Rear Of Home Farm Barn Winkburn](#)

Procedural Matters

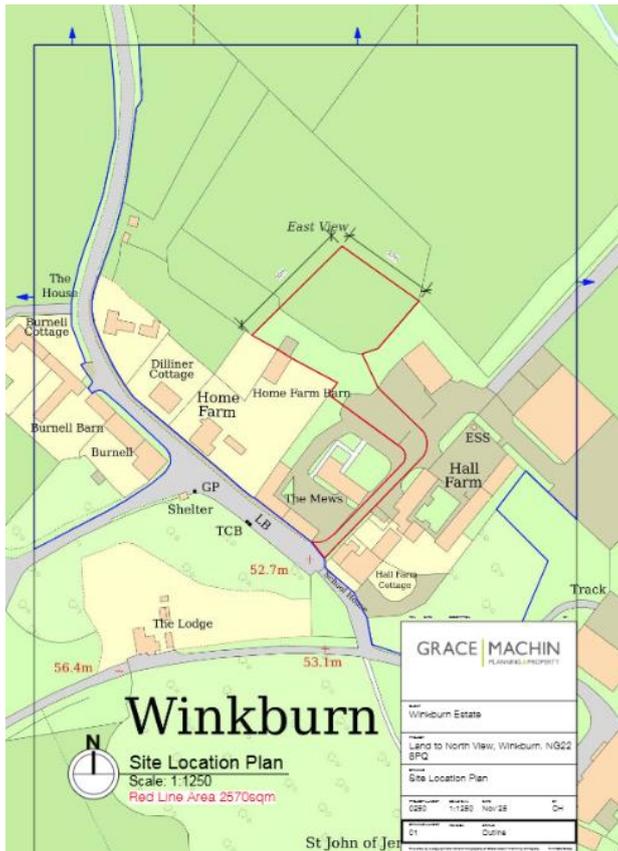
Reason - Departure from the Development Plan

This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside).

1.0 The Site

1.1 The application site is located within the open countryside, adjacent to the built-up area of Winkburn. It adjoins existing developments which lie to the south and southwest. Home Farm Barn, a Grade II listed building is part of the adjoining

dwellings. See location plan and google aerial view below.



Google aerial view with site highlighted in red.

2.0 Relevant Planning History

2.1. None.

3.0 The Proposal

3.1 The application is for permission in principle for the development of up to two new dwellings on land to the rear of Home Farm Barn, Winkburn.

3.2 The application is to determine the principle of development only, regarding location, use, and amount of development. Detailed drawings would be required at Technical Details Stage if approved.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 17 properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 15.12.2025.

5.0 Planning Policy Framework

5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 – Sustainable Transport
 Core Policy 3 – Housing Mix
 Core Policy 9 -Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

5.2. Allocations & Development Management DPD (2013)

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

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;

- 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.

5.5. 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. **Other Material Planning Considerations**

National Planning Policy Framework 2024

Planning Practice Guidance (online resource)

National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

6.1. **NCC Highways** – *The Highway Authority has considered the submitted information and decided that the application does not have a detrimental effect on highway safety and capacity. Therefore, there are no highway objections.*

6.2. **Winkburn Parish Meeting** – *No objection. However, as the Winkburn Estate owns all the agricultural land and nearly all the houses in the village, a formal long-term plan should be presented for the development of land not currently zoned for housing. This site should not be considered in isolation.*

Representations

6.3. **NSDC Conservation** – *“The proposed development is capable of preserving the special interest of the nearby listed buildings which is consistent with s66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council’s LDF DPDs.”*

6.4. **NSDC Land Contamination Officer** – *There is potential for the site to have been contaminated from its previous use as agricultural land. It is likely, should formal planning permission be sought, that the full contamination condition would be requested on any approval.*

- 6.5. **Historic Environment Officer** – *“Examination of the Nottinghamshire Historic Environment Record shows the site is located in an area of a relocated medieval village (HER ref: MNT17032). If the application progresses, I recommend the applicant commissions a heritage desk-based assessment (DBA) per para 207 of the NPPF (2024). Following submission of the DBA, a recommendation for archaeological fieldwork may be made to determine the presence, absence, depth, date and significance of any archaeology present.”*

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- 1. Principle of development (Location, Land Use and Amount of Development)**
- 2. All other issues would be considered as part of the Technical Details Consent application which would be required if permission in principle is approved.**

- 7.2. The National Planning Policy Framework (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 DPD.
- 7.3. As the application concerns the setting of nearby listed buildings which are designated heritage assets, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 7.4. The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Principle of Development

- 7.5. The application seeks ‘Permission in Principle’ for the residential development of land to the rear of Home Farm Barn Winkburn.
- 7.6. 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

- 7.7. The site is located outside of the built area of Winkburn Village which is a rural area. It is however noted that the site is adjacent to the Hall Farm, directly behind Home Farm Barn, and within the setting of a listed building, namely Home Farmhouse (Grade II Listed Building). This notwithstanding, the site is considered to be outside of the village, and therefore within the open countryside. Therefore, policy DM8 would be applicable.
- 7.8. Policy DM8 strictly controls development within the open countryside and only supports new dwellings where they *'are of outstanding quality or innovative nature of design, reflecting the highest standards of architecture. Proposals will also need to significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'* The proposal has not been put forward on this basis and therefore would usually be refused as a matter of principle. However, paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. According to paragraph 11 (d), in planning decision-taking, this means *'where there are no relevant development plan policies or the policies which are most important for determining the application are out of date⁸, granting permission unless (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 combination⁹.'* 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.'*
- 7.9. With this in mind, the Council's current position is that it can demonstrate a total housing land supply of 3.84 years. The Council cannot demonstrate a 5-year housing land supply, therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits. Given this, the Council's development plan is not up to date in relation to housing delivery for the purposes of decision making. The district's housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.
- 7.10. Therefore, it needs to be determined if Winkburn is a sustainable village. It is acknowledged that there are no local services, and there are limited bus services to Newark and other Principal Villages. As such, the village in itself is not considered to be a sustainable location for new development. However, it is approx. 4.7 miles to Southwell which is a Principal Village, as such there would be easy access for private car owners. This would not be uncommon with other, more sustainable settlements.

In addition, there are several villages such as Hockerton, Maplebeck, Caunton and Kirklington which are all within a 4 mile radius and they could provide some local services, such as public houses and village halls, churches and schools. On this basis, Winkburn is considered to be located at the fringe of sustainable locations, and it is considered acceptable for a small-scale residential development.

- 7.11. With the presumption in favour of sustainable development in mind therefore, it is considered that the addition of up to 2 dwellings in this location would be acceptable.

Land Use and Amount of Development

- 7.12. Winkburn is predominantly residential. The residential use in this location accords with Spatial Policy 3 which seeks to address local housing needs in rural communities by focusing housing in sustainable, accessible villages.
- 7.13. The proposal is for up to two dwellings. No illustrative plans were submitted. The form and layout would be provided at technical details consent stage if permission in principle is approved.
- 7.14. The site is approximately 0.257 hectare in size, and it shares a boundary with an existing dwelling (i.e. Home Farm Barn), with other developments south, southwest and southeast.
- 7.15. Core Policy 3 of the Amended Core Strategy provides that for other locations such as Winkburn, the average density set is 30 dwellings per hectare. Development densities in all housing developments should normally be no lower than an average 30 dwellings per hectare net.
- 7.16. Two dwellings on the site would equate to approximately 8 dwellings per hectare. This is below the average density expected for Winkburn; therefore, it is considered that two new dwellings on the site would not likely result in cramped development, and, subject to final design and layout, would preserve the rural open character of the immediate surroundings and is therefore acceptable in this instance.
- 7.17. Given the existing dwellings in the surrounding area, any new development on this site could have a good assimilation provided the scale, design and materials are sympathetic with the character of the surrounding area.
- 7.18. Therefore, in terms of land use and the amount of development, the principle of development would be acceptable.

Technical Details Consent

- 7.19. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved.
- 7.20. The site-specific impacts that would be assessed at this stage are discussed below.

Impact on the Visual Amenities of the Area (including heritage impact)

- 7.21. 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.
- 7.22. Policy DM5(b) 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.
- 7.23. The site is located within the 'Knapthorpe Village Farmlands with Ancient Woodland Landscape Character Area (MN PZ 30)' where the landscape condition is defined as very good, and the sensitivity is defined as moderate. The landscape action for built features in the area includes conserving the rural character of the landscape by limiting any new development to within settlements of Bathley, Knapthorpe, Averham and Winkburn. This landscape action also requires the use of vernacular materials, style and scale in any new developments. Although the site has been considered as being within the open countryside, its proximity to the built area of the village has been established under the 'Location' section of this report. Materials and scale of the development would be determined at the technical details stage.
- 7.24. 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.
- 7.25. There are no detailed drawings to assess at this stage. If approved, the proposal would need to take into account the surrounding vernacular and layout to ensure there would be no detrimental impact on the character of the area.
- 7.26. Furthermore, given the site's location within the setting of listed buildings, there is a potential for heritage impact. The Council's Conservation Officer has therefore been consulted, and their comments are provided below:
- 7.27. *"Winkburn is one of the county's hidden villages, lying in the valley of the River Wink, it has a few houses and farms, and an ancient church by the great house, and many specimen trees.*
- 7.28. *The Hall is mostly 18th century, with a top storey of 19th century and interior panelling belonging to the former manor house. Over the doorways in the central hall is a series of panels carved with scenes from Aesop's Fables. The hall was saved from dereliction in 1978 by the Craven-Smith-Milnes family, relatives of William Burnell, who built it. The hall is flanked by east and west wings, of which only the stables remain, the kitchen wing in front of the church has nearly completely disappeared. The two storey stables, which feature a cupola are grade II listed. The hall is Grade I listed and of national interest, and sits within extensive parkland, which in itself is a non-designated heritage asset. The church of St John of Jerusalem is mostly Norman, the belfry windows feature zigzag and cable moulding, and the Norman archway to the nave is carved all around with zigzag making for a most unusual and interesting architectural feature. The church was restored in the 17th century. It is grade I listed of national interest and is intimately set within the grounds of the hall.*
- 7.29. *Home Farmhouse is a late 17th/early 18th century farmhouse built in the vernacular*

materials of red brick, with raised brick bands ad windows beneath segmental heads, now with a plain tile roof, it is two storeys with an attic room.

- 7.30. *The Old School is grade II listed, originally built in 1738, is stuccoed with gabled extensions from the early 19th century.*
- 7.31. *The application site sits outside the Winkburn Park, and adjacent to the Hall Farm, and to the front of Home Farm, within a cluster of modern and historic agricultural buildings, mostly of single storey nature and built in red brick with pantile roofs. The scope of the PIP application is limited to the location of the site, the type of land use proposed, and the amount of development. The application for two dwellings within this site would be capable of preserving the setting of the high status listed buildings nearby., as well as preserving the agricultural setting of Home Farmhouse if an appropriate single storey barn style development can be achieved. The location of the development is such that the hidden village character within the valley of the River Wink would be preserved. The site is located within an area of earthworks, which are understood to originate from the larger medieval settlement of Winkburn. It is recommended that the advice of the Council's archaeology consultant is sought on the requirement of potential fieldwork to determine the presence/absence of any archaeology.*
- 7.32. *The proposed development is capable of preserving the special interest of the nearby listed buildings which is consistent with s66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs."*
- 7.33. Officers agree with the Conservation Officer. Given its scale and discreet location, the scheme, subject to detail, could be capable of preserving the setting of the nearby listed buildings.

Impact upon Residential Amenity

- 7.34. Policy DM5(b) of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Furthermore, the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.35. The nearest neighbour would be Home Farm Barn. Whilst no information has been provided on the design and elevations of the proposal, it is considered that the potential for overbearing and loss of privacy concerns could be removed at the technical details stage.
- 7.36. In terms of private amenity space for the proposed dwelling, an appraisal cannot be done at this stage due to limited information. However, given the size of the plot and its distance to the surrounding developments, it is considered that two new dwellings on this site could be achieved with adequate amenity levels for both future occupants and neighbouring occupants.

Impact upon Highway Safety

- 7.37. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated

does not create parking or traffic problems. Policy DM5(b) of the DPD requires the provision of safe access to new development and appropriate parking provision.

- 7.38. Access and parking details are not required at this stage; however, if permission in principle is approved, the proposal would need to adhere to the Council's adopted Parking SPD at the technical details stage. Looking at the submitted site location plan, the scheme would share an existing access with properties to the south. As two new dwellings would not generate a significant increase in vehicular movements using the access, it is considered likely that this arrangement would be acceptable if proposed at technical details stage. The Highways Authority has also considered the scheme, and they commented that it would not have a detrimental impact on highway safety and capacity. There was therefore no highway objection to the proposed development in principle.

Impact upon Ecology

- 7.39. Policy DM7 and Core Policy 12 aim to conserve and enhance the biodiversity and geological diversity of the district.
- 7.40. The development would not entail demolition of an existing building, as such it is not considered that there would be adverse ecology impact. However, it would lead to loss of existing grass area and low-level planting, therefore you would need to provide BNG information at technical details stage if permission in principle is approved (see further information on Biodiversity Net Gain below).
- 7.41. **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. However, there are some developments that are exempt from the BNG such as self and custom builds and those below the on-site habitat threshold. However, a BNG exemption claim would need to be submitted with supporting information at the technical details stage should a permission in principle be approved. If not exempt, a detailed BNG assessment would be required (please see local validation list for details).

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.
- 8.2. **Legal Implications - LEG2526/4095**

- 8.3. 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 principle, in relation to location, land use, and amount of development. It has been noted that the site is located in the open countryside. Based on the aims of policy DM8, such developments would usually be refused. However, at present, the Council cannot demonstrate a 5-year housing land supply. As such, the presumption in favour of sustainable development, as outlined in paragraph 11 of the NPPF, should be applied. It is considered that the site's relative proximity to Winkburn's built-up area, in addition to Winkburn's closeness to Southwell (a Principal Village) and other smaller sustainable locations such as Hockerton are reasons to conclude the site is, on balance, a sustainable location for small scale residential development. Subject to detail there are no significant issues that would outweigh the benefit of up to two additional dwellings on this site. The setting of the nearby listed buildings is also a location consideration. The heritage impact has been assessed by the conservation team, and it was confirmed that the scheme would preserve the special interest of the nearby listed buildings, having regard to Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990.
- 9.2. Further to the above assessment, it is considered that the location is suitable for residential development of up to two dwellings. Therefore, the principle of development is acceptable on location grounds.
- 9.3. In terms of the use, residential development would reflect the local land use pattern. In terms of the amount, up to two new dwellings would be relatively small in scale and would not lead to overdevelopment of the area.
- 9.4. Therefore, subject to acceptable scale, design, and materials (to be assessed at Technical Details Stage), it is not considered that the proposal would have a detrimental impact on the character of the area, residential amenity, or highways safety.
- 9.5. For the reasons set out above it is recommended that the permission in principle is granted. It should be noted that there is no provision to attach conditions to a permission in principle, however conditions can be attached to any subsequent Technical Details Consent approval.

10.0 RECOMMENDATION

- 10.1 **That Permission in Principle is granted.**

Notes to Applicant

01

An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

02

Biodiversity Net Gain

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) would be subject to the biodiversity gain condition.

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 25/01941/PIP



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Report to Planning Committee – 12 March 2026
 Business Manager Lead: Oliver Scott – Planning Development
 Lead Officer: Ellie Sillah – Planning Development Officer

Report Summary			
Application Number	23/01846/FULM		
Proposal	Proposed Leisure and Recreation Facilities at Clipstone Colliery		
Location	Land Off Mansfield Road Clipstone		
Applicant	Mr Richard Clarey	Agent	LK2 Architects Ltd
Registered	18.10.2023	Target Date	17.01.2024 EOT until 18.03.2024
Recommendation	Grant Planning Permission subject to conditions set out at Section 16.0 of this report.		

Procedural Matters

This application is being determined at committee due to the following:

- There is conflict with the NPPF (paragraph 193a)
- The Council is involved with the application indirectly in relation to LUF funding (however the Council is not the applicant).

For these reasons the application has been called in by the Business Manager, in accordance with the Council’s Scheme of Delegation.

1.0 The Site

1.1 The application site covers approximately 10.8 hectares and is located within the urban boundary of Clipstone, as defined on the Policies Map. The site is part of the historic Clipstone Colliery. Most of the buildings associated with the colliery have been demolished however the Headstocks and Powerhouse were listed as Grade II in 2000 and still remain (albeit outside of the site outline).

- 1.2 The wider site is allocated within the Allocations and Development Management DPD for mixed use development (CI/MU/1), including around 120 dwellings, 12 hectares of employment provision, retail, and enhanced open public space. The allocation site includes the Grade II listed Headstocks and Powerhouse, however the application site and masterplan for the wider site excludes the structure and surrounding land. This is because the Headstocks has been sold and is no longer within the same ownership as the remaining land within the allocation. The submitted masterplan is shown below:



- 1.3 The application site outlined includes the area to the southeast of the Headstocks and to the east of 'Phase 1' of the wider development, on which a development of 124 dwellings has been determined and approved by the planning committee (ref 23/00832/FULM). A section 73 application is currently pending to amend the layout of the residential development which is now proposed to be 100% affordable. A site photo taken from the south east of the site is shown below:



Site Constraints

- 1.4 To the west of the allocation is a local nature reserve and to the west and south are sites of interest in nature conservation.
- 1.5 The site is in Flood Zone 1 and at very low risk of flooding from surface water. The following map extract shows the extent of surface water flood risk around the site.



- 1.6 The site is not within a conservation area. The setting of the Grade II listed Headstocks (immediately adjacent to the site) must be taken into consideration in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Clipstone Colliery Village, a non-designated heritage asset is also located to the north west of the site.

2.0 Relevant Planning History

- 2.1 23/00832/FULM (adjacent site and part of the wider allocation) 124 dwellings with open space, landscaping, highways and drainage infrastructure and associated works – Approved at Committee subject to S106 agreement. Decision issued.
- 2.2 25/01971/S73M Variation of condition 28 attached to planning permission 23/00832/FULM to substitute the approved plans to amend the housing mix and redesign of the development parcels – Pending consideration.

3.0 The Proposal

- 3.1 The application seeks planning permission for new leisure and recreation facilities, including a cricket pitch, football pitches, a multi sports area, a play park, car park, pavilion building and various storage buildings.
- 3.2 The access for the leisure and recreation facilities proposal would be from Mansfield Road which bounds the wider site to the north west. The access road would wrap around the boundary of the Headstocks. To the west of the application site is land for 'Phase 3' which would be for employment use. There are currently no applications for this part of the allocation therefore no detail is currently available as to the type of

employment use that would be proposed.

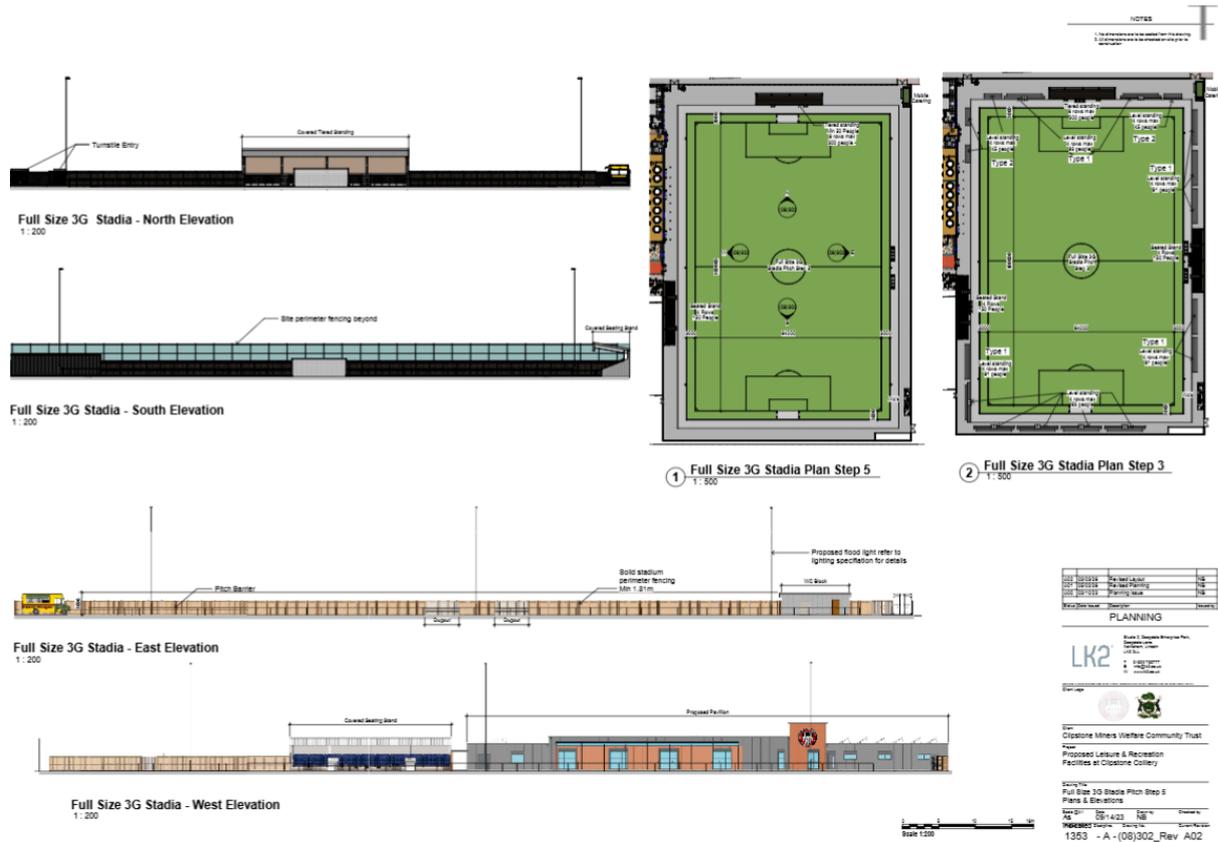
3.3 Revisions have taken place throughout the lifetime of the application. The most up to date proposed site plan is shown below and has undergone a full re-consultation:



3.4 The proposed elevations for the Club house building are shown below. The maximum height would be 6.4m.



Elevations and Plans of the Stadia are shown below:



Submitted Documents:

- 1353-A-(08)100_A02 Site Location Plan received 5th February 2026
- 1353-A-(08)302_Rev A02 Proposed 3G Stadia Pitch received 3rd March 2026
- 1353-A-(08)102_REV A011 Revised Proposed Site Plan received 5th February 2026
- 1353-A-(08)303_REV A03 Proposed Fences and Gates received 5th February 2026
- CRMR-BSP-XX-XX-D-H-0001_P02 Site Access Arrangements received 5th February 2026
- CRMR-BSP-XX-XX-D-H-0003_P02 Swept Path Analysis of Site Access received 5th February 2026
- 1297 LPS Landscape Phasing Strategy received 10th February 2026
- 1353-A-(08)304_REVA00.PDF Ecology Areas Plan received 5th December 2025
- Response to Ecology Comments received 5th December 2025
- Biodiversity Mitigation Assessment received 15th July 2025
- Transport Addendum received 4th June 2025
- CST-DCE-XX-XX-DR-C-5000 P03 Drainage Strategy received 4th April 2025
- FRA Addendum and Drainage Statement received 4th April 2025
- Transport Addendum received 27th March 2025
- Updated Ball Strike Report receive 26th November 2024
- Travel Plan received 29th October 2024
- 1297 002 C Landscape Strategy received 18th October 2024
- CST DCE XX XX DR C 5000 REV P02 Drainage Strategy received 18th October 2024

- CST DCE XX XX DR C 5001 REV P01 Flood Route Sections received 18th October 2024
- CST DCE XX XX DR C 9000 REV P04 Earth Works and Levels Strategy received 18th October 2024
- Agronomy Report (and Appendix 1-8) received 18th October 2024
- Design and Access Statement Rev 1 received 18th October 2024
- Mitigation Report received 18th October 2024
- Noise Assessment Report received 18th October 2024
- Transport Assessment received 18th October 2024
- Travel Plan received 18th October 2024
- 01 REV 00 Floodlighting Scheme received 17th October 2023
- 1 REV D Site Appraisal Sports Pitch Levels Sheet 1 received 17th October 2023
- 1353 A 08 101 REV A00 Existing Site Plan received 17th October 2023
- 1353 A 08 103 REV A00 Full Allocation Masterplan received 17th October 2023
- 1353 A 08 200 REV A00 Proposed Floorplan received 17th October 2023
- 1353 A 08 201 REV A00 Storage Container Plans and Elevations (Existing) received 17th October 2023
- 1353 A 08 202 REV A00 Proposed Kiosk Plans and Elevations received 17th October 2023
- 1353 A 08 203 REV A00 Proposed Bin Store Plan and Elevations received 17th October 2023
- 1353 A 08 205 REV A00 Proposed Cricket Store and Elevations received 17th October 2023
- 1353 A 08 206 REV A00 Proposed WC Plan and Elevations received 17th October 2023
- 1353 A 08 207 REV A00 Typical Proposed Tiered Standing Plan and Elevations received 17th October 2023
- 1353 A 08 208 REV A00 Proposed Typical Seated Stand Plan and Elevation received 17th October 2023
- 1353 A 08 209 REV A00 Proposed Bicycle Store received 17th October 2023
- 1353 A 08 300 REV A00 Proposed Elevations received 17th October 2023
- 1353 A 08 301 REV A00 Proposed Full Size AGP Plan and Elevations received 17th October 2023
- 1353 A 08 303 REV A00 Proposed Fences and Gates received 17th October 2023
- 1353 A 08 400 REV A00 Proposed Sections received 17th October 2023
- 1353 A 08 500 REV A00 Proposed Roof Plan received 17th October 2023
- 1353 A08 302 REV A00 Full Size Grass Stadia Pitch Plans and Elevations received 17th October 2023
- 2 REV B Site Appraisal Sports Pitch Levels Sheet 2 received 17th October 2023
- Arboricultural Impact Assessment dated October 2023
- Ecological Appraisal carried out by Rachel Hacking Ecology dated 2.10.2023

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 60 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visits undertaken on 06.10.2023 and 02.09.2025.

5.0 **Planning Policy Framework**

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 12 - Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

5.2 **Allocations & Development Management DPD**

Policy CI/MU/1 - Clipstone – Mixed Use Site 1
Policy DM2 Development on Allocated Sites
Policy DM5 – Design
Policy DM7 - Biodiversity and Green Infrastructure
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.*

Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- *Not subject to a proposed main modification;*
- *The modifications/clarifications identified are very minor in nature; or*

- *No objection has been raised against a proposed main modification. Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.*

[Submission Amended Allocations & Development Management DPD
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

The policies which now carry substantial weight and therefore applicable to the consideration of this application are:

Policy CI/MU/1 - Clipstone – Mixed Use Site 1
Policy DM2 Development on Allocated Sites

Policy DM5(b) – Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment

5.4 **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended February 2025)
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
NSDC Playing Pitch Strategy

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1 **Environment Agency:** Site is in Flood Zone 1 therefore no fluvial flood risk concerns with site. No concerns regarding pollution.
- 6.2 **NCC Highways:** Comments that were received on 19.6.2025 from NCC Highways conclude no objection to the scheme subject to conditions. The comments are included in detail in the Impact on Highways section of the report.
- 6.3 **Natural England:** NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Sherwood Forest Golf Course Site of Special Scientific Interest (SSSI) and has no objection.
- 6.4 **Coal Authority:** No specific comments to make.
- 6.5 **Lead Local Flood Authority:** Comments dated 11.11.2024 confirm no objection subject to a condition.

6.6 **NCC Rights of Way:** No public rights of way are recorded over the site. The site sits alongside Clipstone Bridleway 3. Any connecting path should be constructed with all users in mind.

6.7 **Clipstone Parish Council:**

Clipstone Parish Council OBJECTS to phase 1 as issued due to inadequate provision for parking and inadequate space for grass roots football. Concern was expressed regarding vehicular access onto, and pedestrian access across Mansfield Road. Concern was expressed that phase 2 would not commence.

Regarding phase 2, Clipstone Parish Council SUPPORTS the full scheme with concern expressed regarding vehicular access onto, and pedestrian access across Mansfield Road.

Additionally, the Parish Council raises concerns that the plans assume people will walk to the proposed facility. However, the existing pedestrian footpath between Clipstone and Kings Clipstone is narrow, in poor condition and unsuitable for pushchairs or wheelchairs. Given the limited parking provision and the plans' aspiration to encourage walking to the new facilities, improvements to the footpath should be secured as a condition of planning.

6.8 **Mansfield District Council:** From a strategic point of view the proposal would provide a wider range of opportunities and facilities than are currently available and would allow for the future expansion of various clubs that currently use the Lido site. The Lido site and this application are linked - it is important to clarify the arrangements to ensure the current facilities do not cease before the new provision is available. The proposal would see the loss of facilities in Mansfield District and replaced within Newark and Sherwood District (although within the same settlement). Sport England should be consulted and possibly Mansfield Ward members/residents. Further comments made in regard to design, ecology, Sherwood Forest ppSPA and BNG all of which are matters considered within the report.

Representations

6.9 **Sport England (Summary of comments dated 22.11.24):** Supportive of the provision of replacement facilities including the additional grass pitch provision and enhanced ancillary facilities which would meet an identified need. Concerns raised about the need for the additional 3G pitch and whether this is a suitable location to meet the wider need across Newark and Sherwood. A condition has been recommended to require an initial pitch programme prior to construction to address concerns – Sport England would not object on this basis.

In summary Sport England does not object to the proposal as it is considered to accord with the objective to 'provide' subject to the following issues being addressed prior to determination

- Clarification on the requirement for ball strike mitigation for cricket and

measures to be incorporated into the proposal

- The noise mitigation used to model the noise impact is secured through the proposal.

These comments do not consider whether the proposed relocation would meet the requirements of Exception 4 of Sport England's Playing Fields Policy (in relation to the Lido site).

Conditions have been recommended.

6.10 Comments dated 29.4.25 following receipt of additional information:

The additional information includes a plan titled 'Proposed Phase 2 Site Plan' which appears to show a phased approach to the development. The initial phase is shown to include temporary buildings to accommodate 4 x changing rooms, 2 x officials' rooms, 1 x accessible changing room, bar and café, office, first aid/ physio, spectator toilets and function/ club room. The plan also shows a 9-wicket cricket pitch, full size grass stadia football pitch, full size artificial pitch and multi-sport area with two full size pitches and two mini soccer pitches. Part of the car park is also shown within this phase.

As part of the assessment of this additional information Sport England has sought the views of the Football Foundation and the ECB. The FF and Nottinghamshire FA have no concerns over the phase 2 plan provided. The ECB has queried why there is a temporary building.

Sport England has no objection to the principle of a phased approach to delivering the site. However, no detail has been provided on the timescales for phasing or on the detailed design of the temporary buildings and the length of time these buildings would be in use. We are therefore unable to provide any detailed comments on this approach.

However, we would wish to highlight that a phased approach to the delivery of this scheme has implications for the assessment of the planning applications for the loss of the Lido ground being considered by both Mansfield and Newark and Sherwood Councils (Application references 2024/0007/OUT and 23/02268/OUTM). These planning applications are required to meet exception 4 of Sport England's Playing Field Policy and paragraph 104 of the NFFP. The applications have currently been assessed taking into account the full scheme proposed at the Clipstone Colliery site. If the intention is that the development would be delivered in a phased approach, then further clarification is required on the approach proposed and the timescales for delivering the phases in relation to the loss of the Lido ground. If it is proposed that the Lido ground would be lost prior to the completion of the full scheme, then further information would be needed on the temporary buildings proposed to enable an assessment to be undertaken of whether a phased approach to the delivery of the proposal would meet exception 4 and paragraph 104 of the NPPF.

Conclusion

In light of the above, Sport England's position on this application remains as set out in

our response dated 22nd November 2024. However, we would recommend that consideration is given to the implications of a phased approach to development on the proposals for the loss of the Lido ground and the need for the planning applications for the Lido ground site to demonstrate that the proposals would meet exception 4 of Sport England's Playing Fields Policy and paragraph 104 of the NPPF. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice. Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

- 6.11 **NSDC Ecology:** Detailed comments provided dated 23/10/2025, including calculation of baseline (bespoke calculation) rather than BNG, as the application was submitted prior to mandatory BNG coming into effect. In summary, the proposal would result in a loss of biodiversity value amounting to significant harm to biodiversity, which should require off site compensation to mitigate the loss of biodiversity value. The exact deficit has not been agreed between the NSDC Ecology Officer and the applicant's Ecologist. This is discussed in more detail in the relevant section of this report.

Full comments are available to view online, however the conclusion and recommendations are set out below:

Conclusions and Recommendations

Impacts on Designated Sites and Protected and Notable Species

- 6.1. *With the appropriate mitigation measures outlined in the Ecological Appraisal secured by appropriate planning conditions there would be no adverse impacts on any site afforded a statutory or non-statutory designation, or on any protected or notable species. However, NSDC will need to prepare a Habitats Regulation Assessment to confirm no adverse effects on any sites on the National Site Network, and the possible potential Special Protection Area (Sherwood Forest Area).*

Biodiversity Enhancements

- 6.2. *Appropriate species-specific enhancements for bats and hedgehog have been proposed and can be secured via appropriate planning conditions.*

Compliance with national and local planning policy

- 6.3. *The proposal will have a significant adverse effect in terms of habitat loss. Allowing for my own assessment of the application site baseline value, currently the estimated loss of biodiversity value allowing for the proposed use of adjacent offsite land for enhancements is – 27.5%. However, there is a need for more detail and clarification for this offsite land, and when inevitable amendments have been made, this loss is likely to be greater. Consequently, I would advise*

that the proposals do not comply with the following policies, and significantly so:

- *NPPF: Paragraphs 187d, 193a and 193d;*
- *Policy DM 5; and*
- *Core Policy 12.*

To address this, there is a need for additional offsite compensation, which is also the view of the supporting ecological information.

(Additional information was requested.)

- 6.12 **NSDC Conservation:** The proposed development has the potential to cause harm to the setting of the Listed Building (the Headstocks). This would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) act 1990. With reference to planning policies, this would be 'less than substantial harm'. The proposal also has potential to have a harmful impact on the setting of the adjacent non-designated heritage assets (Clipstone Colliery Village).

It is acknowledged that the proposal forms part of the requirements of the allocation of policy CI/MU/1 but there is no scheme for conversion and adaptive re-use of the headstocks and as a result there are no heritage related benefits arising from the scheme. It would be for the decision maker to determine whether the non-heritage related benefits would outweigh the heritage harm. It is recommended that further information is provided in terms of potential impact of lighting, landscaping, and boundary treatments.

- 6.13 **NDSC Environmental Health:** I have reviewed the acoustic assessment and lighting strategy for the proposal. The lighting scheme has been stated to comply with the requirements of Zone 3 and the ILP Guidance, and should be installed and maintained in accordance with the lighting plan. Noise impacts have been assessed for the use of sports pitches as well as entertainment noise from the clubhouse building. Sports facilities area considerably more distant than the minimum recommended by Sports England and predicted noise levels are acceptable. I therefore have no objection to the development as proposed.

- 6.14 **NDSC Environmental Health Contamination:**

The planning statement submitted with this application relies on the Phase 1 Geotechnical and Geo-Environmental Site Investigation (May 2020) & Phase 2 Geotechnical and Geo-Environmental Site Investigation (Jul 2021) reports completed by Eastwood & Partners previously for this application site.

Environmental health has reviewed these for earlier applications at this site and commented as follows:

Environmental Health was notified by the Environment Agency in 2008 and 2009 that significant quantities of waste material (some of it considered hazardous at the time) was imported onto this site from various sources including from the M1 widening scheme and material believed to be contaminated with PFA from West Burton Power Station. This evidence remains on file.

Given this information, Environmental health do not consider that the material present

on site is representative of a single population and therefore appropriate for the statistical analysis that has been used to risk out the elevated contamination identified in this latest site investigation.

As such we would expect that more detailed site investigation is needed and cannot accept statistical analysis of the results of this investigation. We would therefore request the use of the full contamination condition on any planning application at this location.

In addition to the above, I would expect that these investigations would need to be reviewed to take into account the use proposed in this application which was not known at the time of the investigation. Due to this and the above, I would recommend the use of the full phased contamination condition.

6.15 1 Representation from a local resident has been received and is summarised in the points below:

- A cricket ground cannot be justified in Clipstone, especially across from a nature reserve.
- Concerns about wildlife
- Already losing green space to housing – not every green space needs to be built on
- Sports not the only thing beneficial to community – what about arts centres, wildlife centres and untouched green spaces?

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

- Principle of Development
- Impact on Visual Amenity, the Character of the Area and the setting of Heritage Assets
- Residential Amenity including Noise and Lighting
- Impact on Highways
- Impact on Ecology, Biodiversity, and Trees
- Drainage and Flood Risk

7.2 The National Planning Policy Framework (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 DPD.

7.3 Principle of Development

- 7.4 The site is allocated within the Allocations and Development Management Plan DPD for mixed use. The policy for the allocation is Policy CI/MU/1 Clipstone – Mixed Use Site 1 which states the following:
- 7.5 ‘Land at the former Clipstone Colliery has been allocated on the Policies Map for mixed use development. The site currently accommodates the Grade II listed headstocks and powerhouse to which national planning controls continue to apply in terms of their conservation. An options appraisal is currently under preparation to assess the future of this listed building. Assuming the retention of the headstocks and powerhouse, the site will accommodate around 120 dwellings, 12 hectares of employment provision, retail and enhanced Public Open Space. The retail element will be of a size and scale which helps facilitate the wider delivery of the scheme and may include a small supermarket and other complementary facilities to help to meet the needs of the site and the wider settlement.’
- 7.6 In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:
- A Master Plan, forming part of any planning application(s) setting out the broad locations for the different types of development and their phasing, taking account of infrastructure provision, constraints and the need to ensure that the delivery of the range of uses is not prejudiced;
 - Responding to the conclusions of the options appraisal for the future of the listed former colliery headstocks and powerhouse;
 - The implementation of suitable measures to address legacy issues such as openings within the site which relate to its former use as a colliery;
 - No residential development shall take place in areas identified as being within Flood Zones 2 & 3;
 - The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
 - Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;
 - The incorporation of buffer landscaping as part of the design and layout of any planning application to minimise the impact of development on the adjoining SINC and Vicar Water Country Park; and

- Green Infrastructure provision through the partial restoration of the site and connections to the Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6 through the design and layout of any planning application.
- 7.7 Policy DM2, 'Development on Allocated Sites' states in the emerging DPD that within sites allocated in the Allocations & Development Management Development Plan Document (A&DM DPD), proposals will be supported for the intended use that comply with the relevant Core and Development Management Policies, the site specific issues set out in the A&DM DPD and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD.
- 7.8 Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) encourages the provision of new and enhanced community and leisure facilities particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the District and beyond.
- 7.9 Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 7.10 Paragraph 103 of the NPPF reflects this and emphasises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 7.11 The proposal would provide new and improved sports facilities that are intended to replace the existing sports facilities at the Lido Ground in Mansfield District. The proposal involves a land swap whereby the existing sport facility site would be developed as a residential scheme (subject to planning permission under application ref 23/02268/OUTM). Subject to acceptance from Sport England that the proposed facilities would provide an equivalent or enhanced level of provision for the area, this

aspect of the proposal is acceptable in principle as the proposal would not only replace the existing facilities on a like for like basis but would enhance the facilities on offer upon completion of the scheme in its entirety. A legal agreement will be required to ensure the closure of facilities on the Lido site does not occur until the new replacement facilities, equivalent to the Lido site (as a minimum), are complete and open to the public. Notwithstanding this, the principle of the proposal on this site does not rely on the closure of the Lido site and is acceptable. The legal agreement would therefore be required in association with the application at the Lido site application (23/02268/OUTM) only and is not necessary for this application.

- 7.12 In terms of the overall principle, the proposal would align with the mixed use allocation for the wider site. It is noted that the emerging local plan is at an advanced stage and weight can be given to certain policies. The changes proposed to the allocations policy (CI/MU/1 Clipstone – Mixed Use Site 1) are shown below:

Policy CI/MU/1 Clipstone – Mixed Use Site 1

Land at the former Clipstone Colliery has been allocated on the Policies Map for mixed use development. The site currently accommodates the Grade II listed headstocks and powerhouse to which national planning controls continue to apply in terms of their conservation. ~~An options appraisal is currently under preparation to assess the future of this listed building.~~ Assuming Including the retention of the headstocks and powerhouse, the site will accommodate around 120 dwellings, 12 hectares of employment provision, retail and enhanced Public Open Space. The retail element will be of a size and scale which helps facilitate the wider delivery of the scheme and may include a small supermarket and other complementary facilities to help to meet the needs of the site and the wider settlement.

In addition to the general policy requirements in the Amended Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:

- A Master Plan, forming part of any planning application(s) setting out the broad locations for the different types of development and their phasing, taking account of infrastructure provision, constraints and the need to ensure that the delivery of the range of uses is not prejudiced;
- Responding to the conclusions of the options appraisal for the future of the listed former colliery headstocks and powerhouse;
- The implementation of suitable measures to address legacy issues such as openings within the site which relate to its former use as a colliery;
- No ~~residential~~ flood sensitive development shall take place in areas identified as being within Flood Zones 2 & 3;

- The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime and ensure that flood risk is not increased on-site or elsewhere;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;
- The incorporation of buffer landscaping as part of the design and layout of any planning application to minimise the impact of development on the ~~adjoining SINC~~ Local Wildlife Sites (which are both within and adjacent to the site) and Vicar Water Country Park;
- That as this allocation is within 400m of Sherwood Forest ppSPA, it has the potential to provide functionally linked habitat for woodlark and nightjar and therefore should be subject to the risk based approach set out in Policy DM7 Biodiversity and Green Infrastructure should be followed; and
- Green Infrastructure provision through the partial restoration of the site and connections to the Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6 through the design and layout of any planning application. Green Infrastructure and public open space shall be designed to reflect the need to provide SANGS to relieve recreational pressure on the Birklands & Billhaugh SAC in line with Policy DM7.

7.13 There is one minor modification to the above in the first paragraph of the policy to include 'up to' 12 hectares of employment provision, retail and enhanced Public Open

Space. Given the minor nature of the proposed modification, the emerging policy can be given significant weight.

- 7.14 The proposal is considered to accord with the amended version of the allocation policy. The sports facilities would broadly fall within the employment use (as jobs would be created), and public open space (E.G the grass sports pitches). The proposal has been shown within the context of the whole allocation which shows the 'Phase 1' residential element (approved under a separate planning application, albeit a Section 73 application is currently pending decision), and 'Phase 3' to the western side of the wider site which it is anticipated will come forward as a planning application in the near future. This therefore accords with the requirement of a masterplan. The site itself does not include the Headstocks, which is now under separate ownership. Nonetheless, there is no intention to remove the Headstocks therefore there is no direct conflict with the allocation policy in this respect. None of the proposed development would be within areas at risk of flooding (discussed further in Flood Risk section of report). Buffer landscaping is shown on the proposed site plan, and provision has been secured for a connection to Vicar Water via the approved planning permission (as such this is not required as part of this specific application). The new paragraph regarding the ppSPA is discussed in the ecology section of this report.
- 7.15 Considering the above, subject to site specific impacts which are discussed in detail below, the proposal is acceptable in principle.

8.0 Impact on Visual Amenity and the Character of the Area, including the Setting of Heritage Assets and the Landscape

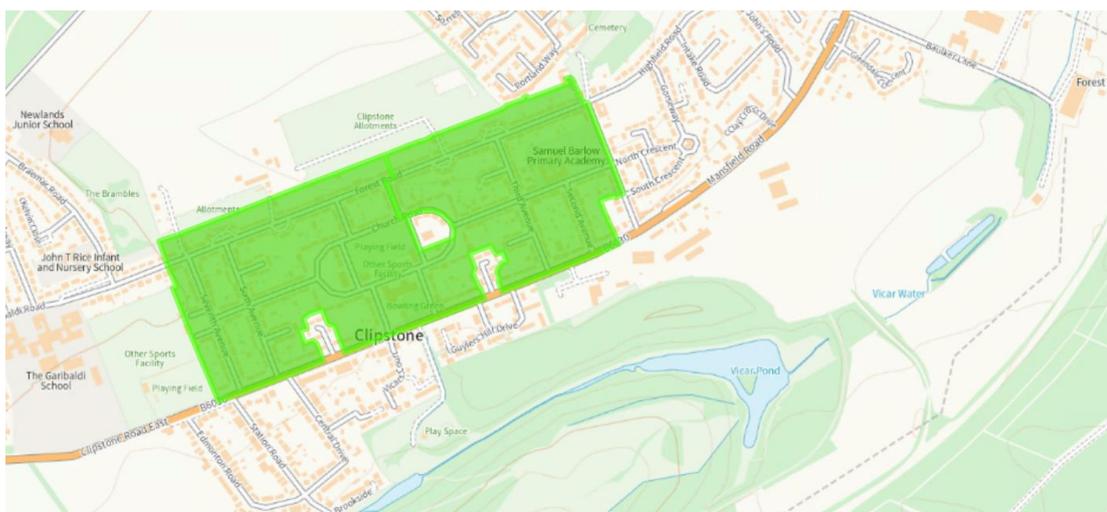
- 8.1 Policy DM5(b) states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13 of the Amended Core Strategy, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.
- 8.2 Core Policy 14 and DM9 seek to protect and enhance the district's heritage assets. Part 16 of the NPPF emphasises the importance of heritage assets, stating when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.3 Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 mandates that when considering whether to grant planning permission for

development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.5 The majority of the site falls within landscape character area SPZ 12, with a small area located within SPZ 51 which continues to the south of the site and includes Vicar Water. The Sherwood Policy Zone SPZ 12: Cavendish Woodland Estate lands and Wooded Farmlands character area is an undulating area that extends from a small water course, Vicar Water, at 70 metres in the east up to the built edge of Mansfield Woodhouse in the west. The land drops down to the River Maun in the north and borders the built edges of Forest Town and Clipstone to the south. The area is dominated by coniferous plantations (Intake Wood, Newlands, and Garibaldi Plantation) and intensive arable farming with a medium sized geometric field pattern. Around the coniferous plantations there are generally broadleaf margins which are made up of oak, elder, birch, sweet chestnut, beech and a little rowan. Along the railway line embankment to the eastern edge of Vicar Water is a tree and scrub belt of oak, birch, gorse and hawthorn. This area has a heathier character. The area around Baulker Farm is degraded by large industrial sheds, electrical sub stations and pylons and power lines run east to west across this area. The landscape condition is described in the SPD as 'poor' and the policy seeks to 'restore and create'.
- 8.6 Character area S PZ 51 Sherwood Forest Golf Course Wooded Farmlands lies to the south of the site. The Policy Zone area is largely shown as unenclosed heathland on Sandersons Plan of 1835. The area to the north east has been disturbed by mineral activity but heathland has successfully been restored in some areas. The Policy Zone has two designated SSSIs and four SINCS including Vicar Pond and Mansfield Colliery Railway (designated SINCS). The landscape condition is described in the SPD as 'very good.' The policy action is to 'conserve', including conserving the ecology diversity around Vicar Pond.
- 8.7 The proposed development is significant in scale, covering approximately 10.8 hectares. The site at present is undeveloped grassland, which surrounds the Grade II listed Headstocks. To the north eastern part of the wider site, permission has been granted for the construction of 126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works, and construction is well underway. The construction of a large residential scheme, along with the proposed sports and leisure facilities would inevitably alter the character of the site, creating built form where there is currently none. Nonetheless it is noted that the site is allocated for this purpose, therefore this would have been taken into consideration at the time of the allocation and in principle considered acceptable.
- 8.8 The wider Mansfield Road area (which lies to the north west of site) has a varied character, with a mix of modern residential development and circa 1950s dwellings to the northern side of the road, a row of hot food takeaways and an off licence, and large commercial sites further west. Mansfield Road has a strong urban character. The Headstocks is a dominating feature within the area. The site outline excludes the immediate area around the Headstocks (which is now under different ownership to the rest of the site), with the access road proposed to circle around it from Mansfield Road, and the sports facilities to be positioned to the south and south west of the Headstocks. Due to the proposed positioning, it is not considered that the proposed

facilities would compete with the Headstocks in a way that would impede the listed structure's significance. As mentioned earlier, it is inevitable that the surroundings would be altered as a result of the development, however a large proportion of the proposal would be low height development (car parking areas and playing pitches), so when considering the overall scale and massing, and the setback position from both the public highway and the Headstocks, the impact on the setting is considered to amount to less than substantial harm. This less than substantial harm should be weighed against the public benefits of the scheme in accordance with paragraph 215 of the NPPF. This is discussed in the Planning Balance and Conclusion Section of the report.

- 8.9 In terms of the character of the area generally, it is considered that the proposal would not result in an any unacceptable visual impacts, but would appear in keeping with the context of the surrounding development along Mansfield Road, as well as the adjacent residential development currently under construction.
- 8.10 In relation to the non-designated heritage asset, Clipstone Colliery Village, which lies to the west of the site and to the north side of Mansfield Road (see map extract below), it is considered that the site has sufficient physical separation from the NDHA, that the proposal would not result in an unacceptable impact on its setting.



- 8.11 The proposal would be mostly within the landscape character area SPZ 12 which is described as 'poor condition', whereas the character area to the south which is described as 'very good' would be undisturbed by the proposal. There is an opportunity to restore and create through the planting of trees as part of the landscaping scheme – this is discussed in more detail further on in the report.
- 8.12 In summary, it is not considered that the proposal would result in any significant adverse visual impacts to the character of the wider area or the surrounding landscape. The impact on the setting of the Headstocks would amount to less than substantial harm, however this should be weighed against the public benefits of the scheme in accordance with paragraph 215 of the NPPF. There would be clear public benefits for the community due to the nature of the development (new sports provision and community facilities), which are likely to outweigh the harm identified.

9.0 Impact upon Residential Amenity

- 9.1 Policy DM5(b) states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 9.2 Part 12 of the NPPF also seeks to ensure a high standard of amenity for future users of new development and neighbouring occupiers.
- 9.3 The closest residential properties would be those on the adjacent site (within the wider allocation site). The car park would be positioned next to the boundary and there would be planting along the boundary creating a buffer. The minimum separation distance would be approximately 12.9m and the adjacent dwellings would face towards the site. As such, the amenity of residential gardens would be protected further by the dwellings creating a separation between the rear gardens and the sports facilities site. There are no concerns in relation to overbearing impact or loss of light due to the proposed layout and separation distances. The proposed plan currently shows the approved layout for the adjacent residential development, whereby the dwellings in the eastern portion of the site would be quite close to the grass pitches. However, it is noted on the currently proposed plans for the residential site that this area has been left as open space, which, if approved, would reduce the number of properties in close proximity and therefore reduce potential noise issues. The site is also adjacent to 8 existing properties on Greendale Crescent, where the rear gardens back onto the site. There would be a minimum distance of 17m to the site boundary from the rear elevations of the properties, with the multi sports area positioned in closest proximity, shown a minimum of 30m from the rear elevations (albeit the pitches in this area would be flexible). The separation distances are considered sufficient in this instance that there would not be an unacceptable impact on amenity for existing occupiers.

Noise

- 9.4 The proposed development has the potential for high noise levels. A noise report has been submitted as part of the application and this has been reviewed by the Council's Environmental Health Officer. Their comments are as follows:

Noise impacts have been assessed for the use of sports pitches as well as entertainment noise from the clubhouse building. Sports facilities area considerably more distant than the minimum recommended by Sports England and predicted noise levels are acceptable. I therefore have no objection to the development as proposed.

- 9.5 It is noted that the layout has been amended since the above comment, however the amendment was to swap the grass pitch and the 3G pitch – the pitch inside the Stadia is now proposed to be 3G instead of grass, and where the 3G AGP pitch was previously proposed, a full sized grass pitch is proposed. This should reduce noise as the AGP would be inside the stadia so the timber perimeter fence would hold noise inside the stadium. There will be no ball rattle on AGP fencing.

Lighting

- 9.6 In relation to lighting, the amended plans would also see a reduction in floodlight quantity requirements as the full sized grass pitch would only require evening training lights and would be lit from 1 side.
- 9.7 Considering the comments from the Environmental Health Officer and the amendments to the scheme which should improve amenity for neighbouring occupiers, there are no concerns in relation to impact on amenity. The proposal would accord with Policy DM5(b), and Part 12 of the NPPF.

10.0 Impact upon Highway Safety

- 10.1 DM5(b), Spatial Policy 7, and Part 9 of the NPPF seek to ensure there is safe and suitable access for all users for new development. Sustainable modes of transport should be encouraged, and adequate parking provision incorporated.
- 10.2 The proposal includes a new access road off Mansfield Road and car parking. Initial comments from NCC Highways raised an objection to the scheme, noting issues with the trip rates, parking provision, the access width, and drainage for the access road.
- 10.3 Additional information and revised drawings have been submitted throughout the lifetime of the application to address the objection and comments that were received on 19.6.2025 from NCC Highways conclude no objection to the scheme subject to conditions. Although further technical details of the proposed access have been submitted, NCC has requested that the recommended conditions are attached to any permission, to ensure that there is sufficient time to properly assess the detailed drawings. This is considered reasonable.
- 10.4 The comments from the Parish are noted, however the proposed parking provision includes 225 spaces within the car park (inc. 15 disabled spaces; 8 EV charging; and 15 large/mini bus spaces); and a further 40 spaces within an overflow parking area on the grass, north of the multi sports area. This is considered sufficient parking provision. A pedestrian connection is proposed to the adjacent residential development, as well as gated emergency access.
- 10.5 The latest comments from NCC Highways are detailed below:

TRAFFIC COUNTS / ASSESSMENTS

- 10.6 *Further traffic counts have been carried out. Please note that we advised that January counts may not be acceptable and that we recommended that count dates were agreed with the Highway Authority, but the dates are not agreed.*
- 10.7 *We do agree that the assessment work carried out using the Tuesday data from 2024 is the most robust of that presented and suitable for the site access. Considering the wider network, there appears to be a significant disparity between the total traffic movements in March 2024 compared to the counts in January 2025 for the additional junctions. However, whilst this unacceptable data has been used for the assessments*

of the additional junctions further afield, it has been agreed with the applicant that assessment of these junctions using acceptable count data is likely to show that this development by itself will not have a severe impact. However, the Highway Authority wish to make it clear that this count data is not considered acceptable, and it will not be accepted for use in assessments for any further phases within the overall allocation.

- 10.8 *It should also be noted that the trip rates used for the other phases within the overall allocation for the purposes of considering allocated development are not agreed.*

CAR PARKING PROVISION

- 10.9 *It is stated that what is proposed is based on the info in the 2024 Transport Assessment (TA) and can therefore be considered robust. Whilst this is based on the information said to be a Saturday in previous iterations of the TA, the count was actually undertaken on Easter Bank Holiday Monday. However, it is on public record that 248 people attended this match which is robustly representative of other matches and therefore is acceptable to base car parking provision on.*

- 10.10 *Some of the agreed parking is shown as overflow parking and the site plan (1353 - A (08)102_Rev A08) shows access to this being over a grass track. As the main football season falls across winter months, a grass track may become unusable, and a condition to provide suitable surfacing will be requested, to include the both the access and parking area.*

- 10.11 *It is understood that delivery of the development will be phased, with the first phase replicating the existing provision on the LIDO ground. The 108 spaces proposed will be adequate for this, but there is nothing formally submitted to planning indicating the proposed layout and parking provision so it is recommended that the LPA capture this by condition.*

OTHER MATTERS

- 10.12 *The previously highlighted exaggerated geometry at the proposed site access in the assessments has still not been addressed. However, rather than showing a capacity issue, amending this is likely to show that some queuing will occur. With such facilities, vehicles tend to arrive at very similar times which would cause an unacceptable obstruction to the B6030. To address this, the applicant would need to provide a right turn bay between the two refuges, which will consist simply of amendments to the white lining.*

- 10.13 *To address previous comments about cycle access to the internal shared route, the applicant has submitted drawing number CSCC-BSP-ZZ-XX-D-S-1001 rev P06 'Proposed Site Access'. This indicates a cycle crossing point to the south of the access which has the narrower refuge and indicates a severe 'jug handle' style arrangement for cyclists to access and appears to show a narrowing of the existing footway to the north where a cycle crossing point could be provided for northbound cyclists to return to carriageway. However, it is thought possible to provide suitable facilities, and we will request a condition for a scheme to be first submitted and approved.*

- 10.14 *There is no crossing point for cyclists from the shared route along the access road to*

the grounds, and this will be requested by condition. This will need to be sited near to the gated access, where it will also serve the eventual route running north-south to Vicar Waters.

HIGHWAY DRAINAGE

10.15 *It is understood that the proposed road follows the approximate line of an old easement for highway drainage, which was disturbed when the site was levelled and has led to flooding on Mansfield Road in recent years. It is understood that during the progress of this application the landowner has been in discussions with the Highway Authority and is agreeable to a drainage system being reinstated within the proposed footway/cycleway and linking to outfalls downstream. The Highway Authority would wish to highlight to the LPA the positive impact of this to the highway.*

10.16 ***Considering the above, the Highway Authority offer no objections subject to the following conditions:***

1. *No development shall be commenced until a phasing plan for carrying out the approved works has been submitted to, and approved in writing by the local planning authority. The approved phasing plan shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority.*

Reason: To ensure that there is sufficient parking provided for the development, to reduce the chances of any overspill parking.

2. *Notwithstanding submitted drawing CSCC-BSP-ZZ-XX-D-S-1001 rev P06 'Proposed Site Access', the development shall not be brought into use until an access has been provided in accordance with a drawing to be first submitted to and approved in writing by the local planning authority.*

Reason: In the interests of highway capacity and safety.

3. *The development shall not be brought into use until a cycle/pedestrian crossing point has been provided on the access road, in accordance with a drawing to be first submitted and approved in writing by the local planning authority.*

Reason: In the interests of highway safety

4. *The emergency access gate shown on the approved plans shall be kept locked and closed at all times, except in the event of an emergency. The gate shall not be used for routine access or egress to the site. A notice shall be displayed on or adjacent to the gate stating that it is for emergency use only.*

Reason: The residential roads and access junction are not adequate to serve a recreational development.

5. *The overflow parking area and access track shall be surfaced in accordance with details to be first submitted to and approved in writing by the local planning authority.*

Reason: To ensure that the overflow parking area is accessible, to ensure that there is sufficient parking provided for the development to reduce the chances of any overspill parking

10.17 Taking into consideration all of the above, subject to the above conditions, the proposal would not result in any unacceptable impacts to the highway network or to highway safety, in line with Spatial Policy 7, DM5(b) and Part 9 of the NPPF.

11.0 Impact on Ecology, Biodiversity, and Trees

11.1 Policies DM5(b), DM7, and Core Policy 12 seek to protect and enhance biodiversity within the District. Part 15 of the NPPF reflects this, setting out principles to conserve and enhance the natural environment.

11.2 Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [70](#) and a suitable compensation strategy exists; and

11.3 The application site forms part of a wider allocated site for mixed development. The site is not identified as a locally designated site, although it is adjacent to Vicar Water which is designated as a Local Nature Reserve. No loss of irreplaceable habitats is proposed.

11.4 An ecological survey was carried out on the wider site in association with the adjacent development for housing. The same reports have been used for this application, supplemented by an addendum to explain that a walkover of the site was carried out in 2022 to establish if there have been any notable changes to the site. The walkover confirmed that the previous assessments were still valid and the Council's Ecology Officer is in agreement with this.

- 11.5 Having reviewed the submitted information, the Council's Ecology Officer has stated that the development will result in a net loss of 27.5% biodiversity value, representing significant harm to biodiversity. This is using a bespoke calculation that was created for assessment of the adjacent housing development (agreed with the applicant) and for consistency purposes has been used for this site. For the avoidance of doubt, this is not a statutory metric, and is different to mandatory biodiversity net gain (BNG) calculations, as BNG does not apply to the proposal. This is because the application was submitted prior to mandatory BNG coming into force, therefore is exempt.
- 11.6 There are large areas of neutral grassland (TN1, TN2 and TN9) that would be lost due to the development, and it is this element in particular that cannot be mitigated for on-site (like for like) due to the large areas of land that would be required. As such, the submitted ecology report recommends that offsite compensation is secured to ensure the impact is not significant. This is reflected in the comments from the Council's Ecology Officer. The pre-development baseline and the post-development baseline values are detailed in the tables below (produced by the Council's Ecology Officer).

Table A: Pre-development baseline value			
Habitat (Target Note Reference)	Geographical Value (Score)	Area (Ha)	Value (Units)
Neutral Grassland (TN1)	District (3)	8.8092	26.428
Neutral Grassland (TN2)	Local (2)	0.948	1.896
Bramble Scrub (TN3)	Site (1)	0.173	0.173
TN4 and part of TN12 Plantation Conifer Woodland	Site (1)	0.157	0.157
Tall Ruderal (TN6)	Site (1)	0.103	0.103
Bare ground (TN6)	Site (1)	0.044	0.044
Dense Scrub (TN6)	Site (1)	0.1265	0.1265
Neutral Grassland (TN6)	Local (2)	0.1265	0.1265
Gorse Scrub (TN7)	Site (1)	0.014	0.014
Dense Scrub (TN8)	Local (2)	0.291	0.582
Marshy Grassland (TN9)	Site (1)	0.016	0.016
Plantation Broadleaved Woodland (TN12)	Local (2)	0.0498	0.0996
Neutral Grassland (TN1)	District (3)	1.0087	3.0261
	TOTALS	11.8667	32.7917

Table B: Post-development baseline value			
Habitat Type	Geographical Value (Score)	Area (Ha)	Value (Units)
Amenity Non-native Shrubs	Site (1)	0.0202	0.0202
Artificial surface pitch	None (0)	0.7422	0
Developed land; sealed surface	None (0)	1.6079	0
Modified Grassland (Amenity Grassland)	Site (1)	8.112	8.112
Native shrubs	Local (2)	0.2637	0.5274
Native Species Hedge with Trees	Local (2)	0.07	0.14
Native Species Hedgerow	Local (2)	0.1643	0.3286
Plantation Broadleaved Woodland	Local (2)	0.4217	0.8434
SUDS Balancing Pond	Local (2)	0.4647	0.9294
	TOTALS	11.8667	10.901

- 11.7 In accordance with Paragraph 193(a), where there is significant harm to biodiversity that is not compensated for (as a last resort), then development should be refused. Unlike the following sections (193b and c) which relate to SSSIs and irreplaceable habitats, there is no exception provided by the policy.
- 11.8 At present, according to the calculation carried out by the Council's Ecology Officer, the proposal would result in a loss of approximately 21 'units'. To adequately mitigate this, the same number of units would need to be provided offsite and secured via a legal agreement. Alternatively, a financial contribution could be agreed that would reflect the value of the units, to provide compensation elsewhere in the District (for example to go towards the creation of a habitat bank). As the method is not statutory, there is no set value per unit, however if a value comparable to BNG was used, this would equate to a minimum of £25,000 per unit (resulting in a contribution requirement of approximately £525,000).
- 11.9 Unlike the adjacent housing development which was assessed using the same bespoke method, due to the nature of the development (a community use) there is insufficient funding for the offsite contribution to be provided. The funding for the development is coming from the Levelling Up Fund. The NSDC Major Projects Officer who is overseeing the delivery of this project has provided the following comment:

'Due to external funding availability, the development of the Clipstone Miners Welfare Community Trust new colliery site development, has budget constraints to being able to deliver the new sports site to required standards and funding outputs. Pressures on this budget to complete the scheme to the required standards means that there is no additional funding available for provision of asks beyond this.'

- 11.10 The NPPF is clear that where there is significant harm development should be refused – there is no scope provided within the paragraph to balance this with public benefits. As such, approving the development without mitigation or compensation would be contrary to paragraph 193(a) of the NPPF. It should be noted that the paragraph is proposed to be retained within the draft version of the NPPF (December 2025) which is currently at consultation stage.
- 11.11 Notwithstanding the above, a recent appeal decision (ref APP/X0360/V/24/3339712) confirms that, *'the words 'should not' do not mandate the refusal of permission, as a matter of national policy, or even establish a presumption against the grant of permission.'* The appeal is in relation to flood risk matters however is relevant to this assessment as the wording of paragraph 193(a) is structured in the same way - it states, *'should not be refused'* (emphasis added). The appeal decision goes on to evidence that this wording does not mandate refusal of a proposal using a Court of Appeal judgement, stating (emphasis added):

122. This is clear from the Court of Appeal's judgment in the case of R (on the application of Asda Stores Limited) v Leeds City Council and others. That case centred on the interpretation of what is now NPPF paragraph 95, which provides, in summary, that where a proposal fails the sequential or retail

impact test it 'should be refused'. The Court of Appeal categorically confirmed that these words did not mandate refusal of the scheme, and that the words 'should be refused' do not mean 'must be refused'. The judgement further commented that the policy is not imperative and does not dictate a refusal of planning permission. Nor, the Court confirmed, did the words create a 'presumption' against the grant of permission. Whilst the effect of the policy is that there is a negative factor in Government policy counting against the proposal as a material consideration, also implicit in the policy is a requirement for planning judgment to be exercised in its application.

123. Thus, whilst it is accepted that the effect of Table 2 in the PPG is to create a negative factor in Government policy counting against the application proposal, and that this is a material consideration, there is still an implicit requirement for planning judgment to be exercised in its application.

- 11.12 Considering the above, significant harm to biodiversity should be treated as a negative factor in Government policy counting against the proposal as a material consideration, however planning judgment should be exercised in its application, taking all material considerations into account, and the wording does not automatically mean where there is significant harm a proposal must be refused.
- 11.13 When looking at the allocation site as a whole, off-site mitigation has been secured for the housing development (Phase 1), and Phase 3 will be caught by mandatory BNG and will not only have to ensure no net loss of biodiversity value, but will require a 10% gain. In addition, works have been carried out to the water course immediately south of the application site (as part of the Three Rivers Project) which will improve the biodiversity value of the wider area. This work was carried out by Severn Trent Water as permitted development and was not done as a direct result of the proposed development. However, the intention of the applicant was to utilise these works as part of the mitigation for the loss of biodiversity value on site. This cannot be quantified in terms of a value and therefore has not been included in the mitigation for the scheme. It is acknowledged that these works were carried out under permitted development rights, by Severn Trent, however the works did not have to be on this particular site, and it is the landowner who facilitated this to happen. As such, although not quantifiable, it is considered reasonable to see the Three Rivers Project as increasing the biodiversity of the wider site, as a whole.
- 11.14 Overall, although there are discrepancies between the Council's Ecology and the Ecologist working on behalf of the applicant in terms of how much the loss on site would be, there is no dispute that the development will result in an overall loss of biodiversity value on site and therefore significant harm. There is no statutory definition of what constitutes 'significant' in this context, however given this is the professional opinion of both the Council's Ecologist and the applicant's Ecologist, the level of impact is accepted. Although there would be a net loss overall, some mitigation would be provided as far as possible on the site (as detailed in the Landscape Phasing Strategy document received 10th February 2026) and this can be secured by condition, along with a requirement for further detail and a management plan. The strategy includes planting of woodland between the site and the adjacent residential development; additional planting along the southern boundary (existing

woodland); landscaping within the car parking area; trees and hedgerow lining the access road; and a drainage basin – trees would be cleared around this area to enable development of aquatic vegetation by natural colonisation. This process is to be accelerated by using wetland seed and marginal planting.

- 11.15 In addition, the Landscape Strategy document sets out aspirations for community involvement with the planting. This does not in itself contribute to any quantitative value, but can be seen as a positive aspect of the development and landscaping strategy.
- 11.16 It is accepted that off-site compensation is not feasible for the project to go ahead as there is already a shortfall in funding for the scheme as proposed. At present there is no additional funding available to account for off-site mitigation or financial compensation as noted in the comments from the Council's Major Projects Delivery Manager. Considering the significant community benefits of the scheme, and the allocation of the site, it is not considered reasonable to increase the burden of cost and potentially preclude the development from happening, if the benefits of the proposal (economic, social, and environmental) outweigh the harm.
- 11.17 The significant harm to biodiversity must be considered as part of the overall planning balance of the application and therefore this is weighed up in the Planning Balance and Conclusion section of the report.

Designated Sites

- 11.18 In relation to Designated Sites, the Council's Ecology Officer has provided the following comments:

Statutory Designated Sites – Habitats Regulation Assessment

- 11.19 *The desk study identified that the application site is 4km from Birklands and Bilhaugh Special Area of Conservation (SAC). Paragraph 4.2.2 of the Ecological Appraisal concludes that there would be no direct or indirect impacts on the SAC given the nature of the proposal. I would agree with this conclusion.*
- 11.20 *Paragraphs 4.2.3 to 4.2.10 consider the nationally unique Sherwood Forest possible potential Special Protection Area (ppSPA) and 'risk-based approach' recommended by Natural England with the conclusion that "...the proposed conservation objectives for the Sherwood Forest Area ppSPA will not be compromised as a result of the development proposals...". I would concur with that view, but as correctly set out in paragraph 5.1 of the Ecological Appraisal, as the 'Competent Authority' NSDC is required to undertake an Appropriate Assessment of potential impacts on these sites via a Habitats Regulations Assessment (HRA). The need for an HRA has also been highlighted in Natural England's consultation response. This can be undertaken by adopting a shadow HRA provided by the applicant or by NSDC undertaking the HRA. As no shadow HRA has been provided this will have to be prepared by NSDC, and in that respect I can advise that sufficient information has been provided by the applicant to enable NSDC to prepare the HRA and I am able to prepare this.*

Non-statutory Designated Sites – Local Wildlife Sites (LWS)

- 11.21 *I would concur with the conclusion that during the construction phase any potential adverse impacts on the immediately adjacent LWS can be mitigated by the adoption of appropriate working methods. These can be secured by an appropriate planning condition.*
- 11.22 Considering the above, subject to conditions, the proposal would not impact on any designated sites.

Trees

- 11.23 Regarding trees specifically, the submitted Arboricultural Impact Assessment summarises that there would be no impact to any tree with statutory protection. There would be a permanent loss of some trees from the site (TG06 and part of TG07), however it is noted that given the age, condition and scattered nature of TG06 this will have a negligible impact on the site's amenity value, and the partial loss of TG07 would have a minor impact. However, the loss would be more than mitigated by the proposed landscaping which is in excess of 800m proposed planting. Subject to conditions to ensure the trees to be retained are adequately protected, and conditions to secure the proposed planting, it is considered the overall impact on trees is acceptable.

Summary

- 11.24 In summary, subject to conditions there would be no unacceptable impacts on trees, protected species, or nearby designated and non-designated sites. The biodiversity loss on site due to the loss of grass is discussed as part of the planning balance exercise at the end of this report.

12.0 Flood Risk and Drainage

- 12.1 Core Policy 10 relates to climate change and amongst other things seeks to steer new development away from those areas at highest risk of flooding, and ensure that new development positively manages its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.
- 12.2 Paragraph 181 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁶³.
- 12.3 An extract of the updated EA Flood map is shown below. All of the proposed development would be within Flood Zone 1 (low risk) therefore there are no concerns in relation to fluvial flood risk.



12.4 In relation to surface water, a drainage scheme has been submitted as part of the application. The LLFA has commented that they have no objection to the scheme subject to a condition which has been included at the end of this report. As such, subject to the condition, it is not considered the proposal would increase flood risk for future users of the development, nor for the surrounding area, in line with Core Policy 10 and Part 14 of the NPPF.

13.0 Other Matters

13.1 **CIL** – The proposal is not CIL liable as the development type proposed is zero rated in this location.

13.2 **BNG** – This application is exempt from mandatory biodiversity net gain as it was submitted prior to 12th February 2024 when the legislation came into effect.

14.0 Implications

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.

14.1 Legal Implications - LEG2526/854

14.2 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.

15.0 Planning Balance and Conclusion

15.1 The NPPF sets out that at the heart of the Framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 15.2 In summary, the principle of development on this site is acceptable – the site forms part of a wider allocation for mixed use development and the proposal would contribute to the aims of the allocation policy. The site specific impacts have been assessed and in relation to residential amenity, highways impact, and flood risk, there are no concerns (subject to conditions as requested by the relevant consultees). The 2 key issues further to the assessment relate to the visual impact of the proposal, in relation to the setting of the Grade II Headstocks, and the significant harm to biodiversity value mainly due to the loss of grassland.
- 15.3 The NPPF sets out that where there is less than substantial harm to a heritage assets, this should be weighed against the public benefits of the proposal. The Conservation Officer comments set out there would be no heritage benefit to the scheme, which Officers agree with. There are however a wide range of public benefits that the scheme would bring about. These are set out below.

Economic, Social and Environmental Benefits of the Proposal

- 15.4 The proposal would provide new and enhanced facilities to replace the facilities at the Lido Ground. The facilities would support not only sports use (football and cricket), but includes a new clubhouse that could accommodate community events. The new facilities include a full size 3G pitch within the stadia that would allow all year round use. The wider site includes a new bridleway connection to link the site with Vicar Water Country Park to the south, enabling better connection and access to nature. A pedestrian connection through to the residential development would also be provided, encouraging sustainable travel modes. The proposed landscaping and planting phases would encourage community involvement which could be community groups or schools. As a whole, the proposal would encourage healthier communities as strongly supported by the NPPF.
- 15.5 The scheme would create jobs during the construction phase, as well as jobs directly linked to the facilities, which would contribute to the local economy. It is noted there

has only been one local resident objection to the application (the points raised are covered by the relevant sections within this report).

- 15.6 With the above in mind, it is considered that the less than substantial harm would be clearly outweighed by the public benefits of the proposal.
- 15.7 In relation to the significant harm to biodiversity, the applicant's Ecologist submitted further comments (dated 25.11.2025) in response to the Council's Ecologist's (NL) comments. An extract is below:
- 15.8 *NL's decision that the loss of grassland is 'significant' is not unexpected, but as to whether the mitigation being proposed is sufficient to reduce the significance to acceptable levels such that a planning balance can be applied is not considered. NL's metric is helpful because it quantifies the magnitude of the deficit but given that it is not a statutory mechanism it should be recognised that other mitigation measures for species and the watercourse de-culverting contribute to an overall package. As such, impacts have been minimised on site and there are proposals for species mitigation, in compliance with. policy NPPF 187d.*
- 15.9 The comments imply that there is some element of judgement to be had here as to whether the overall impact is 'significant', when considering the proposed planting within the scheme, including woodland planting.
- 15.10 The harm to biodiversity is the only negative factor in the balance, that could potentially warrant refusal.
- 15.11 Although the wider site is allocated as a whole, the site has come forward in phases. The residential development represents Phase 1, this application for sports facilities represents Phase 2, and Phase 3 is yet to come in as an application (although it is expected this will be submitted shortly). In many ways, it would have been simpler if the site had been put forward as one outline application, however if this had been the case, none of the site would have been subject to biodiversity net gain. Because the site has come forward in phases, Phase 3 will require a 10% net gain in biodiversity value. Although this will be a separate application, because BNG is mandatory, this could be seen as offsetting some of the loss on the 'Phase 2' site when considering the allocation site as a whole. In addition, the proposed landscape strategy would offset some of the loss and it could be considered to reduce the level of harm from significant to adverse.
- 15.12 Ultimately, there would be a loss of biodiversity value on the site, and due to funding constraints, off-site compensation is not considered feasible. However, it is also considered that the scheme that would bring about significant public benefits, across all three overarching objectives within the NPPF to achieve sustainable development. There is a need to work cooperatively on allocated sites of this nature, and considering the enhanced sports provision that would be provided for the community, combined with the wider ecological benefits brought about through the development of the wider allocation, officers are fully in support of the proposal. The benefits of the scheme overall are considered to outweigh the harm to biodiversity (whether

considered significant or adverse). It is therefore recommended that planning permission is granted, subject to conditions. There are no material considerations to indicate otherwise.

16.0 Conditions

1. The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:

- 1353-A-(08)100_A02 Site Location Plan received 5th February 2026
- 1353-A-(08)102_REV A011 Revised Proposed Site Plan received 5th February 2026
- 1353-A-(08)302_Rev A02 Proposed 3G Stadia Pitch received 3rd March 2026
- 1353-A-(08)303_REV A03 Proposed Fences and Gates received 5th February 2026
- 1297 LPS Landscape Phasing Strategy received 10th February 2026
- Transport Addendum received 4th June 2025
- CST-DCE-XX-XX-DR-C-5000 P03 Drainage Strategy received 4th April 2025
- FRA Addendum and Drainage Statement received 4th April 2025
- Transport Addendum received 27th March 2025
- Updated Ball Strike Report receive 26th November 2024
- Travel Plan received 29th October 2024
- CST DCE XX XX DR C 9000 REV P04 Earth Works and Levels Strategy received 18th October 2024
- Agronomy Report (and Appendix 1-8) received 18th October 2024
- Design and Access Statement Rev 1 received 18th October 2024
- Mitigation Report received 18th October 2024
- Noise Assessment Report received 18th October 2024
- Transport Assessment received 18th October 2024
- Travel Plan received 18th October 2024
- 01 REV 00 Floodlighting Scheme received 17th October 2023
- 1 REV D Site Appraisal Sports Pitch Levels Sheet 1 received 17th October 2023
- 1353 A 08 103 REV A00 Full Allocation Masterplan received 17th October 2023
- 1353 A 08 200 REV A00 Proposed Floorplan received 17th October 2023
- 1353 A 08 201 REV A00 Storage Container Plans and Elevations (Existing) received 17th October 2023
- 1353 A 08 202 REV A00 Proposed Kiosk Plans and Elevations received 17th October 2023
- 1353 A 08 203 REV A00 Proposed Bin Store Plan and Elevations received 17th October 2023
- 1353 A 08 205 REV A00 Proposed Cricket Store and Elevations received 17th October 2023

- 1353 A 08 206 REV A00 Proposed WC Plan and Elevations received 17th October 2023
- 1353 A 08 207 REV A00 Typical Proposed Tiered Standing Plan and Elevations received 17th October 2023
- 1353 A 08 208 REV A00 Proposed Typical Seated Stand Plan and Elevation received 17th October 2023
- 1353 A 08 209 REV A00 Proposed Bicycle Store received 17th October 2023
- 1353 A 08 300 REV A00 Proposed Elevations received 17th October 2023
- 1353 A 08 400 REV A00 Proposed Sections received 17th October 2023
- 1353 A 08 500 REV A00 Proposed Roof Plan received 17th October 2023
- Arboricultural Impact Assessment dated October 2023

Reason: So as to define this permission.

3. The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

4. Prior to first use of the development hereby approved a Biodiversity/Landscape Environmental Management Plan (LEMP) based on the submitted Ecological Appraisal carried out by Rachel Hacking Ecology dated 2.10.2023 shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - a) purpose, aims and objectives of the scheme;
 - b) a review of the site's ecological potential and any constraints;
 - c) description of target habitats and range of species appropriate for the site;
 - d) selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
 - e) selection of specific techniques and practices for establishing vegetation;
 - f) sources of habitat materials (e.g. plant stock) or species individuals;
 - g) method statement for site preparation and establishment of target features;
 - h) extent and location of proposed works;
 - i) aftercare and long term management;
 - j) the personnel responsible for the work;
 - k) timing of the works;
 - l) monitoring;
 - m) disposal of wastes arising from the works.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity.

5. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should include details on the following:

- a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities; the erection and maintenance of security;
- b) the hours of construction work and deliveries;
- c) Construction phasing
- d) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours)
- e) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- f) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- g) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- h) waste management;
- i) protection measures for hedgerows and grasslands.
- j) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details.

Reason: In the interests of highway safety and residential amenity.

6. Prior to commencement of development on site, the trees to be retained shall be adequately protected in accordance with Sections 5.4 and 5.5 of the Arboricultural Impact Assessment, and the Tree Protection Plan.

Reason: In the interest of trees and biodiversity.

7. Prior to first use of the development hereby approved, a detailed soft landscaping and mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should broadly align with the submitted Landscaping Strategy (received 10th February 2026).

Reason: In the interests of visual amenity and biodiversity.

8. The approved soft landscaping shall be completed in accordance with a landscape phasing plan to be first submitted to and approved in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

9. Prior to first use of the development hereby approved, a detailed mitigation plan based on the 'On-site Mitigation' measures set out in Section 3.1 of the Biodiversity Mitigation Assessment received 15th July 2025 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in full within the first planting season following completion of the development unless otherwise agreed in writing with the Local Planning Authority as part of the Landscape Phasing Plan.

Reason: In the interests of biodiversity.

10. Prior to installation, details of any external lighting to be used in the development shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity.

11. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - F sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Dice Flood Risk Assessment (FRA) Addendum and Drainage Strategy REPORT REF: CST-DCE-XX-XX-RP-C-0001 dated October 2024, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to 2 litres per second per hectare for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

13. Notwithstanding submitted drawing CSCC-BSP-ZZ-XX-D-S-1001 rev P06 'Proposed Site Access', the development shall not be brought into use until an access has been provided in accordance with a drawing to be first submitted to and approved in writing by the local planning authority. The access shall then be constructed in accordance with the approved details prior to first use of the development.

Reason: In the interests of highway capacity and safety.

14. Prior to first use of the development hereby approved, the hard landscaping shall have been completed in accordance with details to be first submitted to and approved in writing with the local planning authority unless otherwise agreed in writing with the Local Planning Authority through the submission and approval of a hard landscaping phasing plan.

Reason: To ensure there is sufficient parking provision and access to the development.

15. The development shall not be brought into use until a cycle/pedestrian crossing point has been provided on the access road, in accordance with a drawing to be first submitted and approved in writing by the local planning authority.

Reason: In the interests of highway safety

16. The emergency access gate shown on the approved plans shall be kept locked and closed at all times, except in the event of an emergency. The gate shall not be used for routine access or egress to the site. A notice shall be displayed on or adjacent to the gate stating that it is for emergency use only.

Reason: The residential roads and access junction are not adequate to serve a recreational development.

17. Prior to first use of the overflow parking area and access track, these shall be surfaced in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the overflow parking area is accessible, to ensure that there is sufficient parking provided for the development to reduce the chances of any overspill parking.

18. 3G pitch details

No development shall commence until details of the design and layout of the 3G artificial grass pitch, including, carpet specification, shock pad inclusion, sub-base construction, infill mitigation measures, drainage strategy, maintenance strategy and associated equipment and compliance with the requirements to be on the FA 3G pitch register have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The 3G artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

19. 3G Pitch Testing for Match Play

Use of the development shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits.

20. Cricket Net Details

No development shall commence until details of the design and layout of the Cricket Nets have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The Cricket Nets shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

21. Site Formation Preparation Strategy

Prior to the site remodelling required to achieve suitable conditions for sports ground development a site formation preparation strategy shall be submitted to and approved in writing by the local planning authority. The site formation preparation strategy should be based on the findings and recommendations of the Agronomy Report (May 2024). The scheme shall be fully implemented in accordance with the approved details.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

22. Playing Field Details

(a) Following the completion of the site remodelling work and prior to the commencement of works to construct the playing field the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

The submitted documents should take into account the findings and recommendations of the Agronomy Report (May 2024).

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

23. Playing Field Maintenance

Prior to first use of the development hereby approved, a schedule of playing field maintenance including a programme for implementation for a minimum period of 5 years starting from the commencement of use of the development shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose.

24. The Stadia pitch and full size grass pitch and associated sports lighting shall not be used outside the hours of:

- a) 8 a.m. and 10 p.m. Monday to Friday;
- b) 8 a.m. and 10 p.m. on Saturday; and
- c) 8 a.m. and 8 p.m. on Sunday [and public holidays].

Reason: To balance illuminating the playing field/sports facility for maximum use and benefit to sport with the interest of amenity and sustainability.

25. Community Use Agreement

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G pitch and the multi-sport hub and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

26. Management and Maintenance Scheme

Before the multi-sport hub is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. For the Artificial Grass Pitch this should include a plan to ensure that the surface is replaced at the end of its usual life span. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the multi-sport hub.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply:

o The application was submitted to the Council prior to 12th February 2024.

04

The applicant is advised that the design and layout of the 3G artificial grass pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

Particular attention is drawn to: Sport England's Artificial Surfaces for Sport Guidance.

05

Informative (artificial grass pitches – football only). The applicant is advised that the pitch should be tested in accordance with The FA standard code of rules and be registered on the FA Register for 3G Football Turf Pitches.

06

Informative (artificial grass pitches football only) – The applicant is advised that for any football match play to take place the pitch should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality or International Match Standard (IMS) as a minimum.

07

Informative (artificial grass pitches for Steps 1 to 6 of the FA's National League System) – The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

08

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

09

It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

10

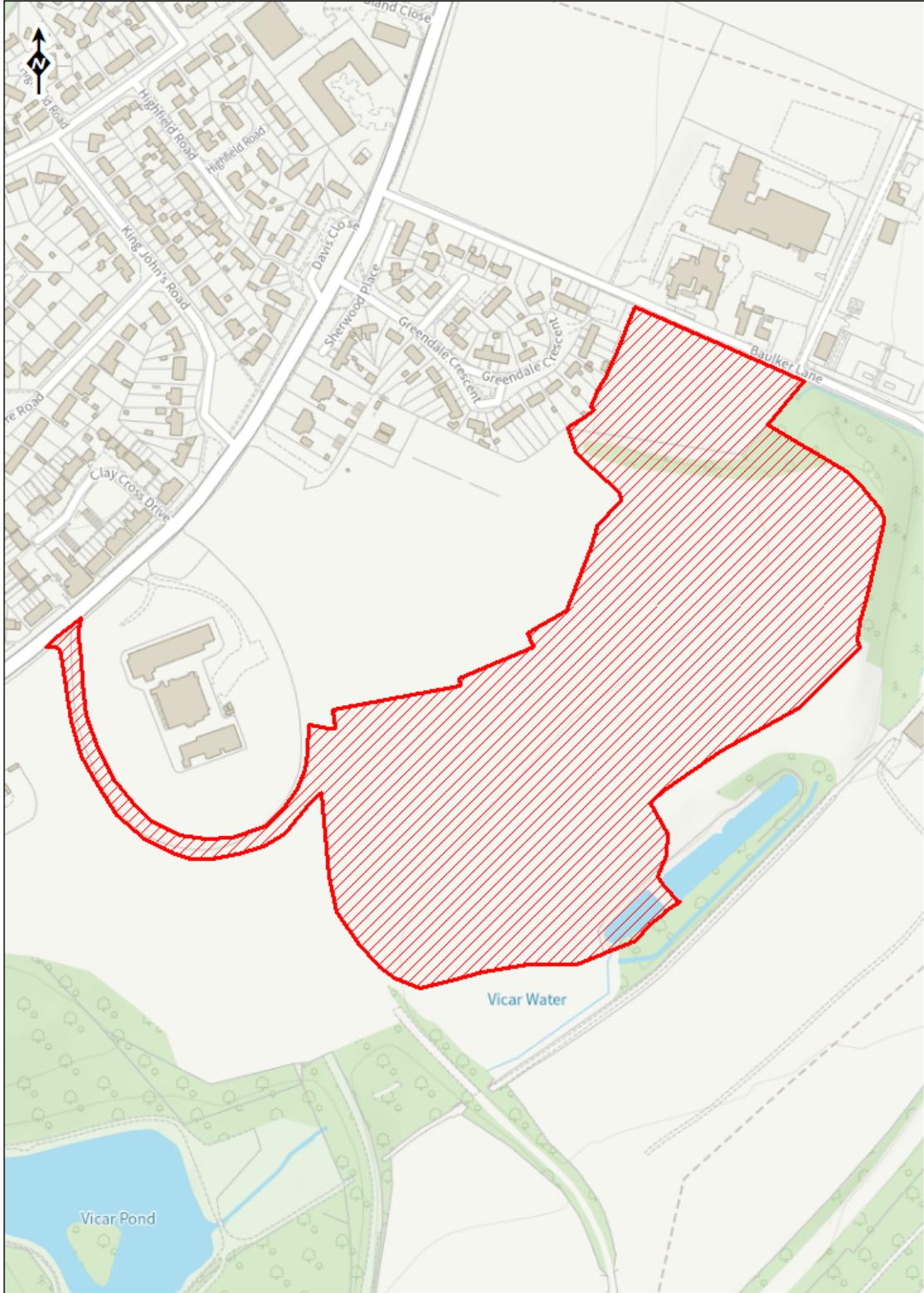
Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

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 - 23/01846/FULM



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Report to Planning Committee – 12 March 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary

Application Number	26/00074/PIP		
Proposal	Application for permission in principle for proposed residential development of a minimum of 1 dwelling and a maximum of 9 dwellings		
Location	Land West of Eakring Road, Bilsthorpe		
Applicant	Mrs Caroline Storer	Agent	Grace Machin Planning & Property – Mr George Machin
Web Link	26/00074/PIP Application for permission in principle for proposed residential development for a minimum of 1 dwelling upto a maximum of 9 dwellings Land West Of Eakring Road Bilsthorpe		
Registered	14.01.2026	Target Date	18.02.2026
		Ext of Time Agreed	20.03.2026
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 rectangular parcel of agricultural land measuring 0.99 hectares in area, located to the west Eakring Road to the north of Bilsthorpe. The site currently comprises of flat agricultural land bounded by established hedges.



Photographs of the site taken from Eakring Road

- 1.2 To the south lies Bilsthorpe Sports Ground, which includes a small cluster of single storey buildings fronting onto Eakring Road, with playing pitches beyond. The remainder of the site is surrounded by open countryside. Further to east of the site is Bilsthorpe Business Park, which comprises of industrial warehouse type buildings set back from Eakring Road, behind a wide tree belt. A bus stop is located on Eakring Road, and a public footpath runs along the eastern side of Eakring Road, which links the site to Bilsthorpe to the south.



Application site shown edged in red

- 1.3 In terms of site constraints, the site is not located within a designated Conservation Area, nor within the setting of any listed buildings. Bilsthorpe Bridleway No19 runs along the lane located immediately to the north west of the site.



Bus stop and footpath opposite the site



Bridleway to north west of site.

- 1.4 In terms of flood risk, the site is located within Flood Zone 1 and is therefore at a low risk of flooding from rivers and seas, however there is small pocket of land to the northern western part of the site which has a 3.3% chance of flooding each year from surface water.



- 1.5 The site is located outside the settlement of Bilsthorpe 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 9 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 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
 - Context Plan
 - Supporting Letter

Received by the Local Planning Authority on 16th January 2026

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 13 properties have been individually notified by letter and a site notice has also been displayed near to the site.
- 4.2 Site Visit undertaken: 03.02.2026

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

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 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;

- Not subject to a proposed main modification;
- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)
[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.5 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

5.6 **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**

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

Statutory Consultees

6.1 None.

Town / Parish Council

6.2 Bilsthorpe Parish Council – raised concerns relating to additional pressure any development would have on the facilities and infrastructure in the area.

Representations/Non-Statutory Consultation

6.3 **NCC Highway** – The site is located off Eakring Road, a single-carriageway classified road (C49) subject to the national speed limit along this section. A footway is provided on the eastern side of the carriageway, extending from the bus stop situated just north of Bilsthorpe Business Park—opposite the application site—before terminating opposite the sports ground access. From this point, the footway continues along the western side of Eakring Road into the village. A Public Right of Way (PROW) bridleway also connects to Eakring Road immediately north of the site, which continues southwards into the village.

Following a review of the submitted information, it is considered that the principle of providing up to nine residential dwellings at this location is acceptable. Should Permission in Principle be granted, the applicant should refer to the Nottinghamshire Highway Design Guide for access design.

6.4 **NCC Rights of Way** – Bilsthorpe Bridleway No19 runs adjacent to the entrance to the site marked in red.

The Public Right of Way is currently a bridleway, and follows the current lane which passes the proposed development site. The development has recognised the existence of the RoW.

It is suggested that there will be an increase in traffic to and from the site and no mention of how the safety of the public will be managed. This needs to be addressed.

Traffic/private vehicular access/intensification

- Is the additional traffic a danger to the PROW use
- Can this be mitigated to an acceptable level, (signs, passing spaces, speed restrictions)
- Clarification on who is responsible for the surface repairs - As such are passed to the future residents (deeds, covenant etc).

We would require assurances that the PROW will not be impacted upon neither during or after the development phase. The safety of members of the public is paramount in this instance It is for these reasons that the Rights of Way team would object at this stage.

6.5 No letters of representation have been received from third parties.

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. Bilsthorpe is identified as a principal village, which has a good range of day-to-day facilities. The site lies to the north of Bilsthorpe, outside the built-up part of the village and is therefore considered to be within the open countryside, as such the proposal will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 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.
- 7.8 Whilst the site is located to the north of the village of Bilsthorpe, outside the main built-up area of the settlement, there is a public footpath on the eastern side of the Eakring Road connecting the site to the village, and there is also a bus stop located directly opposite the site. The footpath and bus stop allow connectivity to Bilsthorpe to the south, which is identified as a Principal village in the settlement hierarchy set out in Spatial Policy 1 of the Core Strategy, and has a good range of day to day services and facilities to meet the needs of the local community. Furthermore, there is a sports ground located to the immediate south of the site and a business park to the east of the site, both of which are within walking distance. Therefore, whilst the site is physically separated from the main built-up part of the settlement, it is not in an entirely isolated location and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.



Application site

- 7.9 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.
- 7.10 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.
- 7.11 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 **strong** reason restricting the overall scale, type or distribution of development in the plan area 7; 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.
- 7.12 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.*’

- 7.13 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 an existing settlement this is considered acceptable.
- 7.14 The site would provide between 1 and 9 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 a scheme that is lower density and landscape-led, could be designed that would be appropriate to an edge-of-village setting and to minimise the effect on the landscape. 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 principal village and open countryside.

Land Use

- 7.15 Residential use of the land is considered acceptable, given its proximity to the village of Bilsthorpe, its proximity to existing built-up development and links to the village.

Loss of Agricultural Land

- 7.16 As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states *'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'*
- 7.17 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.
- 7.18 Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited amounts of Grade 2 (very good) and 4 (poor) land.
- 7.19 Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). Unfortunately, there is no

database, nor has any soil testing been carried out, to distinguish whether the site is formed by Grades 3a or 3b land, and therefore it is not known whether the site comprises of 'the best and most versatile agricultural land'.

- 7.20 The loss of this 'good to moderate' agricultural land measuring a modest 0.99 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

- 7.21 The application proposes between 1 and 9 dwellings. The site covers approximately 0.99 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 9, which equates to an approximate density of 9 dwellings per hectare. Given the location of the site, in an area which forms part of the transition from the open countryside and the urban village, 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.

- 7.22 The maximum number of dwellings proposed here would be 9 units which, given the size of Bilsthorpe, would not overwhelm the existing village. Given the proximity of the site to a principal village, 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

- 7.23 In this instance, the site is considered to be within the open countryside outside the built-up village of Bilsthorpe. 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. Bilsthorpe is an 'principal village', with a good range of day to day facilities. The removal of 0.99 hectares of good to moderate 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

- 7.24 The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD, 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

- 7.25 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 of the adopted DPD and the changes within Policy DM5(b) of the emerging DPD, 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.
- 7.26 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.
- 7.27 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.
- 7.28 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.
- 7.29 The site falls within the Mid-Nottinghamshire Farmlands Character Area and Policy Zone MN PZ 24 (Rufford Park Estate Farmlands with Plantations) of the SPD, where the detailed landscape action is to 'Create.' The landscape comprises of gently undulating rounded topography, intensive arable land with belts of mixed woodland and plantations. The landscape condition is defined as poor and landscape sensitivity defined as very low. In terms of landscape features, the Council's SPD seeks to maintain existing woodlands and create new hedgerows, utilise existing industrial sites to create new agricultural/industrial development. For built form this seeks to create new industrial economy.
- 7.30 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 9 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

- 7.31 Policy DM5 of the adopted DPD and the changes within 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.
- 7.32 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

- 7.33 Spatial Policy 7 states that new development should provide appropriate and effective parking provision Policy DM5 of the adopted DPD and the changes within and Policy DM5(b) of the emerging DPD state 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.
- 7.34 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.
- 7.35 No details of the proposed access arrangements have been submitted. The site lies to the west of the Eakring Road which is single-carriageway classified road, subject to the national speed limit. The road is relatively straight and it is considered that an access could be created providing good visibility in both directions. Furthermore, the site is

connected to the village via a footpath on the eastern side of the highway and there is an existing bus stop opposite the site adjacent to Bilsthorpe Business park. 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.

- 7.36 A Public Right of Way (PROW) bridleway also connects to Eakring Road immediately north of the site, which continues southwards into the village. Comments have been submitted by Nottinghamshire County Council Rights of Way Officer with concerns over the impact on the PROW. The applicant's agent has confirmed that public safety will be managed properly and that any traffic intensification can be mitigated to an acceptable level. The agent has stated that they can give assurances that the PROW will not be impacted upon either during or after the development phase. These comments are noted and as this is an application seeking permission in principle at this stage, details of the scheme and any mitigation measures required to protect the PROW would be considered at the Technical Details Consent stage.
- 7.37 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 stage.

Trees, Landscaping and Ecology

- 7.38 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 adopted DPD and the changes within Policy DM5(b) of the emerging DPD seek to protect all natural features within or adjacent to development sites. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged.
- 7.39 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.
- 7.40 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.

- 7.41 Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7 of the emerging DPD, and the Landscape Character Assessment SPD. It is therefore strongly recommended that the existing boundary hedgerows are retained and reinforced wherever possible.

Flood Risk

- 7.42 Core Policy 10 of the Core Strategy, Policy DM5 of the adopted DPD and the changes within Policy DM5(b) of the emerging DPD, along with the NPPF, set out a sequential approach to flood risk. Core Policy 9 requires new development proposals to proactively manage surface water.
- 7.43 The application site lies within Flood Zone 1 and is therefore at a very low risk of flooding. Part of the northwestern area of the application site has a 3.3% chance each year of flooding from surface water.



- 7.44 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

- 7.45 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.
- 7.46 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.
- 7.47 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)

- 7.48 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.

Biodiversity Net Gain (BNG)

- 7.49 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.

8.2 **Legal Implications - LEG2526/6381**

8.3 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 1 and 9 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.

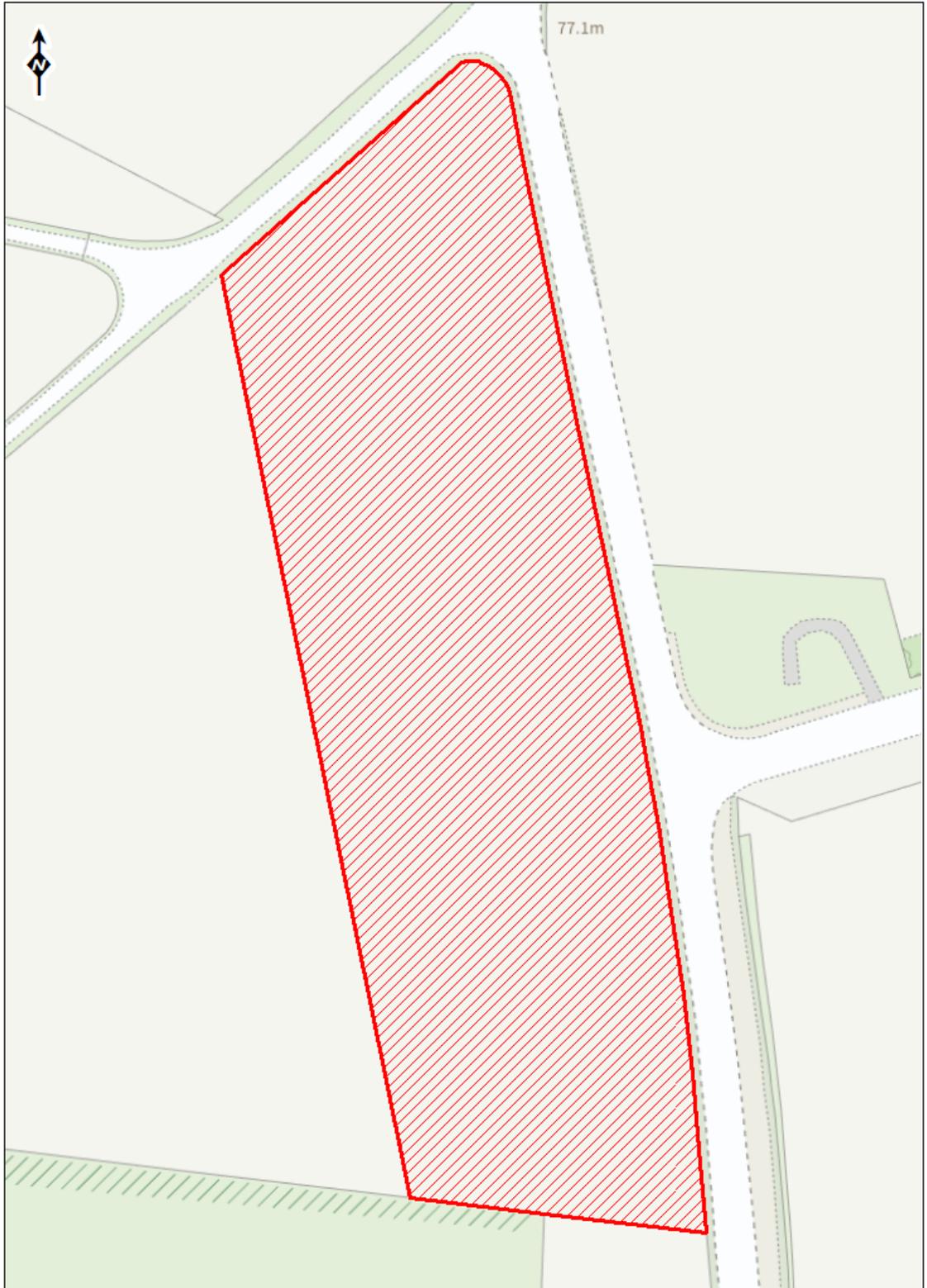
02. The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) could be subject to the biodiversity gain condition.
03. You are advised that as of 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/
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 - 26/00074/PIP



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Planning Committee – 12 March 2026

Appeals Lodged

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.

2.0 Recommendation

2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 2 February and 3 March 2026)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/C/26/3377194 23/00231/ENFB	Sandon New Lane Blidworth NG21 0PW	Without planning permission, operational development consisting of the erection of an outbuilding to the rear of the property (shown within Photograph 1, Photograph 2 and Photograph 3, and marked by an on X Plan A).	Written Representation	service of Enforcement Notice
6005294 25/01827/PIP	Land At Corkhill Lane Normanton	Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings	Written Representation	refusal of a planning application

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 12 March 2026

Appendix B: Appeals Determined (between 2 February and 3 March 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
17/00170/HRN	Far Barn Farm Priory Road Thurgarton Nottinghamshire NG14 7GT	Removal of hedge due to dangerous gradient when working tractors near, hedgerow dying with gaps and no longer supporting habitat for wildlife and reduction of soil erosion.	Delegated Officer	Not Applicable	Appeal Not Determined	19th February 2026
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKL9GVLB0A400						
25/00126/FUL	207 London Road Balderton Newark On Trent NG24 3HB	Change of Use of house (Class C3) to Children's Care Home (Class C2)	Delegated Officer	Not Applicable	Appeal Dismissed	2nd March 2026
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SQLPW7LBKAP00						
25/01005/FUL	The Cottage Main Street Epperstone NG14 6AU	Change of use of outbuilding to a small scale reformer pilates studio (ground floor only)	Delegated Officer	Not Applicable	Appeal Dismissed	26th February 2026
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SY1GYBLBMNV00						

Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SY1GYBLBMNV00>

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development



Report to Planning Committee 12 March 2026

Director lead: Matt Lamb, Planning & Growth

Lead officer: Lee Robinson, Planning Technical Support Manager – Planning Development, x5821

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the three-month period October to December 2025 (Quarter 3).
Recommendations	For noting.

1.0 Background

- 1.1 The Government encourages Development Management services to regularly review their performance and challenge themselves to improve the service they provide. Similar advice is given by the Planning Advisory Service (PAS).
- 1.2 The Council’s Planning Development Business Unit undertakes a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.
- 1.3 The Government currently measures Development Management performance in terms of speed and quality of decision-making. The minimum threshold for speed of determining Major applications is 60% of decisions in time and for Non-Majors it is 70% of decisions in time. For quality of decision-making it is a maximum of 10% of decisions overturned at appeal – Majors and non-Majors are assessed separately. From January 2025, the Ministry of Housing, Communities and Local Government (MHCLG) measure performance related to speed on an annual basis (October to September) whilst quality will be measured over a two year period.
- 1.4 The Council looks at performance in other ways, including average number of days taken to deal with applications. The department’s business plan allows for higher targets on Majors (90%) and Non-majors (93%).

1.5 Regarding performance for planning enforcement area in line with our Planning Enforcement Plan (PEP), this is reported separately - please refer to 'Quarterly planning enforcement activity update report'.

2.0 Performance

2.1 The table and graph below show the number of applications that have been received as valid each quarter from October 2023 to December 2025. They are presented in-line with the Council's reporting to Government.

Category	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24	Oct to Dec 24	Jan to Mar 25	Apr to Jun 25	July to Sept 25	Oct to Dec 25
Major	23	12	6	5	7	15	12	9	15
Minor	69	72	52	59	66	78	57	91	59
Others	114	173	134	174	111	142	124	123	123
All other*	352	399	402	390	407	369	350	380	317
Total	558	606	594	580	591	604	543	603	514

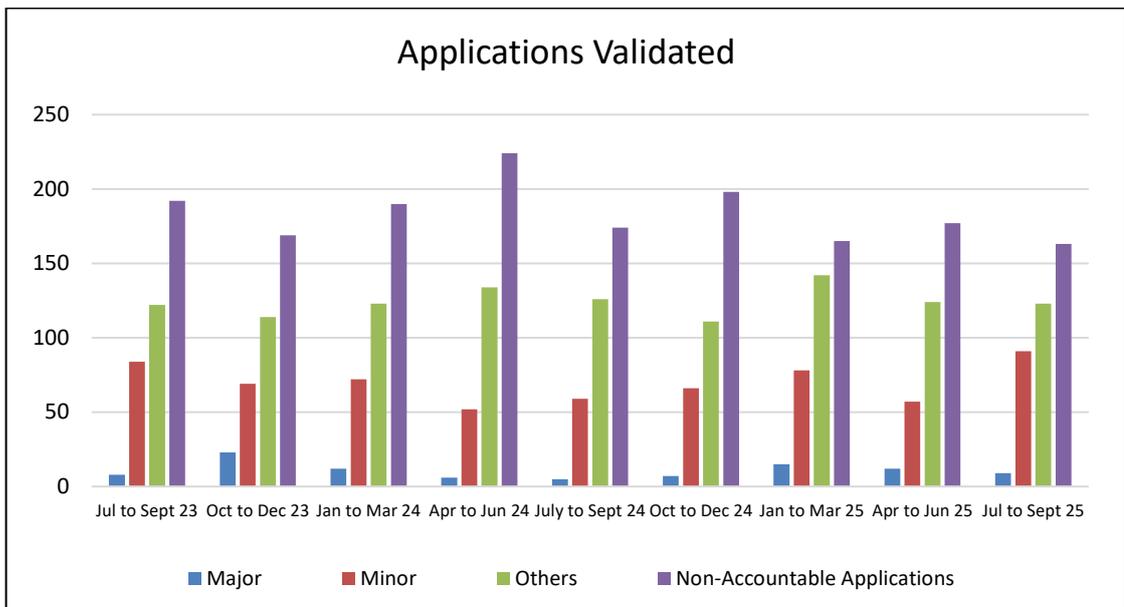
**Includes: Non – accountable applications, applications/S211 notices regarding protected trees and trees in a conservation area and Pre-application advice*

2.2 Between October and December 2025, a total of 514 applications were validated. This figure is the lowest recorded in years for this period, albeit it follows the usual drop observed ahead of the festive season and New Year. Compared to the same quarter in 2024, there was a 13% decline in validated applications. It is likely that this reflects the national picture, with many Council's reporting lower numbers during 2025. Uncertainty on planning reforms, delays in securing legal agreements and challenges with securing BNG are also likely to be factors.

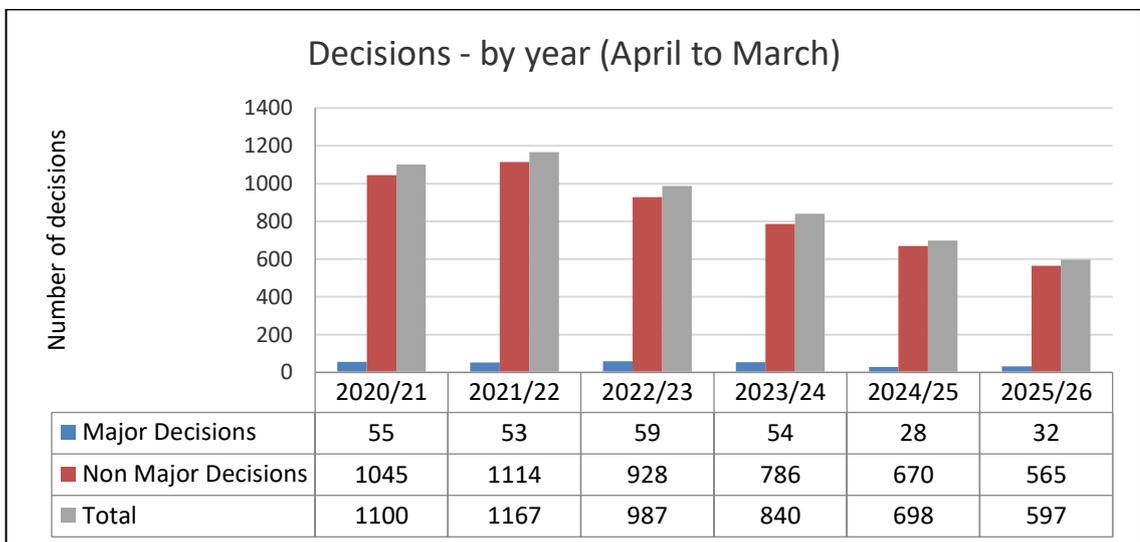
2.3 The 'Minor' category experienced the biggest decline, while 'Major' applications increased to that recorded at the start of 2025, and more than double that number when compared to the corresponding quarter in 2024/25. It is important to note, 'Major' applications are generally more complex and often involve negotiations and s106 legal agreements. Although national figures for this quarter are not yet available, previously reported data indicate that the number of major applications received across the country remains low.

2.4 The remaining categories are considered consistent with the previous quarter, and although applications validated within the 'Minor' category represented a decrease, it is important to note, this is reflective of the national picture for planning application numbers. Although data is not yet available for the period October to December 2025, nationally, between July and October 2025, district planning authorities in England received 78,800 applications for planning permission, down 3% from the same quarter a year earlier (reference: <https://www.gov.uk/government/statistics/planning-applications-in-england-july-to-september-2025/planning-applications-in-england-july-to-september-2025-statistical-release>).

2.5 Although numbers are slightly down, the reported figure for major development may be an indicator of major development picking up again, which is positive news regarding income targets.



2.6 Decisions for the year to date (April 2025 to December 2025), suggest, if recent (local) trends continue, may exceed those reported for the previous year. However, it is important to note, nationally, in Q2 2025 (July to September 2025), decided applications for planning permission, was reported to be down 4% from the same quarter a year earlier. In the year ending September 2025, this figures is down 6% from the year ending September 2024 (*reference: <https://www.gov.uk/government/statistics/planning-applications-in-england-july-to-september-2025/planning-applications-in-england-july-to-september-2025-statistical-release>*)



2.7 Assessing local planning authorities' performance was introduced in the Growth and Infrastructure Act 2013. Planning performance is considered annually based on a defined previous 24-month assessment period that separately measures the speed and quality of decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. The authority needs to achieve 60% for majors and 70% for non-majors. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. Quality is set at 10%,

this being the threshold for appeal overturns. Government is considering reducing this to 5%.

- 2.8 For authorities who under-perform against their national target, they will be classed as ‘poorly performing’ and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.

Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks				
2025/26	87%	100%	100%	
2024/25	100%	86%	91%	33%
2023/24	100%	93%	85%	92%
Non-Majors – target 70% in 8 weeks				
2025/26	94%	86%	92%	
2024/25	92%	94%	92%	94%
2023/24	94%	94%	88%	94%

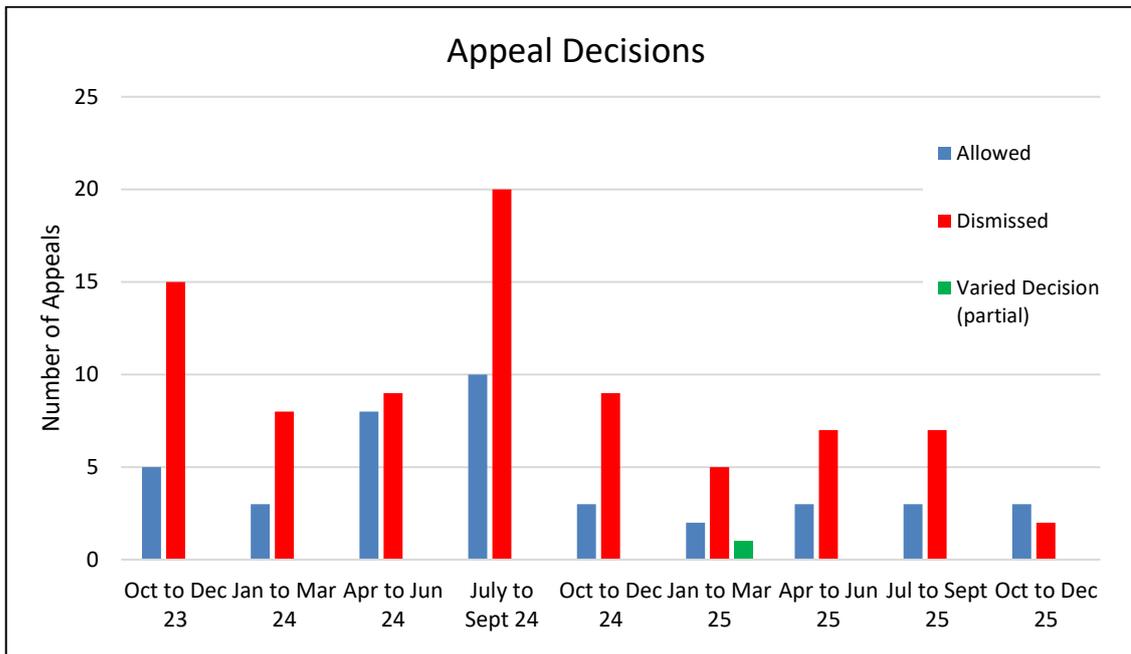
- 2.9 Performance at NSDC remains strong overall, with recognition of the decline observed in ‘Majors’ category during Q4 2024/25. Results for the most recent quarter are exceptional, deciding 6 of 6 applications within the 13-week target date or agreed extension of time. As previously reported, performance can fluctuate according to the complexity of a scheme (note reference to Q4 2024/25), negotiation undertaken, BNG as well as need for s106 legal agreements. Additionally, ‘Non-Major’ category has outperformed the national target, acknowledging a 6-percentage points increase from the previous quarter. The senior team continues to monitor this area of work with additional training and awareness undertaken.

Appeals

Appeal Decision	Oct to Dec 2024	Jan to Mar 2025	Apr to Jun 2025	July to Sept 2025	Oct to Dec 2025
Allowed	3	2	3	3	3
Dismissed	9	6	7	7	2
Total determined	12	8	10	10	5
LPA success rate	75%	80%	70%	70%	40%

- 2.10 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement notices. The table and graph below highlight the number of appeals and whether they were allowed or dismissed. In general, appeals are determined on the same basis as the original

application. The decision will be made considering national and local policies, and the broader circumstances in place at the time of the decision.



2.11 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions. Appeals are regularly reported to the Committee.

2.12 The trend over the current monitoring period (April 2025 to December 2025) is that we are seeing fewer appeals (25 against 59 (April 2024 to December 2024)) and although our success rate fell during the Q3, overall, the Council has a 64% success rate. Further analysis of those appeals allowed during reported quarter, inform 2 of 3 appeals allowed were based on committee overturns, against officer recommendations.

- 23/01837/FULM – Land to the west of Main Street, Kelham.
Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.
- 24/01810/FUL - Flaggs Farm, Caunton Road, Norwell.
Change of use of two former farm storage buildings to storage (Use Class B8) and associated parking.

2.13 Given the 5-year housing land supply shortfall, we are anticipating an increase in challenges to refusals for greenfield sites at the edges of settlements. We have already seen a couple of examples of this.

Trees

2.14 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a ‘section 211 notice’, 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Below is the Council’s performance on s211 Notices (TWCA) over the last 12 months.

TWCA Total Notifications	Oc	No	De	Ja	Fe	Ma	Ap	Ma	Ju	Jul	Au	Se	Oc	No	De
Total notifications	53	37	37	38	32	38	21	27	29	40	30	39	59	47	22
Determined within 6 weeks	53	36	37	38	32	38	21	27	29	38	30	39	59	47	22

2.15 When determining applications for consent under a Tree Preservation Order, the authority may: grant consent unconditionally; grant consent subject to such conditions as it thinks fit; refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others. The Council’s performance on TPO applications is set out below.

TPO Total Applications	Oc	No	De	Jan	Fe	Ma	Ap	Ma	Jun	Jul	Au	Se	Oc	No	De
Total applications	9	5	11	5	5	8	7	3	3	13	5	10	7	6	9
Determined within 8 weeks (or EOT)	8	5	10	5	5	8	7	3	3	13	4	10	6	6	9

2.16 This quarter's results for both TWCA notifications and TPO applications have remained strong, with every S211 notification being resolved within six weeks. For TPO decisions, all except one met the set deadline, the minor delay was due to an extra site visit required to provide additional expert support to the case officer. This strong performance showcases the commitment and hard work of both the tech support officers and the specialist arboricultural support provided by AWA Tree Consultants, who have been assisting the team during the council's Trees and Landscape Officer vacancy.

3.0 Next steps

3.1 As previously reported, the past year have been extremely challenging and to support the team, we continue to utilise a planner consultant to assist with planning related application workloads, alongside ongoing commission of major projects officer, providing advice in support of several Nationally Significant Infrastructure Projects (NSIPs - large scale projects). The business unit continues the recently commissioned external support from a conservation and heritage professional to assist our conservation team with the demand for planning related consultee responses.

3.2 Regarding vacant post of Trees and Landscape Officer. The Business Manager and Planning Technical Support Manager are currently finalising options and will be presented as part of a separate report regarding recommendations as outcomes of a recent Planning Advisory Service (PAS) review (see below). However, the absence continues to have a significant impact on the workload of technical support colleagues and necessitate external assistance.

3.3 Performance data indicates positive progress; however, there remains scope for further improvement. Government planning reforms suggest renewed focus on performance metrics and locally set fees. As previously reported, recent communication to government, we emphasised that the speed of decision-making should not be considered the sole indicator of quality, although it remains a key area for development. We will continue to prioritise effective pre-application advice and enhanced communication moving forward.

3.4 PAS visited the business unit on 26th November 2025 to provide an independent review and offer recommendations for improvement after a period of significant staff changes within the Business unit. It is important to note, amongst the planners and senior planners, 75% of the staff are new in post, many new to the authority. The entire conservation team is new in post.

3.5 Despite the blip in early 2025, performance against national planning targets is generally good, and a recent forum held with local planning agents did not identify any significant issues from a customer service perspective. The review was, therefore, not seeking to address a particular problem, but to provide an independent assessment of progress that has been made with establishing the new teams, and to provide guidance to help those involved provide the best service possible.

3.6 Feedback from the review informs that after a period of considerable upheaval:

“The authority has established a team that is performing well, where staff are well motivated, and morale appears to be good. Everyone involved should be commended for their part in this achievement.

Performance is good in terms of national targets, but performance and workload management could be improved by easier access to current data, and this is already in hand. There is a need to ensure that DM officers receive timely and proportionate advice from experts, and the report makes some recommendations in this area, again some changes are already under consideration.

There are some vacant posts in the structure and there has been a conscious decision not to fill them so far. Nevertheless, now that the teams have become established there is a need to increase resources at the top of the structure at the level of assistant business manager.”

3.7 Outside of the scope of the review, salary benchmarking will be a potential area to review to ensure we support staff retention.

3.8 A separate report will be presented to Planning Committee in due course regarding outcomes of the PAS review.

4.0 Implications

4.1 In writing this report and in putting forward recommendation’s officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

5.0 Legal Implications

5.1 This report is for noting only.

6.0 Conclusions

6.1 The team has consistently met and surpassed performance expectations, and their ongoing support and dedication are commendable. This is further highlighted with the following comment received from Raymond Crawford (PAS) after his visit:

“I would like to say that in most DM teams that I visit there is a kind of air of exhaustion and resignation. The experience at your council was very different and there seemed to be a real feeling of optimism and enthusiasm. I found the experience really positive - so well done, and please pass that message from me on to everyone involved.”



Report to Planning: 12 March 2026
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

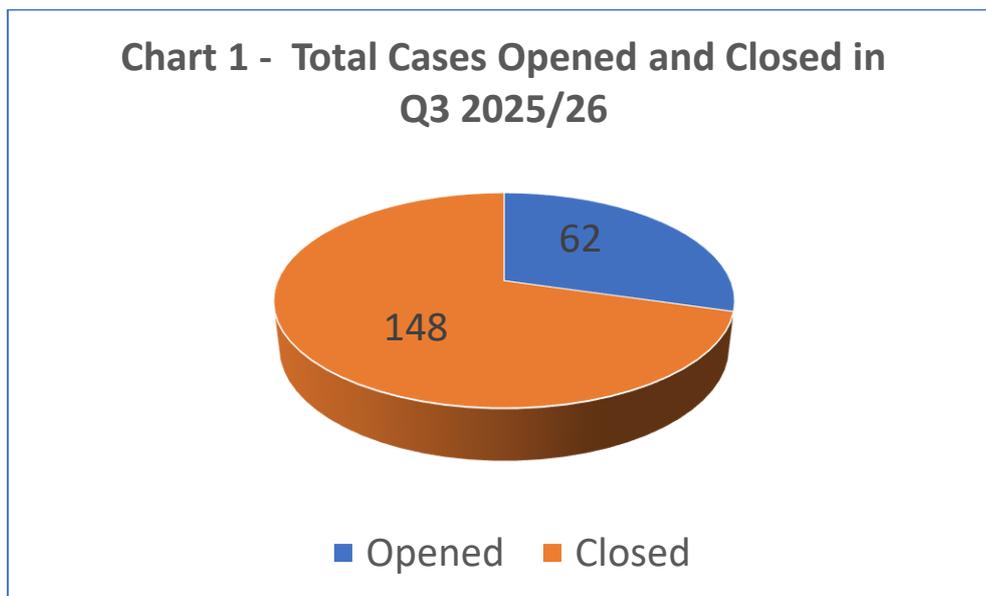
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	2025/26 Q3 – 1 st October 2025 to 31 st December 2025
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

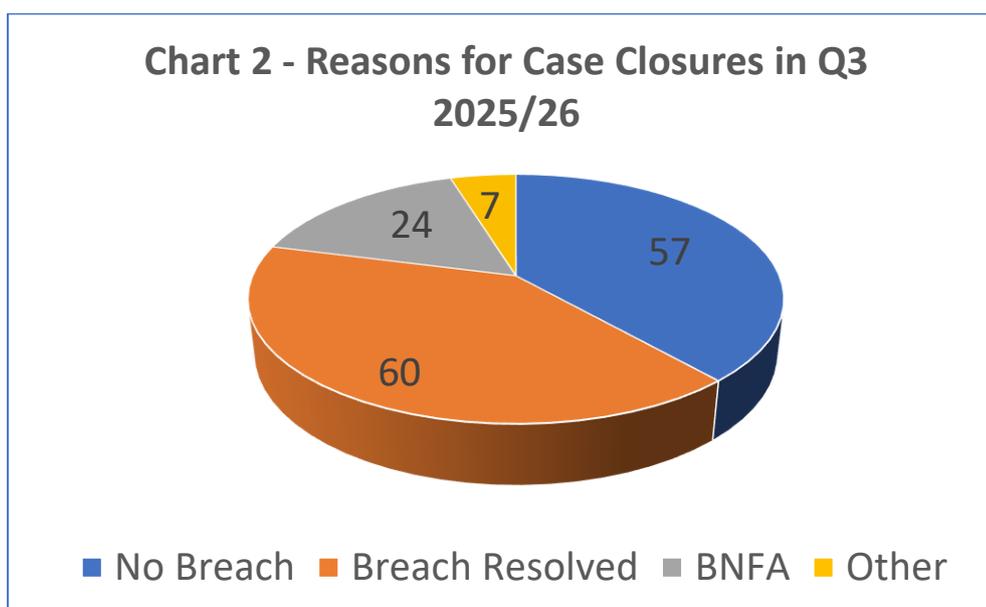
- 1.1 This report relates to the second quarter (Q3) of 2025/26 from 1st October 2025 – 31st December 2025 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q3 in terms of numbers of cases received, the reasons for cases being closed and response times.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued) in the quarter.
- 1.4 Schedule C provides examples of cases where officers have managed to resolve the breaches through dialogue and negotiation during the quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

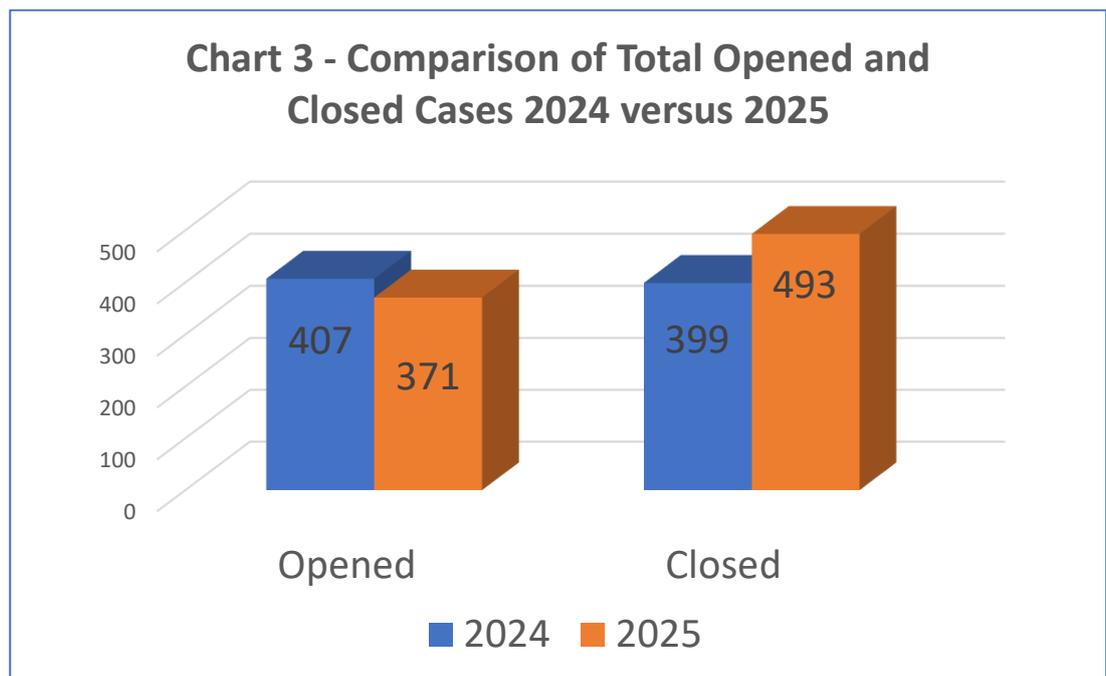
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q3.



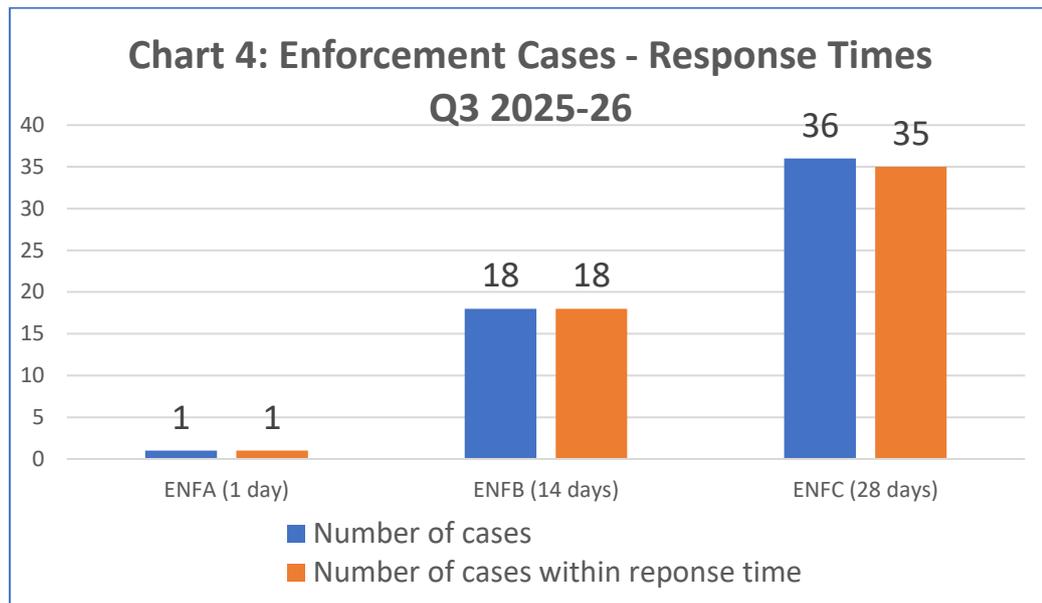
- 2.2 Members will note that the number of cases closed once again hit an impressive number (148), which is the 2nd highest quarter closure total going back to the start of 2022/23. This is on the back of 140 closures (now the 3rd highest quarter total) in Q2.
- 2.3 The number of cases opened is a relatively low figure (62). After a high number of cases were opened in Q2, combined with ongoing demanding cases the enforcement team has been dealing with, this lower number of new cases is welcomed.
- 2.4 **Chart 2** sets out the reasons why cases have been resolved in Q3.



- 2.5 The chart shows that, as is always the case, a substantial number of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit).
- 2.6 These ‘No Breach’ cases generally represent around 50% of cases, although for Q3 this figure is 39%.
- 2.7 We continue to assert the importance of investigating these ‘No Breach’ outcome cases so there is a record of the complaint and any associated action.
- 2.8 The number of cases closed as BNFA (24) in Q3 is the 2nd highest figure since the beginning of 2022/23. These are where a breach has been identified but the harm is minimal, and a decision has been taken that it would not be expedient to take the case any further. The closure reports for these cases are time consuming. This is a continuation of the good form shown in Q2 where 22 cases were closed as BNFA.
- 2.9 **Chart 3** provides a brief comparison of the total number of cases opened and closed over the 2025 calendar year versus the previous year (2024). This is just to give an insight into how the last 12-months compares with the previous 12-months



2.10 **Chart 4** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 98% of enforcement cases have been actioned within the target period that is set out within the PEP.



2.11 Please note, any discrepancy between the combined total of cases in Chart 4 and the overall quarter figures for cases opened (in Chart 1) is due to (a) other case categories not being included. For example, ENFM (Enforcement Monitoring Cases) and CL (Certified Location Caravan Licence ‘check’); and/or (b) the response time fell within this quarter whereas the case was opened in a prior quarter, for example.

2.12 **Table 1** sets out the number of Notices issued and appeal activity during Q3 of 2025/26

	OCTOBER	NOVEMBER	DECEMBER
Notices Issued	1	1	1
Notices Complied With	8	3	3
Appeals Lodged	1	1	0
Appeals Determined	0	0	0

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 23/00231/ENFB
Site Address: Sandon, New Lane, Blidworth
Alleged Breach: Unauthorised outbuilding
Action To Date: Enforcement Notice Issued December 2025. Appealed. Outcome pending.

Background:

- 3.1.1 Case commenced June 2023 following concerns that the outbuilding was ‘bigger’ than the approved plans (ref 22/02186/HOUSE). An initial visit in July 2023 showed the start of the build that would need to be checked when closer to completion.
- 3.1.2 A site visit was carried out in October 2024 to check the almost completed outbuilding. The visit showed the outbuilding measuring 7.1m in length x 3.86m deep x 3.1 m to the ridge (2.4m to the eaves).
- 3.1.3 Further investigation into the planning application showed that as the outbuilding would have been ‘Permitted Development’ (PD) according to the plans so it was agreed between the owner and NSDC planner that the outbuilding/garage would be removed from the application prior to the assessment and decision. Therefore, this meant that the outbuilding (as built) did not benefit from granted permission and due to the dimensions, also did not benefit from PD. This means the outbuilding was unauthorised.
- 3.1.4 Attempts over the next 12-months to negotiate a resolution with the owner. At the time, it was deemed that whilst the structure did not benefit from any permission, it would not be expedient to call in an application to remedy the breach and it was agreed that if the owner rendered the sides and rear of the outbuilding (that can be viewed by the neighbouring property) then the matter would be resolved. A date of March 2025 was given for this to be completed. A check in May 2025 showed the works had not been completed.
- 3.1.5 Further attempts to engage with the owner were made with no positive outcome. Due to this, it was deemed expedient to issue and Enforcement Notice (EN), and this was done in December 2025 requesting the render be applied to all sides. This EN was appealed by the owner in January 2026. Outcome is now pending subject to the appeal.



3.2 EXAMPLE 2

Enforcement Ref: 24/00372/ENFC
Site Address: Lilac Farm Cottage, Water Lane, Oxton
Alleged Breach: Alleged high boundary wall
Action To Date: Enforcement Notice Issued October 2025. Appealed. Outcome pending.

Background:

- 3.2.1 In November 2024, an enquiry was received alleging a high wall had been installed that had potentially encroached onto the highway. An initial site visit in December 2024 showed the wall to be 1.35 to 1.8 metres high. The officer also noted that the gate in the wall appeared to suggest the wall was built in part at least as a 'flood defence' with the property located in flood zone 3.
- 3.2.2 The wall did exceed what would be 'allowed' under permitted development and as no planning application had been submitted, the wall is a breach.

3.2.3 NCC Highways were consulted in December 2024 with their response starting with a comment that the wall has been erected with the 'majority of it being in highway'. Regarding highway safety, they have concerns following the removal of the soft edge of a verge that was set further back and the replacement with a hard boundary that appears to protrude into the highway that further narrows an already narrow carriageway with risks of vehicle strikes. They added that the wall severely restricts visibility from the driveway of an adjacent property.

3.2.4 The owners were advised that it was unlikely that a retrospective planning application would be supported due to the concerns from NCC Highways. Following further attempts to negotiate a solution, an Enforcement Notice was issued in October 2025. This notice was subsequently appealed with the outcome now pending.

Image prior to wall installation



After installation of wall



4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER

4.1 EXAMPLE 1

Enforcement Ref: 24/00170/ENFC
Site Address: Mammoth Storage, Thurgaton
Alleged Breach: Unlawful advertising
Action To Date: Advert removed following refusal of planning application

Background:

- 4.1.1 A complaint was received in May 2024 of an advertising banner for the local 'Hoveringham Mammoth Self Store Ltd' business that was attached to a trailer back located in a field on the corner of Station Road and Nottingham Road at Thurgaton, adjacent to the local conservation area.
- 4.1.2 Upon review, this was a new banner being installed for the same company that had been in situ since at least August 2021. Neither banner benefited from any advertising consent, so the banner was deemed to be unlawful.
- 4.1.3 The business (Mammoth Self Store) was contacted with a request to remove the banner. In response, they wanted to attempt to make the banner lawful and committed to applying for its retention. This was submitted in September 2024.
- 4.1.4 Following the refusal of this application, the business appealed this decision in November 2024. The appeal was dismissed by the planning inspectorate in April 2025 although it should be noted that NSDC were not advised of this decision and 'chased' their decision in October 2025 following confirmation of the removal of the banner and trailer.

Initial Photos



After Compliance Photo



4.2 EXAMPLE 2

Enforcement Ref: 25/00311/ENFC
Site Address: The Ivies, Newark
Alleged Breach: Unauthorised outbuilding to frontage
Action To Date: Structure removed following negotiation

Background:

- 4.2.1 Complaints were received by early October 2025 regarding works carried out at a residential property on The Ivies in Newark. Part of the complaint was covered off in an investigation in 2023 but there were new works that required consideration. In all, there were 6 x matters that required assessment.
- 4.2.2 After a site visit and a team review of the matter, it was deemed that there were two breaches that required remedying: (1) the canopy structure that had been installed to the 'side' of the property that was in fact found to be to the frontage of the property; and (2) the grey metal shed to the front of the property. Both were requested to be removed. The remaining 4 x matters that were brought forward with the complaints were all deemed to benefit from permitted development.
- 4.2.3 Following conversation and explanation to the owners, they agreed to remove both structures, and this was done in November 2025, which resolved the matter and allowed the case to be closed.
- 4.2.4 A positive example of the teamwork and positive cooperation within the enforcement team as well as the proactive engagement with the owners of the property in question and the information and explanations provided that allowed for the swift resolution of this matter.

Initial photos



Post works/compliance photos



4.3 EXAMPLE 3

Enforcement Ref: 23/00134/ENFB
Site Address: Petersmiths Park Development – Phase 1
Alleged Breach: Alleged breach of conditions
Action To Date: Negotiation to resolve Planting and Ecology scheme across the development.

Background:

4.3.1 In May 2023, it was brought to the attention of the enforcement team that the large-scale Petersmiths Park Housing development in Ollerton that had been approved under 17/00595/FULM, had not fully implemented their planting scheme, and they had also not fully delivered the Ecology plan, with bird and bat boxes missing along with a lack of hedging and the tree planting failing or also

missing. The details of the landscaping scheme was approved under 23/00675/NMA.

- 4.3.2 Enforcement activity commenced shortly afterwards with attempts made to encourage the developer to implement both schemes. In September 2024 with the reallocation of the case to a new enforcement team member, progress was made with the developer following communication to remind them that they were currently in breach of conditions 02, 04, 05 and 06.
- 4.3.3 Following a thorough site visit was conducted that provided a detailed summary of what had been done and what was required, the developer was advised that a BCN (Breach of Condition Notice) would shortly be issued if there were no action agreed immediately.
- 4.3.4 Fortunately, due to the engagement with and the commitment of the developer, this meant that this formal action was not necessary as they began to implement the schemes.
- 4.3.5 In November 2024, a site review was carried out that showed great progress with 198 out of the 209 specified trees now planted (or replaced), 4000 hedge 'wips' planted as well as all 17 specified bird boxes and 15 out of the required 23 bat boxes installed. The outstanding matters were the remaining bat boxes and gaps in the hedge planting.
- 4.3.6 Throughout 2025, enforcement continued to work with Gleeson to resolve the outstanding matters that resulted in the 8 x remaining bat boxes being 'moved' on to Phase 2 as additional boxes as well as an agreement to plant additional hedge plants to fill the gaps. It is estimated in excess of 7000 hedge plants have now been planted. By December 2025, a site visit confirmed that all hedging had now been planted as per the approved plans. Whilst there were some minor discrepancies with those approved plans, it was agreed that it would not be expedient to take any further action, and the matter was viewed as a successful intervention.

Map overview of Phase 1 of the Petersmith Park development



Example of missing planting summary from September 2024 site visit



After Tree Planting Example Photos



After Hedging completion Example Photos



BIRD BOXES – SELECTED EXAMPLES FROM PHASE 1



BAT BOXES – SELECTED EXAMPLES FROM PHASE 1



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 24/00221/ENFB
Site Address: Annexe to 'The Cottage', West Lane, Edwinstowe
Alleged Breach: Alleged breach of Condition 03 of 16/02056/FUL
Action To Date: Planning Contravention Notices issued January 2025 and September 2025. Breach Resolved.

Background:

- 5.1.1 A case was opened following contact with NSDC Council Tax in June 2024 by a person who had just commenced a rental agreement on a property that was initially granted permission just as an 'annexe' that was not a separate property. This triggered an investigation as it appeared that the separate use of the annexe would likely be a breach of planning control.
- 5.1.2 It was found that condition 03 of 16/02056/FUL (Proposed single storey bedroom annex) stated that "The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling". The reason given for this condition was to prevent the creation of a separate dwelling on a site not considered capable of accommodating a separate residential unit.
- 5.1.3 A site visit confirmed the owner's intention to privately rent the annexe with a PCN (Planning Contravention Notice) being issued in January 2025 to confirm details.
- 5.1.4 The owner applied to gain permission under 24/01913/FUL (Change of use from Annexe to Independent Dwelling), which was refused in January 2025. Following refusal, the owner appealed the decision, but this was dismissed in July 2025.
- 5.1.5 Following the outcome of the appeal, a further PCN was issued in September 2025 to provide an updated position on the matter. The completed PCN stated that the tenant of the annex is now renting the entire residential unit that includes both the annex and the main dwellinghouse. As this is the case, it was deemed that the breach has been resolved, and the case was closed. A good example of the usage and benefit of PCNs.

Overview of site showing the main dwelling to the top with the annex area below the black line:



5.2 EXAMPLE 2

Enforcement Ref: 25/00115/ENFB
Site Address: Bridge House Farm, Winthorpe Road, Newark/Winthorpe
Alleged Breach: Alleged expansion of GRT site
Action To Date: x2 Temporary Stop Notices, 1 Stop Notice, 1 Enforcement Notice

Background:

- 5.2.1 This case relates to a site close to Winthorpe that was granted retrospective permission under 24/00548/FUL for 6 GRT caravan pitches. This left a vacant parcel of land to the north, which is has the lowest natural ground levels and is thereby liable to flooding.
- 5.2.2 The LPA received a complaint that the land to the north of the site was being developed. Site visits found that an individual was importing materials to site to raise the land levels and make a residential pitch.
- 5.2.3 Given the flood risk and nature of the breach, a Temporary Stop Notices (TSN) was issued in June 2025 requiring the removal of the soils. A further TSN was then issued in August 2025 alongside an Enforcement Notice as well as a Stop Notice.
- 5.2.4 The TSN and Stop Notices were complied with and work ceased. A site visit in December found that the soils/material had been removed from the land and the Enforcement Notice thereby complied with.

Initial Photos





Compliance Photo



6.0 IMPLICATIONS

- 6.1 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 referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.