



Report to Planning Committee – 15 January 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Kirsty Catlow – Planning Development Officer

Report Summary

Application No.	25/01827/PIP		
Proposal	Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings		
Location	Land At Corkhill Lane, Normanton		
Applicant	Henry Leivers	Agent	IBA Planning Ltd - Nick Baseley
Web Link	25/01827/PIP Application for permission in principle for a residential development of a minimum of 2 dwellings and a maximum of 5 dwellings Land At Corkhill Lane Normanton		
Registered	22.10.2025	Target Date	26.11.2025
		Extension of Time	26.01.2026
Recommendation	That Permission in Principle is Approved.		

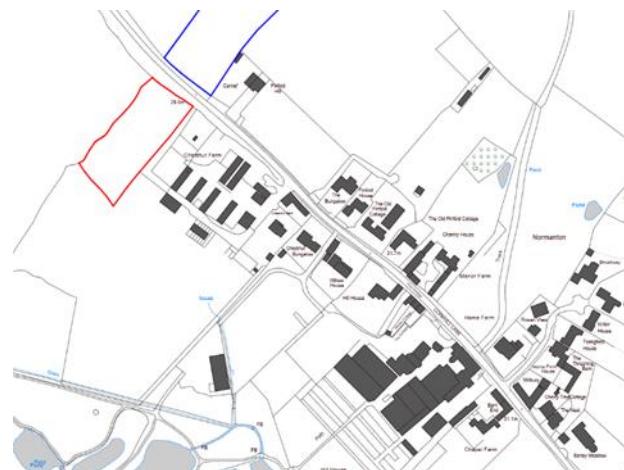
This application is being referred to the Planning Committee for determination as the application represents a departure from the plan.

The Site

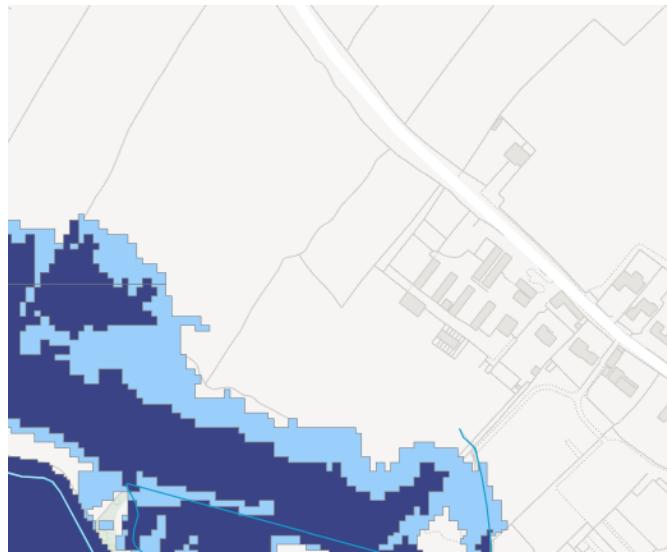
- 1.1 The application site comprises of rectangular parcel of agricultural land measuring 0.45 hectares in area, located to the south of Corkhill Lane and to the immediate northwest of the village of Normanton. At the time of the officers site visit the land was being used for the growing of vegetables. The site is bounded by tall mature hedgerows.



1.2 To the southeast of the site is Chestnut Farm, beyond which are a row of detached dwellings within spacious garden plots, and beyond those is Reg Taylors Garden Centre and Tea Rooms. To the north of the site, on the opposite site of Corkhill Lane is intermittent residential ribbon development. To the south and west is open agricultural land.



1.3 In terms of site constraints, the site is not located within a designated Conservation Area. The nearest Listed buildings are located approx. 230m to the southeast of the site at Manor Farm. However, it does lie within a protected view cone for Southwell as defined in the Newark and Sherwood District Council Protected Views policy (SoPV). The site is located within Flood Zone 1 and is therefore at a low risk of flooding from rivers and seas. The site is also in an area at a low risk of surface water flooding. However, it is acknowledged that land to the southwest of the site, along the River Greet, is located within Flood Zones 2 and 3 as shown on the map below:-



1.4 The site is considered to be outside the village of Normanton and within the open countryside. A Public Right of Way, known as Southwell FP65 is located to the east of the site and runs in a southerly direction towards Greet Lily Mill on the edge of Southwell.

2.0 Relevant Planning History

2.1 The application site has no relevant planning history.

2.2 **25/01832/PIP** - Land to the northeast of the application site, on the opposite side of Corkhill Lane, is currently subject to an application for 'Permission in Principle' for residential development of up to 2 dwellings. The application is currently under consideration and will also be presented to Planning Committee on 15th January 2026.

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 2 dwellings and a maximum of 5 dwellings. No specific details are required at this stage.

3.2 Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development is proposed (as is the case here), the description must specify the minimum and maximum number of dwellings proposed.

3.3 It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision.

3.4 In terms of accessing the site, the proposed dwellings could utilise the existing access off Corkhill Lane. As the proposal is for permission in principle, no site plan or elevational details are required to be submitted at this stage. Such details would be considered at the Technical Details Consent stage, if permission in principle is approved. The agent has provided an indicative site plan to illustrate how the site could be laid out with the maximum 5 dwellings:-



3.5 Documents assessed in this appraisal:

- Application Form
- Site Location Plan 2553-S02-OA-001 P01
- Feasibility Layout Plan 2553-S02-OA-060 P01
- Letter dated 21st October 2025
- Planning Inspectorate Appeal Decision Letter APP/H1840/W/23/3315676 relating to a PIP application for 2 self-building dwellings in Fladbury, Worcestershire. Received by the Local Planning Authority on 23rd October 2025

4.0 Departure/Public Advertisement Procedure

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

4.2 Site visits undertaken on 06.11.2025 and 17.11.2025.

5.0 Planning Policy Framework

5.1. **Southwell Neighbourhood Plan (Made 11th October 2016)**

Policy SD1 – Delivering Sustainable Development

Policy E1 – Flood Risk Assessment and Mitigation

Policy E2 – Flood Resilient Design

Policy E4 – Public Rights of Way and Wildlife Corridors

Policy DH1 – Sense of Place

Appendix 1 – Southwell Design Guide

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 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

5.3. Allocations & Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM12 – Presumption in Favour of Sustainable Development

Policy So/PV – Southwell Protected Views

5.4. 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 Inspector will now consider the representations and finalise his examination report and the final schedule of recommended main modifications.

5.5. 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. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature 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)

NSDC Landscape Character Assessment SPD 2013

NSDC Residential Cycle and Ca Parking Standards 2021

NCC Highways Design Guide

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

6.1. None.

Town/Parish Council

6.2. Southwell Town Council – Object. *'Concerns over shared septic tank, agents missed 5 year supply, benefits of housing supply, outside urban boundary, missing aspiration'.*

Representations/Non-Statutory Consultation

6.3. Trent Valley Internal Drainage Board (TVIDB) – The site is within the TVIDB district. The Board maintained River Greet, an open water course, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.

6.4. Southwell Civic Society – Object. The proposal would extend the settlement beyond the village boundary. The development is in the open countryside contrary to Policy DM8, and the harm is not outweighed by a lack of housing supply. An increase in population would not benefit the community, but add greater strain to services. Housing needs in Southwell are for affordable 2/3 bedroom houses. The appeal submitted by the agent is not relevant to this site. The Inspectorate have rejected other applications for PIP's. The harm to the open countryside would not be outweighed. The site is not in a sustainable location. The site does not make effective use of land. There is no indication that the development is for affordable homes. Recent developments have not employed local tradesman.

6.5. One representation has been received from two local resident, commenting as follows:-

- Increase in surface water run-off
- Absence of mains drainage

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 NPFF (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. At the bottom of the hierarchy are 'other villages'. Normanton doesn't feature within the hierarchy so therefore falls within the latter category. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside, will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.7. Due to the location of the site outside the main built-up area of the settlement, and before the 30mph street sign when entering Normanton from the west, it is considered to be located within the open countryside.



- 7.8. However, it is acknowledged that the site is adjacent to existing development within the village, which comprises of a mix of farm buildings and houses. Policy DM8 states that – Planning Permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
- 7.9. Whilst Normanton is an ‘other village’, it has some local services of its own, including a garden centre and café which are located within 0.2 miles of the site. Furthermore, the site is within a 1 mile walk from the centre of Southwell, which is identified as a ‘Service Centre’ under the Settlement Hierarchy of Spatial Policy 1, and is well served in terms of services and facilities. Pedestrian access into Southwell could be gained along Corkhill Lane and Normanton Road, via a footpath which starts diagonally opposite the site.



- 7.10. Alternatively, there is a Public Right of Way from Corkhill Lane, located immediately to the east of the site, and extends to Greet Lily Mill at the entrance to Southwell.



- 7.11. Whilst the site is located within the open countryside, given its proximity to Normanton it would not be isolated and would be sufficiently close to existing facilities to be acceptable in terms of sustainability.
- 7.12. Following the publication of the NPPF on 12th December 2024, the Local Planning Authority can no longer demonstrate a 5-year housing land supply. The development plan is therefore not up to date for decision making in respect of housing, and the tilted balance will need to be applied as the NPPF is an important material planning consideration.
- 7.13. The NPPF (2024) has introduced changes to the way in which local authorities formulate the number of new homes needed to be delivered in their areas and as such the need for houses in the district has increased significantly which means that the Authority is no longer able to demonstrate a five-year supply of housing. 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.
- 7.14. The shortfall in the supply of deliverable housing sites means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. This means the Authority has a duty to ‘...grant permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.15. Footnote 8 (in relation to out of date policies) states, 'this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'
- 7.16. As such, whilst the site is located within the open countryside and is contrary to the settlement hierarchy, the tilted balance is engaged, and the provision of housing is given additional weight in the planning balance. Smaller unallocated sites, such as this site, will play a small role in helping the district to meet its housing targets and identified housing needs and given its location close to an existing settlement this is considered acceptable.
- 7.17. The site will provide between 3 and 5 additional housing units on the edge of the village, but 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 could be designed to reflect a converted farmstead with a farmhouse and barn fronting the road, with a traditional range of 'out buildings' to the rear. Officers are of the view that such an approach would, in principle, be acceptable on this site, due to its transitional nature, located between a small rural settlement and open countryside.

Land Use

- 7.18. Residential use of the land is considered acceptable, given its proximity to the village of Normanton and the Service Centre of Southwell, and its position adjacent to existing built-up development located within the village. The development of this site would also reflect the existing pattern of development found along this section of Corkhill Lane.

Loss of Agricultural Land

- 7.19. As the site lies in the open countryside, Policy DM8 is relevant insofar as the impact of the loss of agricultural land. The final paragraph of this policy states 'Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental and community benefits that outweigh the land loss.'
- 7.20. Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.
- 7.21. Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 1 land (excellent quality) or Grade 5 land (very poor) in the Newark and Sherwood district. There are limited

amounts of Grade 2 (very good) and 4 (poor) land.

- 7.22. Having reviewed Natural England's' Regional Agricultural Land Classification Maps, the application site is Grade 3 land (good to moderate). 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'.
- 7.23. The loss of this 'good to moderate' agricultural land measuring a modest 0.45 hectares, should therefore be considered against any benefits the proposed development could potentially bring about, in the overall planning balance.

Amount of Development

- 7.24. The application proposes between 2 and 5 dwellings. The site covers approximately 0.45 hectares. The general accepted density for new residential development within the district is 30 dwellings per hectare. The maximum number of dwellings on site would be 5, which equates to an approximate density of 11 dwellings per hectare. Given the existing pattern of development along this section of Corkhill Lane, and its rural 'edge of settlement location', this maximum is considered acceptable in principle and would not appear out of character within the existing density of development in the area. Any higher density could result in unacceptable harm to the character and visual amenities of the area. The amount of development in terms of footprint and massing would be considered at the Technical Design Stage.
- 7.25. The maximum number of dwellings proposed here would be 5 units which, given the size of Normanton, would not overwhelm the existing village. Given the proximity of the site to the service centre of Southwell, there would be sufficient access to services to serve the additional dwellings without such services becoming overwhelmed. With regards to the provision of affordable housing, there is no policy requirement to provide affordable housing provision on developments of less than 11 dwellings or where the combines gross floorspace is less than 1,000 square metres (gross internal area).

Planning Balance

- 7.26. In this instance, the site is considered to be within the open countryside adjacent to the built-up village of Normanton. 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. Whilst Normanton is an 'other village', with some but not all the essential amenities, the site is located within 1 mile of the Service Centre of Southwell, accessible via existing footpath connections, which has a wide range of services and amenities. The removal of 0.45 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

7.27. The Technical Details Consent application would be required to be submitted within three years of the decision date if the application was approved. Policy DM5 of the DPD, and emerging Policy DM5b, set out the criteria for which all new development should be assessed against. These includes, but are not limited to, safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

Impact on Visual Amenity and the Character of the Area

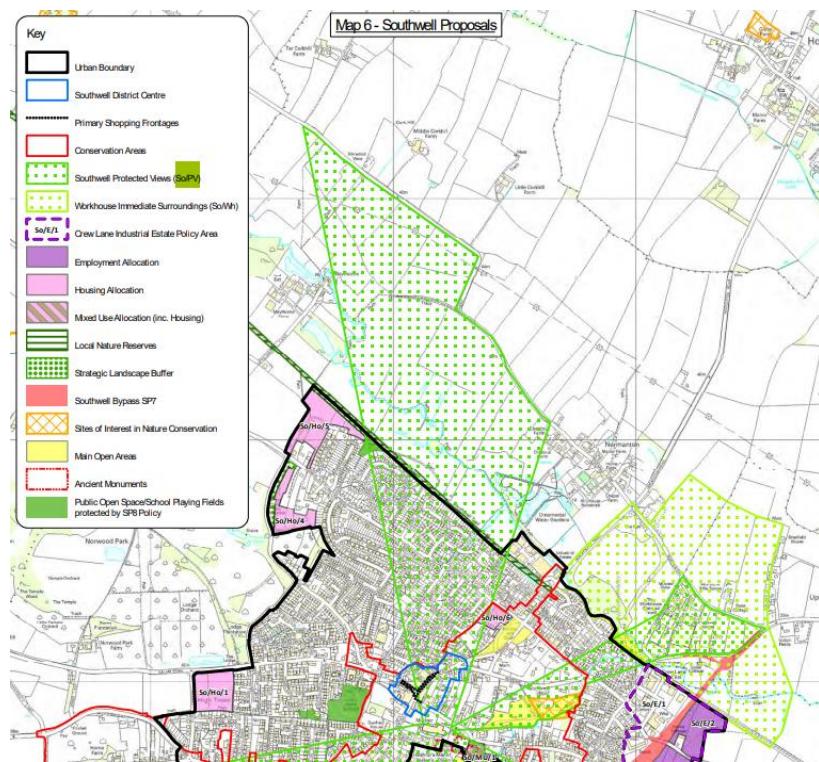
7.28. Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the district's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

7.29. Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

7.30. Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.

7.31. The site is located within the Mid-Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 35: Maythorne Meadowlands, which is described as rolling and undulating topography with wooded skylines, interrupted intermittently by pylons and power lines, with the River Greet running through. Both the landscape sensitivity and condition is defined as 'moderate', and the proposed action for the area is to 'conserve and create' including conserving the rural character of the landscape by limiting any new development to around the settlements of Normanton and Maythorne.

7.32. The site lies just within an area identified under Policy So/PV of the Allocations & Development Management DPD, as a Southwell Protected View.



- 7.33. Any future development of the site would have to demonstrate that it would not negatively impact on the views of principal heritage assets within Southwell, namely the Minster, Holy Trinity church, Archbishop's Palace and Thurgarton Workhouse.
- 7.34. No details of the proposed scheme have been submitted at this stage. The design, scale and layout of the dwellings will be a key consideration at Technical Details Consent stage. The construction of up to 5 new dwellings would be more visually prominent than the existing site, which is currently in agricultural use. The design of any scheme should aim to minimise visual intrusion, to ensure there is no harm, or the level of harm is limited, to the character of the area and surrounding landscape. Any scheme should be designed to have regard to the guidance contained within the Southwell Design Guide, as contained within Appendix 1 of the Southwell Neighbourhood Plan. Soft landscaping should also be utilised to help assimilate any development within the surrounding landscape.

Impact on Residential Amenity

- 7.35. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.36. Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are those to the northeast on the opposite side of Corkhill Lane, which are set well back from the highway in an elevated position. Given the size of the site, it is considered that acceptable spacing and amenity could be achieved at technical detail stage, thereby

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

Impact on Highways

- 7.37. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.
- 7.38. Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.39. The existing access off Corkhill Lane benefits from good visibility in both directions and could be utilised to provide a shared driveway for the development of between 2 and 5 dwellings. The design of any junction would be required at Technical Details Consent stage, and would need to be assessed to ensure that the access is acceptable for the number of dwellings proposed, having regard to the NCC Highways Design Guide. Parking provision would need to adhere to the recommendations set out in Table 2 of the NSDC SPD on car and cycle parking. For dwellings with 3 or more bedrooms 3 car parking spaces would be required
- 7.40. Overall, it is considered that the scheme could provide a safe access to the site, however this would be subject to detailed assessment at the technical stage.

Trees, Landscaping and Ecology

- 7.41. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments to provide net gains should be encouraged
- 7.42. It is unlikely that the proposal would require the removal of any trees or hedgerow bounding the site. In the event this was the case, in order to consider the potential impact of the development a Preliminary Ecology Appraisal (PEA), and any follow up surveys that are recommended by the PEA, would be required to support the Technical Details Consent stage.
- 7.43. Ultimately, it is important that all development does not adversely impact the natural environment or surrounding character unnecessarily and that construction is carried out proactively to protect existing ecological features. If development is proposed close to established trees or hedgerows, or would result in the removal of such

features, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan, indicating where trees or hedgerows may be affected by the proposed development would be required. This includes on adjacent land or highways. The survey would need to include all the information required as per the specification of BS 5837: 2012, or by any subsequent updates to this standard. Further information can be found in the NSDC List of Local Requirements Validation Checklist.

7.44. Landscaping and green infrastructure should be incorporated into the proposal in line with Policy DM7 and the Landscape Character Assessment SPD. It is strongly recommended that replacement trees of a similar species should be included in the landscaping plan to replace any trees that require removal (if any).

Flood Risk

7.45. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk which is reflected in Policy DM5. Core Policy 9 requires new development proposals to pro-actively manage surface water.

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

7.47. With regards to surface water run-off, it is noted that land to the southwest of the site, along the River Greet, is located within Flood Zones 2 and 3.

7.48. The proposal would result in the development of an existing greenfield site, which has the potential to increase surface water drainage. Following consultation with the TVIDB who are responsible for the River Greet, they would not permit any increase in surface water run-off into this receiving watercourse. 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. Therefore, it is considered that surface water could be filtered elsewhere and away from the Greet and this should be considered at design stage.

Contamination Risk

7.49. 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.

7.50. 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.

7.51. 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)

7.52. The site is located within the Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £100m2 for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

Biodiversity Net Gain (BNG)

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

8.0 Implications

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

Legal Implications- LEG2526/8844

8.2. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

9.1. The purpose of this application is to assess the acceptability of the proposal on the application site, in relation to location, land use, and amount of development, in principle only. Any other issues should be assessed at Technical Details stage. Further to the above assessment, it is considered that the location and land use is suitable for between 2 and 5 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).

05. The site is within the Trent Valley Internal Drainage Board district. The Board maintained River Greet, an open watercourse, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to resubmit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. Trent Valley Internal Drainage Board Water Management Consortium Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. If you require any further information please do not hesitate to contact the Board's Planning and Development Control Officer, Darren Cowling on 01636 551076.

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 - 25/01827/PIP



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