



Report to Planning Committee 5 September 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	23/01836/RMAM (MAJOR)		
Proposal	Submission of Reserved Matters (layout, scale, appearance, landscaping) pursuant to outline consent 20/01190/OUTM; Outline planning application for 45 dwellings		
Location	Land rear of The Vineries, Lower Kirklington Road, Southwell		
Applicant	Cameron Homes Ltd, Sir John Starkey, Mr Keith Maxey, Mrs Katherine Maxey, Mr John Judson, Mrs Ann Judson and Mr Richard Mullard	Agent	Evolve Planning & Design Ltd
Web Link	23/01836/RMAM Reserved Matters application (layout, scale, appearance, landscaping) pursuant to outline consent 20/01190/OUTM; Outline planning application for 45 dwellings Land Rear Of The Vineries Lower Kirklington Road Southwell (newark-sherwooddc.gov.uk)		
Registered	30.10.2023	Target Date	26.01.2024 EOT 06.09.2024
Recommendation	That planning permission is approved subject to the conditions at Section 10.0 of the report		

UPDATE

This application was presented to the Planning Committee on 1st August 2024 with a recommendation of approval.

During the debate some Members raised concerns regarding the tree and ecological impacts (including the lack of comments from the relevant officers) and whether the housing mix reflected the local housing need, stating that the need contained within the draft Neighbourhood Plan should be considered instead. Concern was also raised regarding the size and siting of Plot 37.

The application was therefore deferred to allow for further negotiation to take place with the developer to address these concerns.

Amendments

In response to concerns raised by the Planning Committee the applicant has amended Plot 37 to a 'Denver' house type (3 bed with upstairs study) and increased the level of planting between it and the two adjacent properties which would now be located within the management company control. These changes are shown on the following amended plans received 9th August 2024. Some minor revisions to the Landscape and Ecology Management Plan have also been made in response to late comments from the Council's Lead Ecologist and Biodiversity Lead Officer, received 23rd August 2024.

- Drawing no. 2322-03- Site Layout Rev AA
- 11515-FPCP-XX-XX-DR-L-0001 P14 – Detailed POS Structural Landscaping Proposals (P14 replaced P13, received 15.08.2024)
- 11515-FPCP-XX-XX-DR-L-0002 P09 – On Plot General Arrangement (Landscaping)
- 11515-FPCP-XX-XX-DR-L-0003 P09 – On Plot General Arrangement (Landscaping)
- 11515-FPCP-XX-XX-DR-L-0004 P09 – On Plot General Arrangement (Landscaping)
- 2322-05-01- Maintenance Rev G – Maintenance Area Plan
- 2322-04-02 Surface Materials Rev J
- 2322-04-01 Materials Rev K – Materials Layout
- RSE_6749_R3_V3_LEMP – Landscape and Ecology Management Plan, August.

Given the extent of amendments, only limited re-consultation has taken place with relevant parties for completeness.

Further Representations

The further representations received since the previous committee are set out in the table below.

Date received	Correspondent	Points Raised (Summary)	Officer Response
06.07.2024	Southwell Civic Society	<p>Letter asking number of questions including clarity on deferral reasons. Continue to raise concerns.</p> <p><u>Housing Mix</u> HNS shows housing stock is skewed towards larger homes and target mix won't be met unless larger homes are restricted. Any further 4/5 bed dwellings will increase the skew. The Civic Society challenges the proposed change to table HE1.1</p>	This is covered in the update below.

		<p>shown in the R14 May 2013 consultation draft.</p> <p><u>Flood Risk</u> The details being left to condition leaves LPA open to challenge</p> <p><u>Ecology</u> The width of buffer along the eastern boundary needs to be specified to ensure the important hedgerow is retained as wildlife corridor.</p>	<p>A drainage strategy has been provided and officers are satisfied that the detail is sufficient. Any changes beyond the strategy could necessitate a further application.</p> <p>The hedgerow along the eastern boundary would be retained and managed within the management company as shown on the drawings. This measures approx. 3.5m wide from the centre of the boundary.</p>
07.08.2024	NSDC Tree/Landscape Officer	No objections, concerns addressed	None required.
12.08.2024	Local Resident	<p>The important hedge along the eastern boundary hedge and Maple tree is to be protected and retained. We happily accept the proposal as concerns have been met and mitigated.</p> <p>Housing mix is very good and not in anyone's interest to have fewer large family houses as would produce imbalance in the social mix and not desirable result.</p>	None required.
13.08.2024	Biodiversity and Ecology Lead Officer	I have reviewed the Landscape and Ecology Management Plan (LEMP) Ref: RSE_6749_R2_V2_LEMP – 08/07/2024 and the Detailed POS Structural Landscape Proposals Ref:	

		<p>11515-FPCR-XX-XX-DR-L-0001 Rev P12 – 27/07/2024.</p> <p>Whilst I concur with your assessment and conclusions within your report for the Planning Committee of 01 August regarding ecology matters I would make the following comments, which I don't think are material to the decision.</p> <p>The POS Structural Landscape Proposals reflect the recommendations within the LEMP with two exceptions.</p> <ol style="list-style-type: none"> 1. The LEMP proposes ground flora enhancement for the woodland areas via seeding with an appropriate woodland seed mixture. This is not shown on the landscaping plans. 2. The LEMP recommends that the pond planting should consider inclusion of species with emergent leaves and totally submerged oxygenating plants (noting that it includes broadleaved pondweed <i>Potamogeton natans</i> in this category which is incorrect as this is a floating-leaved species). The landscaping plans do not include such species. <p>I also have one comment to make regarding the LEMP. Whilst this correctly includes a section covering monitoring in Section 1.18 but whilst an element of monitoring is shown in Appendix 2: Management Timetable this does not fully meet the objectives of Section 1.18; for example there isn't any specific monitoring of the woodland</p>	<p>An amended landscape plan has been received that includes a note to confirm that wildflower seeding will take place and that 2 additional species have been added to the marginal planting mix.</p> <p>An amended LEMP has been received which now explicitly and adequately addresses the issues raised.</p>
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		<p>habitat. Also, and importantly, there is no requirement for monitoring reports to be prepared and submitted to the local planning authority, which is considered to be important. These do not need to be extensive and complicated reports but consider are necessary so that as the determining authority we can ensure that the ecological mitigation and enhancement that is proposed and required to make the application acceptable in respect of ecology matters is implemented and maintained appropriately.</p>	
19.08.2024	Local Resident	<ul style="list-style-type: none"> • Share concerns of Southwell Civic Society. • Raise concerns regarding overlooking of no. 1 Private Drive from plots 38 to 41 and the uncertainty around the buffer strip between Private Drive and the development, distance of which should be stated. • Concerns have been dismissed at para. 8.68 of the committee report. • Independent architect has shared they would also be concerned if it was their house. • Planning condition should be imposed to prevent roof space conversions. 	<p>Noted.</p> <p>As set out above the width of the buffer is approx. 3.5m wide from the boundary fence of the new dwellings.</p> <p>The distances between dwellings are considered sufficient to avoid impacts such as direct overlooking and loss of privacy.</p> <p>It is not considered reasonable or necessary to remove permitted development rights for loft conversions.</p>
27.08.2024	Local Resident	Previous concerns remain the same.	These are considered within the previous committee report.

28.08.2024	Southwell Civic Society	Letter dated 23.08.2024 reiterating concerns in relation to: <ul style="list-style-type: none"> • Housing Mix • Flooding, and • Ecology Request the committee reject the application	Matters have already been addressed in this report.
28.08.2024	Local Resident	Concern that there is no landscape buffer shown between Oak Tree House and plots 33 and 34 and that the hedgerow planted by the occupants of the existing house is to be trimmed back	A landscape buffer in this location is not considered necessary to make the development acceptable. Any cutting back of existing planting would need to be undertaken with the consent of the owners.
28.08.2024	Local Resident	Remain concerned for reasons already set out such as; <p>The treatment of the Southern Boundary</p> <p>The creation of a new footpath to join PROW55 due to safety concerns which have been ignored.</p>	Matters already addressed within the report.

Any additional representations will be reported to the Committee as a late item.

Officer Assessment of Amendments

Notwithstanding that the officer recommendation was for approval without the amendments, the following comments are provided for Members.

Housing Mix/Size and siting of Plot 37

Housing mix is addressed in the original committee report at paragraphs 8.10 to 8.22. As stated at paragraph 8.21, the latest housing needs evidence for Southwell was not publicly available to review at the time of writing the original report. For completeness, officers had therefore reviewed the latest version of the SNP in respect of housing mix (which would have been based on this evidence) even though the SNP Review in itself cannot attract weight as it hasn't been through examination process.

The Southwell Housing Needs Assessment, by AECOM dated May 2022 has now been published on the STC website. This asserts that new development should be focused on medium and smaller homes. 3-bedroom properties are the largest need, followed by 2 bedroom dwellings. The HNA is also clear however, that it is never advisable to entirely restrict the supply of 4+ bedroom dwellings and makes clear that it would be unwise for new housing to come forward in an unbalanced way (para. 170). The following table is an extract from the HNA:

Table 5-9 Suggested dwelling size mix to 2031, Southwell

Number of bedrooms	Current mix (2011)	Target mix (2031)	Balance of new housing to reach target mix
1 bedroom	7.3%	6.2%	0.7%
2 bedrooms	19.9%	24.1%	28.9%
3 bedrooms	35.9%	48.3%	70.4%
4 bedrooms	28.0%	16.2%	0.0%
5 or more bedrooms	8.9%	5.3%	0.0%

The 'target mix' in the table above is contained within the SNP Plan Review and was considered by officers previously. The table under paragraph 8.21 of the original committee report set out this target mix and compared it against the proposed scheme which officers considered (and still consider) represents a good mix as stated in the report.

Nevertheless, the applicants have heard the views of Members (and residents) and in response have made a further amendment in an attempt to address the concerns raised. Noting the specific concerns relating to Plot 37, this has been amended from a large 5-bedroom dwelling to a large 3-bedroom dwelling with the garden land available reduced to allow additional land along the boundary to be placed into the management company control to create a stronger, more robust buffer between dwellings. The effect on housing mix is shown in the Table below (noting the strikethrough and bolded text to show the changes) as follows:

No. of beds	SNP Plan Review (target mix)	Proposed Scheme (overall mix of market and affordable)
1	6.2%	8.8%
2	24.1%	35.5%
3	48.3%	35.5% 37.77%
4	16.2%	-
5+	5.3%	20% 17.77%

Notwithstanding this, in any event it should also be noted there is now case law around housing mix in a reserved matters context. A High Court challenge between CPRE Warwickshire and Coventry City Council was settled on account of other similar cases that concluded that mix does not fall within the scope of a Reserved Matters application where there is no condition attached to the outline consent to prescribe that mix. In this case, there was no condition attached requiring a specific mix, albeit affordable mix was settled at outline stage, controlled via the s.106 agreement. Nevertheless, officers have sought to

negotiate a suitable mix that reflects the local need.

The conclusions previously drawn by officers, as set out at paragraph 8.22 of the original committee report remain true and the mix proposed is appropriate when taken as a whole, noting that it includes 30% much needed affordable housing and 20% bungalows. Officers are of the firm view that there are no grounds to refuse the application on housing mix.

Furthermore, as the size of Plot 37 has been reduced, so has the impact on neighbouring dwellings through its siting further away from neighbours. The intervening land (shown on the circled area on the extract to the right below) is now shown to be falling within the control of the management company.

Left: Extract of revised site plot showing P37 Right: Extent of Management Company land shown in red



Due to this amendment the quantum of Public Open Space on site would increase by approximately 511m² to 11,099m².

Landscape and Ecology Consultations

Members expressed concerns regarding the lack of formal consultation responses from colleagues. In order to make most efficient use of resources, comments are only made where necessary.

The Landscape and Tree Officer has confirmed that they have read the officer report, that it covers their previous concerns fully and they reaffirm they have no objection to the proposals.

Likewise the Council's Lead Ecologist and Biodiversity Officer has also confirmed they have no objections, although did note two areas that needed further clarification. An amended

landscaping plan and revised Landscape and Ecological Management Plan have been submitted which adequately deal with the comments raised.

Referral Conclusions

The applicants have sought to address the concerns of Members and from the outset have been working positively with officers to achieve a good scheme that delivers this allocated housing site. The view of officers is that the scheme meets the expectations of our policies and there are no reasonable grounds for refusal. The recommendation remains for approval subject to amended conditions to reflect the minor changes to the plans. These changes are shown in strikethrough and bolded text for ease of reference in the original committee report that follows.

ORIGINAL COMMITTEE REPORT DATED 01.08.2024

This application has been referred to the Planning Committee by Cllr P Harris in the event of a recommendation for approval. The reasons for the referral relate to changes in impacts upon trees and ecology and housing mix from the outline consent. The request was made prior to the recently adopted changes to the Planning Protocol.

1.0 Background

1.1 The delay in forming a recommendation on this application is due to enabling the applicant the opportunity of addressing various concerns raised by consultees (mainly NCC Highways) on numerous occasions. This has demonstrated that the local planning authority has sought to work positively and proactively with the applicants as required by the NPPF and by the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.0 The Site

2.1 The application site comprises c2.8ha of land containing a mix of agricultural land, grassland, former allotments and former apple orchard to the east of Kirklington Road and to the south of Lower Kirklington Road in Southwell. There are a number of mature trees and hedgerows within the site. The vast majority of this land is allocated for housing in the Council's Allocations and Development Management DPD albeit the allotments were not included in the allocation.

2.2 There are several components to the site including land north of The Vineries which comprises a field that is now overgrown, a protected Walnut tree and informal grassland with a driveway and hardstanding associated with the existing properties, including The Vineries, to its south. It also includes domestic outbuildings located close to the eastern boundary that serve The Vineries which are excluded from the application site. These properties comprise a row of 5 cottages with their frontages facing the parking/garage area at the north and rear gardens orientated to the south. No. 5 has a sunroom/conservatory located on its east side.

2.3 The site is bound to the west by Kirklington Road with its boundary being a managed high native hedgerow along its length, aside from the gap which forms the current existing vehicular access to the site. Beyond this (to the west) is Norwood Golf course.

2.4 The site frontage with Lower Kirklington Road is bound with a managed hedgerow. To the north, adjacent to the highway is a grassed verge which contains several evenly spaced Acer trees. Towards the northern end of the site, close to the Lower Kirklington Road boundary, positioned centrally is a Walnut tree that is subject to a Tree Preservation Order.

2.5 A public right of way (no. 55) extends along the southern boundary before projecting southwards to link with Kirklington Road and Springfield Road. A local watercourse (Springfield Dyke) is located south of the application site.

2.6 Three properties off Avondale Lane lie to the north of the south-eastern section of the site; 'Benaiah', 'Oak Tree House' and 'Oaklands' which are all substantial two storey

dwellings. In addition, 3 detached dwellings have now been constructed to the rear of the bungalow ‘Brooklyn’ under planning reference 19/01615/RMA. These are set in a linear, tandem arrangement alongside the eastern site boundary with Plot 3 sitting alongside Benaiah adjacent to the northern boundary of the dog-leg. These are accessed via their own private drive (known as Private Drive) between ‘Brooklyn’ and the proposed site access.

2.7 The site lies in flood zone 1 according to the Environment Agency maps.

3.0 **Relevant Planning History**

3.1 **20/01190/OUTM** – Outline planning application for 45 dwellings was granted 1st June 2021. All matters were reserved except for the means of access. The resolution to approve was as recommended by the Planning Committee in November 2020, subject to a number of conditions and a Planning Obligation under section 106 to secure the following:

Contribution	Policy Requirement	Contribution Achieved	Trigger Points
Affordable Housing	30% on site, (tenure split 60% social rent, 40% home ownership products)	Policy compliant contribution of 14 affordable units as follows unless otherwise agreed: <u>Social/Affordable Rent:</u> 4 x 1 bed maisonette 1 x 2 bed bungalow 2 x 2 bed house 1 x 3 bed house <u>Home Ownership Product:</u> 1 x 2 bed bungalow 4 x 2 bed house 1 x 3 bed house Plot numbers to be provided at RMA stage.	Not to occupy more than 22 dwellings (c48%) until 7 (50%) of the affordable units are provided. Not to occupy more than 36 (80%) dwellings until remaining affordable units provided and TF to provider
Health	Contribution towards health infrastructure £982.62 per dwelling	Justification has been provided to show the need. Policy compliant £44,217.90 to be secured towards expansion of infrastructure within the area.	Prior to occupation of 10 th dwelling
Public Open Space	Combined POS (‘Amenity Open Space’ of 14.4m per dwelling and ‘Children’s and Young Person’s Space’ of 18m per dwelling)	Not less than 1,458m of public open space to be provided on site and to include a Locally Equipped Area for Play (LEAP) (size not to be specified to allow flexibility) details of which will need to be agreed with LPA prior to first occupation.	Provided on site in accordance with scheme to be agreed before works commence Not to commence until

		Maintenance of all public open space (including footpath links, LEAP, SUDs and landscape buffers) to be secured through management company for the lifetime of the development	management plan and spec has been submitted and not to occupy until this has been approved
Community Facilities	Off-site contribution of £1,384.07 (indexed at 2016 and to be uplifted) per dwelling	Total policy compliant contribution of £62,283.15 to be spent within Southwell.	Not to occupy more than 22 dwellings (c48%) until sum paid
Transport	Contributions made upon subject to justification	£7,000 towards bus stop infrastructure to improve bus stop at NS0188 Norwood Gardens including raising boarding kerbs and replacing polycarbonate bus shelter.	Not to occupy any dwelling until sum paid
TOTALS		14 affordable dwellings plus £113,501.05	
Monitoring fees of £1,260 also have been agreed, to be payable when other contributions are paid by the developer			

- 3.2 Applications to discharge conditions attached to 20/01190/OUTM have been made and considered as follows: Conditions 12 (trees to be felled subject to endoscope survey) acceptable, 14 (clearance works) methodology acceptable, 16 (CEMP) not yet discharged, 17 (updated protected species survey) details acceptable **(23/01822/DISCON)**, Request to discharge condition 9 (land contamination) not yet agreed **(23/02070/DISCON)**, Condition 18 (archaeology 1) details agreed 24.10.2023 **(24/00099//DISCON)** and conditions 19 & 20 (archaeology 2 & 3) pending consideration **(24/01039/DISCON)**.
- 3.3 Prior to the outline scheme above having gained consent the following applications also relate to the site:
- 3.4 **17/00605/OUTM** – This application related to part of the wider allocated site (the western part) and was for outline consent (all matters reserved except for the means of access) for up to 18 dwellings including the provision of 5 affordable houses and to include the provision of off- site Highway works including (but not limited to) the provision of a mini roundabout at the junction of Kirklington Road and Lower Kirklington Road Southwell. This application was refused under delegated powers on 12th October 2018 for the following summarised reasons:
- 1) *Failure to demonstrate that developing this part of a wider housing site allocation independently would not prejudice the delivery of the remainder of*

the site in an appropriate way. Specifically the drainage strategy as advanced is not fit for purpose.

2) *Scheme did not secure appropriate range of developer contributions to mitigate the impact of the development.*

3.5 **16/01352/OUT** - Construction of 9 no. 4/5 bedroom detached houses - Phase 1 of the proposed development. (Outline application with matters of access and layout for consideration with all other matters reserved). This application was withdrawn prior to a formal decision being made due to various concerns being raised. This related to the western part of the enquiry site owned by the Maxey's.

3.6 **16/00007/TPO** - A Tree Preservation Order (no. N362) was made and confirmed on 19th October 2017 in relation to the walnut tree on site.

3.7 **13/00823/FUL** – ‘Formation of new vehicular access and mini-roundabout with associated highway works.’ This was a standalone 3 arm roundabout at the junction of where Lower Kirklington Road meets Kirklington Road which was approved 20th August 2013 under delegated powers and has now time expired without a start on site being made. The applicants were the same as this scheme, Mr & Mrs Maxey.

4.0 The Proposal

4.1 Reserved matters approval is sought in respect of layout, scale, appearance and landscaping for 45 dwellings. This follows the granting of outline consent for 45 dwellings in June 2021.

4.2 The scheme would take its vehicular access from Lower Kirklington Road (a matter already approved by the outline consent) with the road layout taking a cul-de-sac form.

4.3 Fourteen house types are proposed, comprising single and two storey dwellings with a mix of terrace, semi and detached units. An area of play space is located centrally to the eastern side of the highway and on-site sustainable urban drainage features are located to the north-west site frontage and to the south-east corner of the site. Landscaping buffers are to be provided to the boundaries of the site which would be within the control of a management company, secured through the legal agreement at outline stage.

4.4 The following table provides details of the house types proposed. Plots in bold text in the far-right column indicate affordable housing provision.

House Name	House type	No. of Bedrooms	Floorspace in m ²	Plots
622	Semi-detached two storey dwelling	1 (Upside-down house - bedroom 16.5m ²)	55.6	Four Plots: 11, 12, 13, 14
657	Detached/semi detached bungalow	2	61	Six Plots: 4, 5, 15, 16 , 29, 30

761	Semi-detached two storey dwelling	2	69.3	Six plots: 6, 7, 9, 10, 18, 19
Annesley	Semi-detached two storey dwelling	2	68.9	Four Plots: 23, 24, 43, 44
920	Semi-detached 2 storey	3	83.2	Two plots: 8, 17
Barton	Detached bungalow	3	78.3	Two plots 21, 22
Cardew	Detached/semi 2 storey	3	86.4	Three plots: 3, 39, 40
Chapman	Detached 2 storey (variations of brick and render)	3	90.6	One plot: 38
Denver	Detached 2 storey	3 beds + study (study 7m ² ; 2.79 x 1.98m) Integral garage	147.50	Five Six plots: 1, 2, 25, 37 , 41, 42,
Richardson	Detached 2 storey	5 Integral garage	224.4	Four plots: 27, 33, 34, 45
Seymour	Detached 2 storey	5 Integral garage	227	Two Plots: Plot 26, 28
Stansfield	Detached 2 storey	5	196	Two Plots: 35, 36
2600	Detached 2 storey	5	266.7	One Plot: 37

4.5 The scheme has been amended several times throughout the course of the application to address officer concerns, including those from the Highways Authority. The application is accompanied by various plans (as listed in suggested condition 13) and the following documents/plans:

- Site Location Plan, 2322/02
- Drainage Strategy (100 Rev F)
- Technical specifications of manhole structures (drainage)
- Topographical Survey (2322-01-01)
- Construction and Ecology Management Plan, Ramm Sanderson, August 2023
- Design and Access Statement by White Ridge Architecture, August 2023
- Ground Level Tree Survey Update by Ramm Sanderson
- Landscape and Ecology Management Plan by Ramm Sanderson, July 2023
- Planning Statement by Evolve Planning & Design
- Arboricultural Assessment and Arboricultural Method by fpcr, May 2024 (revised)
- Site Waste Management Plan by Reconomy, July 2023
- Gas Risk Assessment Update, MEC, December 2023
- Basin Section Sheet 1 of 2, drawing no. 115
- Basin Section Sheet 2 of 2, drawing no. 116
- Parking Heat Map, drawing 2322-PARKING HEAT MAP Rev A

NB – also see amended plans received 09.08.2024

5.0 Public Advertisement Procedure

- 5.1 Occupiers of 34 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. Further re-consultation has taken place in respect of the amended plans as necessary.
- 5.2 Site visits undertaken on 2 November 2023 and 16 July 2024.

6.0 Planning Policy Framework

6.1 Southwell Neighbourhood Plan 'made' 2016

- SD1 – Delivery Sustainable Development
- E1 – Flood Risk Assessments and Mitigation
- E2 – Flood Resilient Design
- E3 – Green Infrastructure and Biodiversity
- E4 – Public Rights of Way and Wildlife Corridors
- E5 – Green Link
- E6 – Climate Change and Carbon Emissions
- DH – Sense of Place
- DH2 - Public Realm
- TA1 - Cycle and Pedestrian Routes
- TA2 – Public Transport Connectivity
- TA3- Highways Impact
- TA4 – Parking Standards
- HE1 – Housing Type and Density
- Policy SS4 – Land east of Kirklington Road (So/Ho/4)
- Appendix 1 - Southwell Design Guide

Note: some of these policies are based on out-of-date evidence. Where applicable, the amount of weight that can be attached is discussed within section 8.0 of the report.

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

- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- 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 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment
- SoAP1 – Role and Setting of Southwell

6.3 Allocations & Development Management DPD

- So/Ho/4 – Southwell Housing Site 4
- So/HN/1 – Southwell Housing Need
- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM2 – Development on Allocated Sites
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

6.4 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan, unless material consideration indicates otherwise.

6.5 **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- 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
- Technical Housing Standards - Nationally Described Space Standard 2015
- Fields in Trust Guidance for Outdoor Sport and Play
- Building for a Healthy Life, Urban Design Group

7.0 **Consultations**

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

(a) Statutory Consultations

7.2 **NCC Highways Authority** - (22.07.2024) Raised issues with additional landscaping drawings (revisions P06) due to some hedges being within the visibility splays shown on drawing 2322-03 Rev Y. Requested amendments to address these concerns which have been received and NCC Highways have confirmed (23.07.2024) that this issue has now been satisfactorily addressed.

(27.06.2024) Remove their holding objection based on drawing no. 2322-03 Rev Y. Key points made:

- Layout now shows the required visibility splays.
- Parking is compliant but Plots 31, 35, 38 & 39 are not of standard width and Plot

8 has disassociated parking. However only Plots 8, 38 & 39 would impact on the highway and are unlikely to cause an issue such that it would be viewed as unacceptable.

- Safe and suitable access would be secured as per Condition 5 of the outline consent.
- The development is of a quantum where we may agree to adopt the internal roads should they be offered and where constructed to adoptable standards. This is not something that can be conditioned, but unless the development is gated the highway authority still have some duties and responsibilities and we therefore request a condition to ensure that the roads are built to adoptable standards (even if not offered).
- To reduce the chance of issues arising on highway during the construction period, we would request that a Construction Management Plan is conditioned.

Conditions are then recommended, summarised as follows:

1. Requirement to submit details of the longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works and then implemented as approved.
2. Construction Management Plan to deal with measures to prevent mud etc on the highway, storage of materials and internal routes for construction staff, parking for site operatives and details of build programme.
3. Drive and parking areas to be provided in bound material before first occupation.
4. Drainage scheme to show how surface water from drives/parking areas will be prevented from entering the highway.
5. Visibility splays to be provided and kept clear.
6. Electric vehicle fast charging provision to be provided for each dwelling.

(04.04.2024) Objection based on revision W; issued in summary were that the private drive needs tracking, pedestrian visibilities have been inconsistently applied, parking for plot 15 within pedestrian visibility, visibility splays for plots 1-3, 15-20 pass over private land and therefore unacceptable and there are concerns regarding refuse collection/turning points on private drives.

(23.02.2024) Object with summarised areas of concern below:

- Issues with private drives and turning facilities and length exceeds that allowed for waste collection.
- Bin collection points potentially insufficient size risking that bins will be left out on the footway or obstruct the private drives.
- Vehicular visibility splays required for Plot 38
- Pedestrian visibility splays are insufficient in size
- Visibility splay from the drive serving Plots 1-3 and 15-19 passes over what appears to be private curtilage, which is not acceptable.
- Tracking information has not been updated as requested.

- There is no speed attenuation and the length of this road exceeds that permissible. It is unlikely that this can be resolved with layout due to the shape of the development land and therefore suitable traffic calming measures are required.
- Private drives are often a concern with regards to visitor parking as there is no space afforded within the layout and therefore all visitors and any impacts of under provision result in parking on highway. Visitor parking should be considered at a rate of 0.3 per dwelling.
- 'Heat Map' of parking requested
- House Type 'Denver' indicates an upstairs study. The Highway Authority do not accept this and this house should be counted as a 4-bed house. However, this should be provided with 3 spaces whether 3 or 4 bed.

(17.11.2023) Object – similar issues to those already mentioned above.

7.3 **NCC Transport and Travel Services -**

(10.01.2024) - The closest bus stops are approximately 580 metres from the centre of the site on Lower Kirklington Road.

Bus Service - Stagecoach operate Service 29 between Southwell and Newark/Mansfield every 2 hours Monday to Saturday daytimes which operates along Lower Kirklington Road adjacent to the site. The site is situated approximately 500m from a bus stop served by daily Service 26 to Nottingham which is commercially operated by Nottingham City Transport and operates up to every 30 minutes. Additional services to Mansfield are operated by Stagecoach from the centre of Southwell.

Bus Stop Infrastructure

This planning consent for this site included a Highways contribution of £7,000 payable towards the improvement of the bus stop at NS0188, Norwood Gardens to include raising boarding kerbs and bus shelter replacement.

New Bus stop - the Council request that the S278 civils works includes raised boarding kerbs to support a new pair of bus stops on Lower Kirklington Road fronting the site, to provide access to Service 29. Preferred locations are illustrated on an indicative map.

7.4 **NCC Rights of Way** – No response has been received to consultation requests to amended plans.

(24.11.2023) - Southwell Footpath No. 55 is within the southern boundary of the site and links Lower Kirklington Road and Springfield Road.

Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads including motorways).

They are a material consideration in the planning process and due attention should be made to the treatment of them in the application for development.

They form part of the sustainable transport network that has links to healthy living, reducing carbon footprints, safe non-motorised links to local facilities, so it is important ensure that they are linked to the other networks and are of a good design that encourages safe use.

NB – the paragraph numbers in the response below are now out of date as the NPPF has since been revised. Up-to-date paragraph numbers are included for completeness in brackets next to the original.

Para 100 (104) of the NPPF states that planning policies and decisions should protect and enhance PROW including taking opportunities to provide better facilities for users. Para 110 (114) states that sustainable transport should be considered and the same and suitable access to the site for all users should be achieved. This encourages safe connectivity to routes, leading to healthier living, reduced carbon emissions etc. Para 112 (116) states applications should prioritise pedestrian and cycle movements and create places that are safe, secure and attractive, minimising the scope for conflicts between users and vehicles.

This application is for 45 dwellings and as such the footpath is likely to have an increased level of use which should be encouraged by using this as an opportunity to improve the existing footpath. The applicant is proposing the provision of a surfaced footpath link from the south of the proposed development to link to Southwell Footpath No. 55. The applicant will need to confirm the status of the link and how it will be maintained in the future. However the Rights of Way Team is disappointed that the applicant has missed the opportunity to improve the Public Footpath thereby improving pedestrian links to amenities, work and school away from motorised vehicles. We invite the applicant to also surface the rest of the footpath through the site from Lower Kirklington Road to where it leaves the site at the southeast corner and look to make a contribution to the improvement of the rest of the PROW. The applicant proposes a hoggin type surface for the path link which unless there is good subsurface drainage can end up being muddy and wet in winter and bake hard and uneven in summer and is unsuitable. A crushed stone surface will be more appropriate.

It is recommended that early discussions are held with the RoW team at NCC (Via) on any impact a development might have on a right of way (surface, width, location etc) or potential change to the route, before the development commences.

- 7.5 **NCC Lead Local Flood Authority – (29.07.2024) Refer to previous comments made on 30 May.** Insufficient information to consider the drainage in any detail. Point out this is covered by condition 4 of the outline consent.

(b) Town Council

- 7.6 **Southwell Town Council – Object:**

(25.06.2024) – Unanimously object for following reasons:

- This is sixth iteration of plans and previous comments remain valid

- Ongoing concerns regarding the number of trees affected and the council will ask for comments from Tree and Landscape Officer as well as the Ecology Officer
- Massing of the properties has been increased due to increase in number of bedrooms from 105 to 125 which is unacceptable

(04.04.2024) Concerns relate to flooding, hedgerows and ecology, design and layout and highways. STC unanimously object based on the significant differences from the outline planning to the reserved matters application and the previous comments. They also point out that the Denver house type has a study which could be used as 4th bedroom – how might this impact parking provision?

(08.03.2024) – challenge the validation of this application for the following reasons:

1. Outline application 20/01190/OUTM was for a development "of up to 45 dwellings, all matters reserved except for access". There was no indication that other, existing properties would utilise the new access and it was on this basis that the Highway Authority considered and NSDC approved the outline application.
2. 23/01836/RMAM is the related reserved matters application and the submitted documents and plans are for a total of 45 new dwellings. However, page 21 of the Planning Statement logged on 13/10/2023 makes clear that, additionally, "Access to the Vineries will be provided via the site to replace the closed access" (i.e. the existing access to the north of Kirklington Road).
3. The intended use of the approved access for the existing properties at the Vineries is equally shown on the submitted plans and is referenced by the Highways Authority in their formal objection dated 30/10/2023.
4. In consequence, 23/01836/RMAM proposes that up to 50 dwellings would now use the access approved under 20/01190/OUTM as suitable for "up to 45 dwellings".
5. If the RMAM application had been for 50 or even 46 NEW dwellings it would have been ruled invalid. It is difficult to understand how NSDC could argue that this application for 50 or even 46 new and EXISTING should be treated differently.
6. Therefore, it is Southwell Town Council's contention that the current reserved matters application is not valid and cannot be determined as it stands; and that a new planning application, either outline or full is required unless the current application is amended to show the approved access being used by no more than 45 new and existing properties.

In addition to our previous comments, we would like to note that we strongly object to the planning as per reasons (summarised) below:

Significant impact on The Properties on Private Drive and Oak Tree House, Avondale need to be addressed and investigated thoroughly and with urgency. In Particular, Plots 33 and 37. We stress the unacceptable variance in the outline planning permission, the loss of the Copse, a 50% increase of floor area than that of the outline

planning permission and the disregard to the 2022 Housing needs assessment which clearly states there is no further need for 4/5 bedrooled homes in Southwell.

No consideration for the “Hedgerows act 1987” and the changes from the outline planning have not been addressed. Nor have the reservations and comments from NCC Highways.

Plot 33 is particularly of concern due to its proximity of Avondale being now proposed only 12m away rather than the 27m previously. This alongside a 17m brick wall behind the hedge which is overshadowing, over bearing and the evidential “shadow study” holds zero credibility.

This alongside the ecological devastation, no plans for solar, water harvesting and the imminent “flood risk” involved. No Consideration for increase impact on cars parked and not to mention the additional burden on the NHS.

(05.01.2024) – Objection as per 08.03.2024

(08.12.2023) Objection – inconsistency of plans, design and layout, ecology issues – refer to neighbourhood plan Policy E2 and N 554 Flood Risk and Highways.

(c) Representations/Non-Statutory Consultation

7.7 **Trent Valley Internal Drainage Board** – make general comments

7.8 **Southwell Civic Society** – Strongly object

(03.07.2024) – 1) There is no revised Landscape and Ecology Management Plan; 2) Housing mix doesn't meet the requirements of the Neighbourhood Plan nor of the revised plan; and 3) There are no detailed dimensions of buffer strips but they clearly don't meet Neighbourhood Plan requirements.

(20.03.2024) – disappointed as the revisions do not attempt to address previous concerns raised. Omission of a buffer strip to Kirklington Road which is contrary to Policy SS4. Also contrary to Second Publication Amended Allocations and Development Management DPD where buffer strip is shown 25% of site width (25m) yet submitted plans show 6-7%. In places the edge of houses are only 5m from centre of hedge and car parking only 3m.

Deviations from outline stage are so significant the application must be refused.

(18.12.2024 and 02.01.2024) Objections summarised:

Highways - The overriding issue is the access and the relationship between this site and So/H/05. The proposed position of the access and the mini roundabout conflict with and are unreconcilable with the previous planning refusals and Appeal refusals in relation to site So/Ho:05 Land off Lower Kirklington Road. There are serious flaws in the drainage and flood proposals, the Arboricultural Assessment, the Landscape and Ecology Management Plan

There are failures to comply with the Southwell Neighbourhood Plan.

The site layout is significantly different from that approved in 20/01190/OUTM. The application should be re-submitted as a full and detailed application. The conditions applied to the outline are not all relevant to this new layout.

We note the applicants are different to those who were granted outline planning permission, 20/01190/OUTM

There is no provision to improved footpath 55 as required by Policy E4

Drainage – concern that increased runoff will increase flooding along the footpath.

There should be a 8m buffer between the watercourse and boundary of property to allow for maintenance and as a pollution prevention measure required by Southwell NP policy E2.

7.9 **NSDC (Conservation) –**

(July 2024) - No overall objection, although raise queries regarding the screening and enclosures proposed in relation to the Vineries (now confirmed to be hedgerow as requested) and the use of peat brown roof tiles which would not accord with the more vibrant orange/red local clay tiles which typifies most roof coverings in Southwell. Balanced judgement will be required as per para.209 of the NPPF.

(05.12.2024) Conclude that there would unlikely be harm to the historic environment. We encourage retaining/improving green infrastructure at the edges to help integrate development with the rural edge of the town and be sympathetic to buildings with some local interest such as The Vineries and Pear Tree Cottage. This will help protect the wider setting of Norwood Park to the west (an unregistered park and garden).

7.10 **NSDC (Environmental Health) – (18.01.2024) -** In relation to Land Contamination, Reviewed the Gas Risk Assessment update letter report by MEC which describes the ground gas sources and determines that no ground gas protection measures are required. Officers concur with the findings. Comments relating to the limited soil sampling remain applicable and as such recommend the use of the full phased contamination condition.

Make observations in respect of waste management, including some concerns regarding refuse collection for plots 33-37 off a private driveway and that each property will need capacity for 4 bins.

A development of this size should contain a locally equipped area for play

Would like to see provision of conservation measures such as bee bricks, habitat piles and boxes.

7.11 **NSDC Biodiversity and Ecology Lead Officer –** No comments received.

7.12 **NSDC Tree and Landscape Officer –**

(06.03.2024) - In summary, adjustments and further information are requested:

- Tree removal has been significantly underestimated, with clear actionable conflict readily apparent in the design.
- Full impact of works immediate to the TPO tree have not been explored.
- Matters to note include T14 (field maple) works requested to crown reduce by 2m. Noting this tree should be expected to increase by approximately 1/3 given normal growth.
- Construction within the RPA is directly against BS5837 for example T13 (Ash) crown raise to height 3m to facilitate car parking construction. Changes in hydrology around TPO tree have not been addressed.
- Fruit bearing trees over hard standing/surface are suggested to constitute a statutory actionable nuisance.
- Some species are considered inappropriate to hedgerow due to impact on litter snagging.
- Suggested changes to the native tree planting.

(10.11.2024) - Previously raised concerns including conflicts between drawings, including drainage drawings and trees. Pointed out that STW have minimum stand off distances to drains for new planting which don't appear to be met. Species of trees could give birds dysentery which could in turn cause a statutory nuisance and lead to trees not being retained within frontages. Need more information regarding future expected growth of proposed trees at maturity to demonstrate trees are likely to be retained for the longer term. Lack of tree lined streets and point to a number of discrepancies showing conflicting information on tree loss/retention.

7.13 Archaeological Specialist – There are no archaeological implications to the proposal.

7.14 Representations from 18 households have been received during the course of the application. The majority have commented multiple times to the various amendments, all raising concerns and objections some of which have been addressed through the variations and some of which relate to matters considered at outline. The comments are summarised as follows:

General

- Annoyance that the developer is on 6th iteration of revisions;
- Concerns raised regarding number of conflicts/discrepancies between drawings/plans requiring clarity;
- Concern that important hedgerow along Private Drive incorporated into the site when not owned by the developer/concern that this hedgerow is absent from plans and could be under threat.
- Asher House is referred to a Beechwood on the plans

Matters relating to the principle already considered at outline

- 45 dwellings would generate 90+ vehicle movements daily;
- Noise levels would rise;
- Edge of town location would interfere with wildlife;
- More congestion at school times as most parents drive;
- Insufficient doctors appointments available without 105+ new patients;

- Insufficient school places for extra children this development would accommodate;
- Transport links to nearby shopping centres are extremely inadequate;
- Southwell becoming too busy and overcrowded;
- Concerns regarding proposed new roundabout;
- Concerns at speeding cars, safety of pedestrians and cyclists;
- Kirklington Lane is too narrow;
- Too many access points along Kirklington Road and creating another would increase traffic from Springfield Road which is already used as a cut through for the Lowes Wong Primary school.

Housing Mix

- Plans ignore Southwell's housing requirement and deviates from outline permission
- Some plots (41 & 42) have upstairs studies which could be used as bedrooms
- Plot 37, 50% larger than at outline and others are 25% larger
- 23% increase in total number of bedrooms since outline stage
- Appreciate the need for affordable houses but not the larger houses that will be sold for £1m+

Residential Amenity

- First floor windows facing Private Drive should have frosted glass;
- Plot 37 overbearing to Asher House and would cause loss of privacy;
- Concerns that the larger 5 bedroom houses would cause loss of amenity and reduce effectiveness of solar panels;
- Concerns with siting of Plot 33 so close to Oak Tree House causing harm to living conditions (now re-sited)
- A topographical plan needs to be insisted upon to avoid buildings being set too high causing over-bearing issues
- Concern that properties on eastern side of access all have bedroom windows overlooking Brooklyn
- Adverse impacts relating to Sycamore – front elevation has 5 windows facing north which will look at rear elevation of 7 x 2 storey properties which would adversely affect amenity. This could be remedied with bungalows along this boundary instead.
- Footpath link through the development would bring about reduction in privacy and creating potential safety issues to those residents.
- Part of no. 90 Kirklington Road's garden is included within the plan as green space in the Southwell Neighbourhood Plan without knowledge of owner/occupier (*this comment does not appear to relate to this application*)

Public Open Space/Management/Footpath

- Detailed management plan required for the maintenance;
- 6th Feb plan now shows PROW and all of Springfield Dyke outside of the application site, concern as to who takes ownership and responsibility for maintenance;
- Maintenance of all hedgerows. - There must be a stipulation for the maintenance of the hedgerows around the whole of the development once complete.

- There has never been a right of way in the field besides the Vineries but the landscape plan shows footpath access – which is unnecessary and make this a shortcut and increasing the footfall
- If PROW is used as access to Kirklington Rd, pedestrians will need to cross the road to reach the Kirklington Rd footpath at an extremely dangerous point due to the close proximity of two sharp *bends on a fast road*.
- The character of the southern footpath gives the feel of being in the countryside which should be preserved for those who value this rural experience, hedged off and gapped up. Submission is not clear what is proposed.
- There should be no pedestrian access from the development to the PROW to ensure safety and minimise wildlife disturbance

Character/Design/Visual Amenity

- Removal of 2.5 storey houses is welcome provided they aren't later amended to have rooms in the roof;
- Concern at inappropriate setting 2.5 storey housing which would be high and overbearing at edge of rural open space, more suited to town environment;
- Houses would be out of keeping
- Concern regarding boundary treatments, will existing eastern hedge be used instead of boundary fences?

Trees and Ecology

- Concerns with siting larger 5 bed house in copse and should be revised as per the outline;
- Concern regarding impacts on established hedgerows and wildlife that use them. Further bat and badger surveys should be carried out given passage of time;
- Hedgerow should be protected during construction;
- Concerned about the loss of trees (15 would be category B which is excessive) and many trees are being removed from rear of Asher House that if repositioned could retain more;
- Concern at loss of eastern hedgerow on boundary with Private Drive;
- Concern expressed mid -march that hedgerows were being removed from the site
- Concern at loss of hedgerows which are wildlife corridors.
- Mature maple tree in hedge between Brooklyn and Plot 45 seems to be lost and would help retain privacy.

Highways

- Further traffic calming measures are required to slow traffic down

Drainage and Flooding

- Insufficient regard to existing properties around the boundaries;
- Strong flood risk and drainage concerns from Southwell Flood Forum – concern that the attenuation ponds may overtop and cause flooding issues elsewhere;
- Excess surface water from pond 1 to be fed into drain that feeds under LKR –which is totally inadequate field ditch and cant cope which would in turn have serious detrimental impact on residents.

- Flood risk problems are underestimated in the FRA and it should be updated to be based on new data.
- Lacking detail for drainage strategy and condition 4
- Concern at possible flooding impacts to nearby residents as southern on site drainage pond is close to gardens on Springfield Road and worried it might overflow;
- Will the drainage ditches be dry or hold water – will life jackets be sited for safety?
- Concern regarding maintenance of the local water course to the south of the site and impacts from the development;
- The dyke is overgrown and the wooden dams installed by Via East Midlands appear to be of very little use in controlling water flow. Concern that Pond 2 could flood and subsequently the PROW, surrounding gardens and the land to the rear of 76 Kirklington Rd will become flooded. A detailed management plan needs to be provided and discussed with local residents and the Flood Forum Team in order to reassure that the matter has been adequately addressed.
- Land owners will have riparian rights and will be responsible for upkeep from their side and there is concern as to who will take responsibility

8.0 Comments of the Business Manager – Planning Development

8.1 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.

8.2 The following matters have been identified as key issues:

- The Principle
- Housing Need, Mix and Density
- Landscaping, Trees and Public Open Space
- Impact on Ecology
- Design and Character
- Residential Amenity
- Highways and Parking
- Drainage and Flood Risk

8.3 These matters shall be discussed in turn. However, before doing so, preliminary matters need to be dealt with first as follows.

Preliminary Matters (including Access)

8.4 The validity of this application has been raised as an issue by Southwell Town Council due to the Planning Statement stating that 'Access to the Vineries will be provided via

the site to replace the closed access' which they are concerned would mean that the application proposes up to 50 dwellings that would use the new access from Lower Kirklington Road approved under the outline consent.

- 8.5 The proposed layout shows an access link from within the site to The Vineries which would replace the one to be lost. It should be noted that the existing access (marked by the red arrow on the aerial image below) serving numbers 1 to 5 The Vineries would remain from Kirklington Road to the west and is not proposed to be stopped up. It has been clarified that the reference made within the Planning Statement relates to a singular right of way for one resident of The Vineries and this is the access that will be closed as marked by the red cross on the aerial image below. This was shown on the indicative site plan that was submitted at outline stage.

Aerial image showing access points



- 8.6 Access is a matter that has already been consented by the outline permission. Layout however was reserved. The indicative plan at outline stage did not explicitly show access from within the application site into The Vineries. However access is not a matter for consideration at this stage and cannot be revisited. It is clear that the proposal is for 45 new dwellings as per the consent. This outline consent does not restrict access to just the residents of those 45 new dwellings only; it could lawfully be used by any member of the public such as visitors or delivery vehicles etc. The outline application was supported by a Transport Assessment which was based on a maximum quantum of 50 dwellings which NCC Highways Authority considered and found to be acceptable, and consequently it would not have altered the decision to approve in any case. It is therefore considered that the application has been appropriately made in accordance with the outline consent.

The Principle

- 8.7 The site is allocated within the Allocations and Development Management DPD for a housing development of around 45 dwellings under Policy So/Ho/4. This allocation

remains in the Amended version of the Plan Document submitted to the Secretary for State in January 2024.

- 8.8 Moreover, the principle of 45 new dwellings on this site (and the associated infrastructure requirements through developer contributions) has been established through the granting of an outline consent. This established the quantum of development (and therefore the density of 15.8 dwellings per hectare) plus the means of access which would be taken from Lower Kirklington Road alongside a new, 3 arm mini roundabout at the junction with Kirklington Road. This consent was granted on 1st June 2021 with condition 1 requiring that applications for reserved matters approval be made no later than 3 years from that date. The application was made and validated on 27th October 2023; so within the prescribed timeframe and if granted, would need to begin 2 years from the date of any reserved matters approval. If this application were to be refused, the extant permission would now be time expired with no opportunity for any further reserved matter applications to be made under the auspices of the outline consent.
- 8.9 Given that the principle is already established through the site allocation and the outline consent, there is no requirement to rehearse the principle of development further. Developer contributions have been secured to mitigate any additional pressure on existing services and facilities, as can be noted in the site history section of this report.

Housing Need and Mix

- 8.10 Policy So/HN/1 (Southwell Housing Need) of the adopted Development Plan sets out that the majority of dwellings on development sites in the town should comprise one- or two-bedroom units. However, this policy is now based on out-of-date housing needs evidence and is proposed to be deleted in the Plan Review. I therefore give this policy very limited weight.
- 8.11 Policy HE1 (Housing Type and Density) of the SNP sets out a required mix for greenfield sites of 20% 1 bed apartments, 50% 2 bedrooms and 30% 3 or 4 bedroom family homes. However the SNP was adopted in 2016 and is also based on out of date housing need evidence so this is also given limited weight. Whilst the SNP is in the process of being reviewed, at the time of writing this hasn't been submitted so any newer version cannot attract weight.
- 8.12 Core Policy 3 of the Amended Core Strategy (2019) sets out that development should secure new housing which adequately addresses the housing need of the District namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the District Council will seek to secure an appropriate mix of housing types to reflect the local housing needs. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.
- 8.13 Paragraph 60 of the NPPF (December 2023) states that the overall aim of delivering a sufficient supply of homes should be to meet as much as the area's identified

housing need as possible, including with an appropriate mix of housing types for the local community.

- 8.14 The District Council commissioned a district wide housing needs survey undertaken by ARC4 in 2020. This attracts more weight than the adopted policies SS4 and So/HN1 given it is based on the most up to date housing needs evidence available. In the Southwell Sub Area (within which this scheme falls) the housing need is for family housing of 3 and 4 bedrooms, then 3 or more bedroom bungalows, 2 bedroom bungalows, followed by 1 or 2 bed roomed dwellings, followed by 2 or more bedroom flats.
- 8.15 Members should note that the affordable housing mix is already secured through the outline permission and is not open for reconsideration. It is therefore necessary to look at the market mix and then compare the overall mix to that of the latest evidenced need.
- 8.16 It is noted that one house type (The Denver) is shown to have 3 bedrooms and an upstairs study. However, the study at 7m² in floorspace is below the minimum nationally described space standard of 7.5m² (and insufficiently wide at 1.98m instead of 2.15m) to be counted as a (single) 4th bedroom. For the purposes of housing mix it has been counted as a 3-bedroom dwelling albeit it is noted that this could be marketed as a four bedroom dwelling.

House Type	Affordable Mix (Fixed by outline consent)	Market Mix	Overall Mix	Overall Identified Need in Southwell Sub Area according to 2020 HNS
1 bed bungalow	-	-	-	-
1 bed flat	4 (4 x AR*)	0	4 (8.88%)	-
1 & 2* bedroom houses	6 (2 x AR*, 2 x SO*)	4 (12.9%)	10 (22.2%)	6.6%
2 or more bed flat	-	-	-	5.6%
2 bed bungalow	2 (1 x AR*, 1 x SO*)	4 (12.9%)	6 (13.33%)	14.8%
3 or more bed bungalow	-	5 (16.12%)	5 (11.11%)	15.2%
3 bed house	2 (1 x AR*, 1 x SO*)	9 (29.03%)	11 (24.44%)	33.3%
4 & 5 bed house	-	9 (29.03%)	9 (20%)	24%
Other	-	-	-	0.5%
Totals	14	31 (100%)	45 (100%)	100%

NB – this table hasn't been updated to reflect the change to Plot 37. See Update for this.

- 8.17 As the table above demonstrates, the proposed scheme offers a good mix of dwellings that would help in meeting the evidenced needs of the locality. Given the need has changed since the outline consent secured the affordable element, it is not possible to reflect the need exactly, but the mix overall is within a 10% tolerance of the latest evidence and includes 20% bungalows, terraces, semi-detached and detached dwellings.
- 8.18 It is noted that concern has been expressed by Southwell Town Council (STC) that the scheme shows a 50% increase of floor area than the outline planning permission and that it disregards the Housing Needs Assessment (HNA) 2022, which according to STC shows there is no further need for 4 or 5 bedroom dwellings in Southwell.
- 8.19 Firstly, it should be noted that layout and scale were not considered at outline stage; the block plan provided was only ever indicative so does not restrict the units from being larger subject to an appropriate housing mix. The national technical guidance entitled 'Nationally described space standards' 2015, provides useful guidance on expected minimum gross internal floor space for dwellings. The table below shows how this scheme compares with these minimum standards.

Technical Guidance: Nationally Described Space Standards				
Number of bedrooms (b)	Number of bed spaces (persons)	1 storey (m²)	2 storey (m²)	GIA proposed by this scheme m²
1b	1p	39		55.6
2b	2p	50	58	61, 68.9, 69.3
2b	3p	61	70	
3b	4p	74	84	83.2, 78.3, 79, 86.4 90.6 and 147.5
3b	5p	86	93	
3b	6p	95	102	
4b	5p	90	97	-
4b	6p	99	106	
4b	7p	108	115	
4b	8p	117	124	
5b	6p	103	110	196-266.7
5b	7p	112	119	
5b	8p	121	128	

- 8.20 The above table shows that there is a range of unit sizes that meet the minimum standards set. The Denver house type is large for a 3 bedroom dwelling but the upstairs study would cater for many families requiring a home office so offers flexibility. The 5-bedroom units are large compared to the standards, but these are minimum not maximum standards and still offer a range of houses to help meet the needs.

8.21 Secondly, it is understood that this Housing Needs Assessment (HNA) referred to by STC, is evidence associated with the Southwell Neighbourhood Plan Review, yet to be submitted. However this HNA is not currently in the public domain, is not available to view on the STC website and hasn't been through the plan examination process. Whilst the evidence itself is capable of being a material consideration, as the HNS isn't publicly available to review, officers have sense checked the SNP Review (which will be based upon that evidence) to understand what the latest evidence is likely to show:

No. of beds	SNP Plan Review	Proposed Scheme
1	6.2%	8.8%
2	24.1%	35.5%
3	48.3%	35.5%
4	16.2%	-
5+	5.3%	20%

8.22 As can be seen from the table above (which is contained within the latest SNP update) there is still a 21.5% need for larger 4 and 5 bedroom homes in the town. The proposed mix is not wildly different from this emerging position (for example 4 and 5 bedroom dwellings on this scheme equate to 20% of the mix compared to the identified need of 21.5%) and does not affect the conclusions drawn that the mix on offer is appropriate when taken as a whole.

Landscaping, Trees and Public Open Space

8.23 Policy So/Ho/4 of the Allocations & DM DPD and Policy SS4 of the Southwell Neighbourhood Plan (SNP) are the site specific policies that allocate the site for around 45 dwellings. These policies require compliance with a number of criteria, some of which were considered at outline stage. Relevant to this reserved matters application (in respect of landscaping) is the following requirement:

'ii) Appropriate design, density and layout which addressed the site gateway location and managed the transition into the main built up area. In order to assimilate the development and limit the impact of the development on the character of the area provision should be made for landscape buffering on the sites northern and western extents within the design and layout of any planning application. In considering such buffering this should be particularly extensive to the south of The Vineries to help retain the semi-rural character of this section of Kirklington Road.'

8.24 The scheme advanced has a similar layout and disposition in terms of the developable area to the indicative layout shown at outline stage.

Indicative Layout at Outline Stage

Superseded Layout and Structural Landscaping



Revised Layout and Structural Landscaping (following amendments in Aug '24)



- 8.25 It is noted that concern has been expressed that there have been changes to the layout and associated impacts on trees/ecology since the outline approval. However, it should be noted that neither the layout nor landscaping were fixed by the outline consent and some change is therefore inevitable.
- 8.26 In any event, the reserved matters application details a landscape belt alongside the western boundary with Kirklington Road which varies in width from between

approximately 3.8m to 10m (on land north of The Vineries) not including the existing hedgerow already present. South of The Vineries the landscaping buffer is wider at approximately 26m narrowing to 5.7m at its southern extremity. All of the buffer (including the 'important' hedgerow to the eastern site boundary) would be within the control of a management company (secured as part of the outline consent via the planning obligation) rather than being within gardens to allow its retention and management.

- 8.27 The site frontage with Lower Kirklington Road would retain much of its greenery with an area (comprising approximately 1321m²) to the north-west of the site being devoid of built development. This allows the protected walnut tree (T2) to be a key feature that would sit alongside a balancing pond (sustainable urban drainage feature) to deal with surface water attenuation. I consider that this green approach at the site entrance and alongside the western edge of the development, meets the policy expectations in achieving an appropriate level of greenery that would help to soften the built form given its edge of settlement location.
- 8.28 Policy So/Ho/4 also requires at vi):
'The undertaking of a Tree Survey by the applicant, assessing and informing the retention of the best specimens into public and private amenity space within the design and layout of any planning application.'
- 8.29 A tree survey was submitted to inform the outline application and Condition 10 of the consent required that any reserved matters application should either be in compliance with it or that a new survey and impact assessment should be submitted. The applicant has provided a new Arboricultural Assessment with an associated Arboricultural Impact Assessment (AIA).
- 8.30 This shows a total of 91 trees, ten groups of trees and 7 hedgerows were surveyed. The vast majority of these were assessed as being category B (good/moderate quality or value) or C (low quality or value). None were assessed as category A (high value) and 11 were assessed as being unsuitable for retention.
- 8.31 The AIA asserts that in terms of trees loss this would comprises 11 category U trees, 16 category B trees, 11 category C trees as well as 3 tree groups (C) and 2 hedgerows (C). Whilst this seems a significant proportion, it should be stressed that in allocating the site for development it would have been expected to involve substantial tree/hedgerow losses given the nature of the site at that time.
- 8.32 Of the 16 number B graded trees to be lost, 13 are mature apple trees alongside a field maple, ash and cherry. This will cause an adverse impact but is necessary to form a link between the western and eastern parts of the site, to allow excavation to undertake the drainage swales and to increase the developable area for the amount of development allocated. This is proposed to be mitigated by the planting of a community orchard alongside retained apple trees to provide betterment and is necessary to ensure continuation of this habitat as many of the apple trees have reached the end of their life expectancy. This area would be managed (by the management company) to help prolong the life of the trees and provide habitat.

Other tree loss is mainly towards the south-eastern part of the site which are lower quality self-set trees in the main and mitigation in the form of a landscape/tree belt to the western edge of the site would provide suitable and more appropriate mitigation for the tree loss.

Tree Removal Plan



Hedgerows and trees in green are retained and in red are to be removed

**Please note -
This plan has not
been amended
to show the Aug
'24 amendment**

- 8.33 Put in context, tree retention is greater than the loss; 53 individual trees, 12 groups of trees and hedgerows would be retained (23 of which are category B) compared with 38 individual trees to be lost and 5 groups (11 of which are category U). Notwithstanding this, clearly tree loss and hedgerows would have an adverse impact but is one that can be mitigated by the soft landscaping scheme discussed below. Most of the trees on site lie to the southern part of the site. There are two B graded Walnut trees within the northern section of the site and both are to be retained, alongside the public open space.
- 8.34 The AIA submitted (containing tree protection measures for the construction period) accords with the requirements of Condition 10 of the outline consent and development will need to accord with this. No further tree protection conditions are required.
- 8.35 As reflected by the third-party consultation responses, the initial submission presented conflicting information about tree loss and retention which have now been clarified. The majority of existing vegetation to be retained is now clearly shown on the Structural Landscape Proposals plan and would be within the control of the management company.

Proposed Landscaping

- 8.36 Initial concerns were raised with regards to the proposed landscaping scheme following discussions with the Council's Tree and Landscape Officer. These concerns have now been addressed with the submission of amended landscape proposals which have also rectified conflicts between drainage and landscape plans. In addition, conflicts between landscaping and required highway visibility splays have been resolved by moving hedgerows.
- 8.37 The strategic landscaping plan now shows the western boundary to comprise woodland tree planting set amongst meadow grassland which is more robust and will assist with providing compensation for the trees being lost. The woodland planting would comprise 17 x Alder, Field Maple, Silver Birch, Wild Cherry and Oak (85 new trees in total), along with 37 individual trees (7 of which would be extra heavy standards to help early establishment). The new orchard tree planting (12 trees comprising 3 types of apple) is proposed and is necessary to mitigate harm from the partial loss of the traditional orchard. Mixed native hedgerows (double staggered to include field maple, dogwood, hazel, hawthorn, guelder rose and purging buckthorn) are proposed along with single species hedgerows amongst other planting. Bearing in mind tree losses (38 individual trees, 3 groups of trees and 2 hedgerows), I am satisfied that the level of new landscaping will adequately compensate for the losses over time, in the context of this site allocation. The structural planting would be within the control of the management company and are all considered acceptable.
- 8.38 In addition to the structural planting, landscaping is also to be provided within each plot, an extract of this is shown below.

On-plot Landscaping (left is now superseded by revision made following committee deferral shown on right)



- 8.39 Paragraph 136 of the NPPF sets the expectation that planning decisions should ensure that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees. There is an acknowledgement that solutions may need to be sought to ensure that planting is compatible with highways standards.
- 8.40 Whilst the layout shows trees to the property frontages, the majority of these would be within garden plots which, in the longer term, wouldn't enjoy protection. It is however acknowledged that the site entrance would be flanked by trees and there are existing and proposed trees alongside the eastern carriageway adjacent to the play area and woodland. Given the width of the site is somewhat constrained to accommodate a verge specifically for tree planting, I consider that this is an appropriate compromise, and the scheme would not be unattractive or devoid of trees so would still meet the overall design objectives of local and national policy.

Public Open Space

- 8.41 The outline application secured the provision of not less than 1458m² of public open space (POS) as well as a locally equipped play area (LEAP) which are usually aimed at children who can go out independently. The plan provided by the applicant (to show the areas that would be maintained by the management company), indicates significant areas of the site would be public areas, equating to approximately ~~10,588m²~~ **11,099m²** including the play area.
- 8.42 The SNP site specific policy SS4 requires at point ix):
'The provision of an open space/play area as a focal point of the development.'

The shape of the site constrains the play space to a certain degree, but the application shows the provision of a play area on the eastern side of the access, roughly centrally within the development that links to the POS to the south. This would comprise approximately 1300m² of space that would be a focal point for the development and provide a place for children to play. With a buffer zone of 20m to the closest dwellings to protect against amenity disturbance, the area of play is limited to a triangular parcel of land comprising c167m² which is below the 400m² Fields in Trust Guidelines for a Local Equipped Area of Play (LEAP) and is more akin with a LAP (Local Area of Play) aimed at younger children which generally have activity zones of c100m² and expect 5m buffers.

- 8.43 This provision is therefore a combination of a LAP and a LEAP. However the size of the space is as expected (at outline this was shown to be in the region of 150m²) and in the circumstances the play space is considered acceptable. The more informal green space surrounding the site and level of POS on the site overall compensates for the shortfall in formal play space and in negotiating the type of equipment to be provided on site (via the obligation) officers can seek to achieve an enhancement where possible to ensure the equipment is multi-purpose and best uses the space available. Overall, I am satisfied that the location and size of the play area is acceptable being located as a focal point and accessible to all of the development.
- 8.44 There is an existing public right of way (footpath no. 55) that runs alongside the southern boundary and there is a watercourse (Springfield Dyke) south of that. It has been clarified during the course of this application that a small part of this footpath is within the site but the majority is outside of the application site boundary. Given that the majority of this path lies outside the red line boundary it is not proposed to alter the surface at all (as this would result in an inconsistent surface), however a new connection is proposed to the PRow to the south of Plot 32. This accords with the policy expectation 'v' of So/Ho/5 which requires the *'provision of pedestrian access as part of the design and layout of any planning application which utilises the existing Right of Way to the south of the site.'*
- 8.45 It is noted that in their initial comments NCC Rights of Way team made comment that the footpath should be resurfaced. This was before it was clarified that the right of way lies predominantly outside of the application site. No further comments have been received from the rights of way team. The right of way would therefore remain as existing.
- 8.46 Through the public consultation process some third parties have raised whether the drainage ponds would hold water or whether they would be dry basins. These ponds have been designed to hold some low levels of water all year round which will deepen at certain times. With that in mind, a condition has been suggested that requires details of signage warning of dangers plus the requirement of buoyancy aids present as a precaution. Details of street furniture, litter, and dog foul bins etc to be provided within the public open space on site are also requested to be agreed by condition in the interests of visual amenity and public safety.

Summary

8.47 Overall the scheme retains many of the best tree specimens on site. It has been clarified that all boundaries are formed by existing trees and hedgerows which would remain and in places be supplemented, helping to provide mature screening for existing residents and an attractive mature environment for new occupiers. Trees to be removed would need to be removed outside of bird breeding season as already controlled by Condition 14 of the outline consent and also subject to checks for bats also secured at outline consent. The public open space to be provided exceeds by far the minimum quantum obligated by the s.106 agreement and the disposition and quality of that provision is considered appropriate and acceptable. The landscaping scheme is acceptable and provides appropriate soft buffers and compensation for trees to be felled.

Impact on Ecology

8.48 CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 sets out the policy context for biodiversity and ecology.

8.49 This green field site has the potential to provide habitat for wildlife and as such the outline application was supported by a number of Ecological Appraisals and additional surveys. There are a number of controls already in place through conditions imposed on the outline permission in the interests of biodiversity. These conditions remain and will need to be complied with. It is not necessary for these to be reimposed or duplicated. A summary of these controls is detailed in the next paragraph.

8.50 Condition 012 provides that no tree identified as having moderate bat roost potential in the original survey should be felled until an endoscope survey has been undertaken within 24 hours of their felling. No clearance work, including the removal of trees should take place during bird breeding season which is a requirement of Condition 14. External lighting needs to be agreed prior to first occupation, in order to protect foraging and commuting bats which is controlled by Condition 15. A Construction Environmental Management Plan and timetable is a requirement of Condition 16 and remains to be discharged. An updated Badger survey is also required prior to commencement on site which is controlled by Condition 17.

8.51 In order to secure the necessary mitigation and enhancement measures to protect biodiversity, Condition 13 of the outline consent required the reserved matters application to be accompanied by a Scheme of Ecological Mitigation and Enhancement building upon the previously identified recommendations.

8.52 In support of this application (and Condition 13), a Landscape and Ecological Management Plan (LEMP) has been submitted. This has been updated during the application process as the initial submission related to the indicative outline plan which was not sufficiently precise.

8.53 The revised LEMP clearly sets out the purpose, aims and objectives of the scheme, along with method statements for establishing vegetation, the timing of the works and details of monitoring and management. It also now details a range of specific

mitigation and enhancement measures including details of 18 integrated bird boxes within the new builds across the site, 5 integrated bat boxes and 5 boxes to be placed on trees, 3 reptile hibernacula, 10 bee bricks, a hedgehog highway (by way of holes in fencing though the site) and just over 200m of new hedgerow planting. It also details enhancements through native woodland and wildflower planting, including supplementary planting within the old traditional orchard and red bed planting around the SUDs to increase the foraging opportunities for bats and invertebrate species. The details are acceptable and in line with the expectations of the condition imposed. Therefore Condition 13 has been satisfactorily addressed.

- 8.54 Condition 16 of the outline consent requires that a Construction Environmental Management Plan is approved. Whilst one was submitted under a separate condition discharge application, the details were not precise enough at that time and the condition remains outstanding. However, the trigger for this discharge is prior to commencement of development and therefore it need not be agreed at this stage.
- 8.55 In conclusion, the scheme has been designed to appropriately mitigate the impacts of the development in line with the expectations of both the outline consent and policies CP12 and DM7.

Design and Character

- 8.56 Core Policy 9 (Sustainable Design) seeks a high standard of sustainable design and layout that, amongst other things is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and well as provide for development that proves to be resilient in the long-term. Policy DM5 requires all new development to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 8.57 In addition to policies E1-3 and DH1-3 of the Southwell Neighbourhood Plan, an accompanying Design Guide also sets out additional information on existing characteristics and vernacular of the parish to aide in planning development.
- 8.58 The NPPF seeks to achieve well designed places and at para. 131 sets out the following objective: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities....'*
- 8.59 Other design guidance such as the National Design Guide – Planning practice guidance for beautiful, enduring and successful places, September 2019 and Building for a Healthy Life set out key principles for good, sustainable design which have been used to appraise the scheme.
- 8.60 The scheme advances 14 house types comprising mainly two storey dwellings but includes 11 single storey bungalows. The scale of the housing reflects the locality,

noting that the 2.5 storey dwellings have now been deleted from the scheme. The disposition of the housing is considered acceptable, noting that the bungalows are focused to the south-west and west of the site adjacent to the western landscape buffer (which helps manage the transition from countryside to built form) and around the existing dwellings at The Vineries which helps in managing impacts on existing dwellings. The larger two storey dwellings are located to the south-east where they would be visually least impactful and would be viewed amongst the backdrop of the existing larger scale dwellings to the north.

Extract of layout with bungalow disposition denoted in yellow



- 8.61 The house types themselves are attractive and reference detailing that can be found locally, such as Edwardian details found in the town centre. They adopt a palette of materials including red brick, subtle traditional detailing, Tudor boarding to gables, porch canopies and hanging tiles. The house types are considered to be appropriate for their context. The external materials have been shown on plan and include use of red brick, red and grey colour roof tiles and limited use of render on front elevations of key plots. However, insufficient detail has been provided in terms of manufacturing details and there is concern regarding the placement of some of the roof tiles which may not reflect the more vibrant terracotta local clay tiles that typifies most roof coverings in Southwell. Notwithstanding this, it is a matter that can be dealt with through the imposition of condition.
- 8.62 Up to date street-scene plans are expected in time for planning committee. Examples of some house types (front) elevations (not to scale) are shown below:

Chapman



Benson



Richardson



Denver



- 8.63 On plot landscaping plans show that soft planting would be used along most prominent boundaries in the public realm, including around The Vineries. No details of the hard boundary treatments have been provided but this is also a matter that can be controlled by condition. The design and layout of the parking is considered acceptable overall. Overly engineered frontages have been avoided by breaking spaces up with soft landscaping which is in accordance with the SPD on residential parking design.

Residential Amenity

- 8.64 Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Core Policy 9 also seeks a high standard of design that contributes to a compatible mix of uses.

Overlooking, Privacy and Amenity

- 8.65 The application site is bound by a number of existing residential properties, such that the impacts upon these dwellings requires careful consideration. I have identified the properties that are most likely to be affected by the development and shall consider each in turn.

➤ *Brooklyn, Lower Kirklington Road*

8.66 This one and a half storey dwelling fronts onto Lower Kirklington Road. Its side elevation (which has one first floor gable window – possibly a bedroom- facing the application site) is located c19m away from the side elevation of proposed Plot 45 which features an ensuite bathroom window at first floor level facing its neighbour thus avoiding any loss of privacy. Plots 42-45 are sited side on with the garden of Brooklyn, however the distance of in excess of 18.5m minimum would avoid issues of loss of privacy. It is also noted that existing trees and vegetation are to be retained between the dwellings which would also assist in providing additional privacy from the outset. No harm has been identified.

➤ *Properties rear of Brooklyn on new Private Drive (Sycamore, Oakley House & Asher House/Beechwood)*

8.67 These three detached dwellings are located in tandem off a shared Private Drive and are all orientated with their front elevations facing north such that they are side/oblique front on with the application site. Each has only one non-habitable first floor window within its side elevation serving either an ensuite bathroom or dressing room facing west towards the site. Each is assessed in more detail below.

8.68 Four proposed properties have their rear elevations facing the site boundary with 'Sycamore' with each having either bathroom and bedroom or landing windows at first floor level; Plot 38 (c23m rear to side), Plot 39 (20m rear to side), Plot 40 (19.3m rear to oblique/front where the closest first floor window in Sycamore is a dormer bathroom) Plot 41 (23m rear to oblique/front). All of these distances and relationships means there is adequate distance to meet the needs of privacy.

8.69 Oakley, a two storey detached dwelling, would be adjacent to the proposed play area with a 20m standoff distance to the equipped activity zone (the recommended distance set out in the Fields in Trust guidance) so is considered to have an acceptable relationship with the development.

8.70 Beechwood (otherwise known as Asher House) has no proposed dwelling to the west, although Plot 37 would be approximately ~~29m~~ **31.3m** to the south thus avoiding issues of loss of privacy or amenity harm.

➤ *Properties on Avondale Lane (Benaiah, Oak Tree House, Oaklands)*

8.71 Benaiah is located ~~25m~~ **27.8m** to the corner of Plot 37 and 46m from Plot 35 with distances capable of meeting privacy needs. Likewise Oaklands, a detached dwelling to the east lies approximately 30m from its corner to the nearest dwelling and there would be no adverse impacts arising.

8.72 Oak Tree House is a detached dwelling that sits with its rear elevation slightly elevated (FFL 35.97) compared with the application site. Its windows at ground floor serve the rear of its garage, utility, kitchen and family room whilst at first floor they serve bathrooms, a study and a projecting balcony (not shown on the layout plan) from the

master bedroom. Following amendments, Plots 33 and 34 are proposed to be located adjacent to the shared boundary at around 28-29m away. At this distance the proposal meets the needs of privacy.

➤ *1-5 The Vineries*

8.73 Four properties back directly on to the dwelling at number 5 The Vineries. The three plots immediately east are now proposed to be bungalows. The distances between the two storey element of no. 5 and the nearest of three bungalows is 16.6m at the closest point (12.3m to its existing sunroom) which is considered acceptable given there would be no first floor windows to cause overlooking. Plot 23 (slightly south) would be orientated with its rear directly facing west with no. 5 to the north-west some 19m away. Given the oblique nature and the distances involved, this is not considered to cause a loss of amenity.

➤ *Properties to east on Springfield Road*

8.74 The eastern part of the development site comprises public open space/surface water attenuation for the development so the nearest dwelling would be at least 37m from edge of site such there would be no adverse impacts on their amenity.

8.75 Properties to the south on Kirklington road are also assessed as not being adversely impacted by the built form of the development.

➤ *Impacts from Public Footpath linkages*

8.76 Local residents have raised concerns regarding the footpath access to the south of the site which some feel is unnecessary. There is concern that this would increase the footfall through the development with a resulting reduction in privacy and creating potential safety issues to those nearby residents due to fear of crime. Whilst these concerns are acknowledged, there is a clear policy expectation at point 'v' of Policy So/Ho/5 regarding '*the provision of pedestrian access as part of the design and layout of any planning application which utilises the existing Right of Way to the south of the site.*' The increased footfall would not automatically give rise to unacceptable impacts. Given the nature of the footway in this semi-rural environment it would not be appropriate to illuminate it and its use is likely to be limited therefore to daylight hours by the community. It is considered very unlikely that the use would be so greatly intensified that it would cause harm to residential amenity.

➤ *Amenity of Proposed Dwellings*

8.77 Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making. As has been established earlier in the report, all new dwellings exceed the national described space standards for new dwellings and all have a private garden space commensurate to the size of the dwellings. The amenity of proposed occupiers is therefore acceptable.

➤ *Noise – Pumping Station/Sub Station*

- 8.78 A pumping station is shown on the layout to the south of the site along the southern boundary, away from existing dwellings. I am aware that pumping stations rarely cause any adverse impacts in terms of noise. Details of the drainage are not required at this stage (it forms part of an outline condition to be approved prior to commencement) however in order to ensure no unacceptable noise impact, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

Highways and Parking

- 8.79 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. In addition, the Council has adopted a Supplementary Planning Document (SPD) to guide the design and quantum of new residential development.

Highway Safety

- 8.80 Whilst access (and implicitly capacity) have already been consented at outline stage, this reserved matters is required to demonstrate that the internal road layout is safe from a highway safety perspective.
- 8.81 Members will note that Nottinghamshire County Council as the Highways Authority (NCC HA) initially raised objection to the scheme due to various issues including, but not limited to matters such as visibility splays, tracking information not being available to demonstrate safety and issues with private driveway lengths etc. Through amendments (several iterations) these are finally resolved and the Highways Authority (NCC HA) have removed their objection to the scheme. Notwithstanding this, further comments have been received from them in respect of the updated landscaping plans pointing to conflicts between hedgerows obstructing visibility splays which the applicant is working to address by adjusting the soft landscaping. These are not considered to be insurmountable, and a further update will be provided as necessary to the Planning Committee.
- 8.82 A number of conditions are recommended by NCC HA, most of which are reasonable and necessary and have been included in the list of recommended conditions. A condition is recommended to deal with surface water disposal from the drives and parking areas to prevent it from running onto the public highway. Whilst there is some overlap with Condition 4 of the outline consent, I take the view that C4 deals more with the generally overarching strategy whereas this is specific to how it would affect the highway. I therefore consider it is reasonable and will allow for easier approval. It is noted that a condition is requested to require each dwelling to be fitted with electric vehicle fast charging points. This is also a matter encouraged by the Council's SPD.

However building regulations now requires all new dwellings to have these for each associated parking space and it is therefore not appropriate to duplicate these controls. The condition is therefore not reasonable as it is covered by other legislation and is not imposed.

Parking

8.83 Building for a Healthy Life (design guidance) acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. Parking should also be sufficient and well-integrated. With regards to the latter, the Council has adopted a supplementary planning document (SPD) for cycle and car parking standards which sets a number of expectations on design and quantum for residential developments.

8.84 For Southwell, the quantum of car parking spaces required (as a minimum) per dwelling would be as follows to meet the requirements of the published Parking SPD:

1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

8.85 Visitor parking is only required where the minimum number of spaces hasn't been met. Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. Secure undercover cycle parking (not to impinge on the minimum garage dimensions set out above) is also expected at a minimum rate of 1 space per 1 bedroom dwelling, 2 spaces for 2 or 3 bedroom dwellings, and 3 spaces for 4 or more bedroom units.

8.86 In this case, following amendments, all plots have been provided with the appropriate quantum of parking spaces to accord with the SPD. This no longer involves the reliance on integral garages for parking, albeit most accord with the size dimensions in any event. It should be noted that irrespective of whether 'The Denver' house type is considered either a 3 or 4 bedroom dwelling, the parking provision would meet expectations as per the table above given that there are 3 external parking spaces plus an integral garage.

8.87 The layout relies on a variety of parking solutions including frontage parking and parking to the sides in tandem. No triple tandem parking is proposed. The parking is legible and generally well related to each dwelling they are intended to serve. In addition, 2 visitor spaces are proposed adjacent to the 1 bedroom apartments. It is therefore considered that the parking quantum is acceptable and unlikely to lead to highway related issues.

8.88 No specific mention has been made to cycle storage in the application albeit the house types with garages would have secure storage and secure cycle provision could be provided within the rear gardens which could be secured by condition.

Drainage and Flood Risk

- 8.89 The site lies entirely within Flood Zone 1 and is therefore not a site which has been identified as being at risk of flooding. A Flood Risk Assessment and Sustainable Drainage Strategy were submitted at outline stage which aligned with the requirements of policies E1 and E2 of the SNP.
- 8.90 Flood risk to the site from a variety of sources was considered and it was concluded that there is no significant risk from river, groundwater or sewer-based sources. This was made in the knowledge that Southwell has experienced several flood events over recent years; these events have comprised a mix of fluvial, pluvial and sewer-based events. However, it was established that the proposed site is in a location where these known sewer and fluvial risks are not significant. Pluvial risk has been considerably reduced at the southern edge of the site since a culvert drain was built along Kirklington Road, as part of the Southwell Flood Alleviation Scheme, diverting flows from the small water course at the southern boundary. The topography of the site is such that the site drains to two separate catchments and the layout continues shows two attenuation ponds; one close to the site entrance at the north and one to the eastern part in the southern area as were indicated at outline stage. The proposed layout is therefore aligned with the proposed drainage already submitted.
- 8.91 Condition 4 imposed at outline stage, requires that prior to commencement of development, details of surface water disposal be submitted and approved. Whilst the layout shows the broad strategy of a sustainable urban drainage provided by on site attenuation including the two balancing ponds, insufficient details is yet to be presented to allow the condition to be considered satisfied according to the Lead Local Flood Authority.
- 8.92 The majority of the comments received from neighbouring residents raise concerns with flood risk as many have experienced flooding of their properties during heavy rain and worry this development could exacerbate existing problems. As set out at outline stage, it appears that the issues were in part due to a lack of maintenance of the existing drainage ditches downstream (off site) where there are riparian rights. This is not a matter that the developer can be obligated to fix as the land here is not within their control and the LPA cannot require them to undertake future maintenance works. However the drainage solutions set out in the strategy already approved should not give rise to any increase in flooding problems as a result of the development.
- 8.93 Condition 4 - which remains undischarged - allows an appropriate mechanism to agree the final technical details of the drainage strategy and there is no requirement for any further controls or assessment at this stage.

Waste Audit

- 8.94 In the interests of sustainable development, NCC requested that any reserved matters application be accompanied by a waste audit which was secured by Condition 3 of the outline consent. The waste audit is to set out the anticipated nature and volumes of

waste that the development will generate; the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities and any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

- 8.95 The applicant has submitted a Site Management Waste Plan (July 2023) which NCC as minerals and waste authority have chosen not to comment on. However the Plan submitted appears to work to best practice methods in terms of recycling, segregation on site and waste management and storage.

9.0 **Implications**

- 9.1 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.

10.0 **Planning Balance and Conclusion**

- 10.1 The principle and quantum of housing is established through the site-specific allocation policy and the outline planning consent. The dwelling types and mix proposed are broadly in accordance with the most up to date housing needs evidence available and would offer a good mix of housing including 20% bungalows, terrace, semi-detached and detached units that would help meet the aspirations of CP3 providing family dwellings. 30% affordable housing and developer contributions to mitigate infrastructure impacts have already been secured at outline stage.

- 10.2 Landscaping and ecological impacts, with the mitigation and compensation proposed are considered acceptable. Impacts to the character and appearance of this gateway site are also considered to be acceptable with the proposal respecting the semi-rural location of the site through its design and layout. Whilst there are some minor compromises, notably the lack of street trees in places, these compromises are tempered by the fact that there would be trees at the entrance, alongside the public open space and woodland planting adjacent to the site edges such that the site would still create an attractive place to live set amongst a strongly landscaped setting. Impacts on the highway network, parking and living conditions of neighbours have been found to be acceptable. Matters of drainage are controlled by conditions imposed at outline stage and need not be considered further at this stage.

- 10.3 Overall the proposal is considered to accord with the development plan when considered as a whole, would help deliver the housing that the site is allocated for thereby boosting housing supply. No demonstrable harm has been identified. The recommendation is therefore one of approval.

11.0 **Conditions**

11.1 Conditions attached to the outline consent remain in place and require compliance or satisfactory discharge. They do not need to be repeated. A list of these conditions forms Appendix 1 with an update on position for completeness.

01 (Details of roads)

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority, to include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority prior to first occupation.

Reason: To ensure the development is constructed to safe and adoptable standards.

02 (Construction management plan)

Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum:

- a) Measures to prevent to the egress of mud and other detritus to the public highway;
- b) A layout of the site, including materials storage and internal routes for construction traffic;
- c) Parking for site operatives;
- d) Details of the proposed build program.

Once approved, the Construction Management Plan shall be adhered to at all times.

Reason: In the interests of Highway safety.

03 (Provision of drives and parking)

No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

04 (Surfacing and drainage of roads/drives)

Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented on site prior to first occupation and retained for the lifetime of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

05 (Visibility splays)

The visibility splays as shown on Drawing number 2322-03 rev ~~Y~~ **AA** (Site Layout) shall be kept clear of all obstruction above 600mm above carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

06 (Noise assessment for pumping station)

No development shall commence in respect of the pumping station until a Noise Assessment (and associated Mitigation Strategy as necessary) relating to the on-site pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of amenity.

07 (Boundary treatment details)

Prior to first occupation, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and elevation details and materials. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling or in accordance with an alternative timetable embedded within the scheme and shall also comply with Appendix 3: Enhancement Plan of the Landscape and Ecology Management Plan in terms of the provision of the hedgehog highway.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with the ecological mitigation and enhancement measures recommended as part of the submission.

08 (Cycle Storage Provision)

Prior to first occupation, details of secure covered cycle parking provision within each plot that has no associated garage shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the precise location, design and specification of the cycle storage. The approved details shall be made available within each plot prior to first occupation.

Reason: In the interests of encouraging modes of sustainable transport.

09 (External facing materials)

Notwithstanding details of the external materials shown on drawing no. (2322-04-01 Rev ~~H~~ **J** (Materials Layout), the bricks and roof tiles are not approved. Prior to the laying of any facing

bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the development.

Reason: Insufficient details have been provided. In any event, consideration should be given to the placement of clay/terracotta colour roof tiles around the edge of the development that would better reflect the vibrant orange/red local clay tiles which typifies most roof coverings in Southwell in the interests of visual amenity.

010 (On-plot landscaping)

The approved 'on-plot' soft landscaping (detailed on drawing numbers: ~~11515-FPCR-XX-XX-DR-L-0002-P08 (On-plot general arrangement) 11515-FPCR-XX-XX-DR-L-0003-P08 (Detailed on-plot proposals Sheet 1 of 2 and 11515-FPCR-XX-XX-DR-L-0004-P08 (Detailed on-plot proposals Sheet 2 of 2))~~ 11515-FPCP-XX-XX-DR-L-0002-P09 – On Plot General Arrangement (Landscaping), 11515-FPCP-XX-XX-DR-L-0003-P09 – On Plot General Arrangement (Landscaping), 11515-FPCP-XX-XX-DR-L-0004-P09 – On Plot General Arrangement (Landscaping)) shall be completed during the first planting season following first occupation of each plot which the associated landscaping falls within, or such longer period as may be agreed in writing by 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by 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.

011 (Structural Landscaping within Public Areas)

Prior to first occupation of any dwelling hereby approved, a scheme for the phasing of the approved structural landscaping scheme detailed on drawing no. 11515-FPCR-XX-XX-DR-L-0001 ~~P12 P13~~ (Detailed POS – Structural Landscape Proposals) shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan shall thereafter be implemented as approved. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of a similar size and species.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

012 (Details of artefacts in public area)

Prior to first occupation of any dwelling hereby approved, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority:

- street furniture such as benches;
- litter bins, dog foul bins;

- signage (for example those warning of danger for attenuation ponds and rules of play at play area etc);
- any means of enclosure (e.g. for safety etc) within the public open areas;
- external lighting (that is not street lighting);
- lifebuoys to be provided at each attenuation pond;
- any other minor artefact and structure to be located in the public areas of the site.

The details approved shall be provided on site prior to first occupation or to an alternative timescale to be approved in writing.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety. The play equipment is controlled via the s.106 agreement and this condition is necessary to capture all other artefacts that would need to be located within the public areas.

13 (Approved plans)

The development hereby permitted shall not be carried out except in accordance with the following approved plans and documents:

~~Colour Site Layout (03-02)~~

Site Layout (03 Rev ~~Y-AA~~)

PROW Plan, 2322-09-PROW

Fire Vehicle Tracking (110 Rev A)

Refuse Vehicle Tracking (111 Rev A)

Surface Materials Layout (232204-02 **Rev H J**)

Maintenance Area Plan (2322-0501 REV G **received 09.08.2024**)

Garage Type (DGAR13-FTB-1 OWNER)

2322-04-01 Rev ~~H~~ **J** (Materials Layout - except for facing bricks and roof tiles as set out in condition 9)

Arboricultural Assessment and Arboricultural Method by fpcr, May 2024 (revised)

Site Waste Management Plan by Reconomy, July 2023

H-5-2154 RICHARDSON-FORMAL-1 Rev A (brick)

H-5-2154 RICHARDSON-PLANS Rev A,

H-5-2154 RICHARDSON-FORMAL 3 Rev A

AB-2-657-FORMAL 1 Elevations and Floor Plan

AB-2-657-WF-FORMAL 1 - Elevations and Floor Plan

AH-1-622-FORMAL 1 -Elevations and Floor Plans

H-2-761-FORMAL 1 Elevations and Floor Plans

H-2-783-ANNESLEY-FORMAL 2

H-3-1009-CHAPMAN-FORMAL 2

H-3-1009-CHAPMAN-FORMAL 5

H-5-2600- FLOOR PLANS

H-5-2600-FORMAL 1

H-3-920-FORMAL 1

H-3-962-CARDEW-FORMAL 1

H-3-962-CARDEW-FORMAL 2

H-3-1405-DENVER SP-FORMAL 1 Rev B

H-3-1405-DENVER SP-FORMAL 2 Rev B
H-3-1405-DENVER SP-FORMAL 3 Rev B
H-3-843-BENSON-FORMAL 1 REV A
H-3-838-BARTON-FORMAL 1 REV A
H-5-2171-SEYMOUR-PLANS Rev A
H-5-2171-SEYMOUR-FORMAL 1 Rev A
H-5-2600-FLOOR PLANS
H-5-2600-FORMAL 1
H-5-2166 Stansfield

Reason: So as to define this approval.

Informatives

01

Nottinghamshire County Council and Highways Authority set out the following advice notes:

- It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
- Any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after technical approval of the works is issued.
- The applicant should email hdc.north@nottscc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued
- All correspondence with the Highway Authority should be addressed to hdc.north@nottscc.gov.uk

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

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

04

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website www.eastmidlandsbc.

05

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 it relates to a major development for an application made before 12 February 2024 and in any case the proposal is for reserved matters only where BNG does not apply.

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.

Appendix 1: Outline Conditions

Condition no.	Content	Status
01	<p>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.</p> <p>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.</p> <p>Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.</p>	For compliance.
02	<p>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.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.</p>	For compliance and details form part of this reserved matters application.
03	<p>Any reserved matters application pursuant to this outline consent shall be accompanied by a waste audit in line with paragraph 049 of the National Planning Practice Guidance which details:</p> <ul style="list-style-type: none"> o the anticipated nature and volumes of waste that the development will generate; o the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; o any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete. <p>Reason: To ensure the development proceeds in a sustainable way and to enable the LPA to be satisfied that it does not prejudice the implementation of the waste hierarchy.</p>	This condition is satisfied by the submission of an adequate waste audit as part of this RMA.
04	No part of the development hereby approved shall commence until a detailed surface water drainage	Condition is not yet satisfied and a

	<p>scheme based on the principles set forward by the approved Lumax Flood Risk Assessment (FRA) and Drainage Strategy LMX296-LMX-00-ZZ-RP-D-002 Rev B., 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:</p> <ul style="list-style-type: none"> o 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. o Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. o Demonstrate all exceedance shall be contained within the site boundary without flooding new properties in a 100year+40% storm. o Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure. o Evidence 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 <p>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.</p>	<p>further application will be require prior to commencement</p>
05	<p>No development hereby permitted shall be commenced until the roundabout junction, gateway feature and</p>	<p>For compliance</p>

	<p>housing land access as shown for indicative purposes on drawing 001 Rev. D has been provided in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and capacity and to avoid unnecessary disruption and delays to highway users.</p>	
06	<p>Notwithstanding the submitted Illustrative Masterplan, all site highway layouts shall comply with the Highway Authority design guide (current at the time of submission) and be first submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>	This condition is satisfied given that NCC HA have raised no objection.
07	<p>No part of the development hereby approved shall be occupied until the off-site traffic management works required to extend the 30 mph speed restriction on Lower Kirklington Road have been undertaken in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p>	Details not yet submitted
08	<p>No part of the development hereby permitted shall be brought into use until visibility splays as shown on drawing no. 001 Rev D are provided. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level.</p> <p>Reason: In the interests of highway safety.</p>	For compliance
09	<p>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.</p> <p>Part A: Site Characterisation</p>	No details have been submitted in respect of this condition and it remains undischarged.

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:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems;
 - o archaeological 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 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

	<p>Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>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.</p> <p>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.</p> <p>Part D: Reporting of Unexpected Contamination</p> <p>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.</p> <p>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.</p> <p>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.</p>	
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<p>010</p>	<p>Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Survey by Quants Environmental dated March 2020 and in either case shall be accompanied by an Arboricultural Method Statement which shall include;</p> <ul style="list-style-type: none"> a) A plan showing details and positions of the ground protection areas. b) Details and position of protection barriers. c) Details and position of underground service/drainage runs/soakaways 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 working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site. g) Details of any scaffolding erection and associated ground protection within the root protection areas h) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures. <p>The approved tree protection measures shall be implemented on site prior to development commencing on site and shall be retained for the construction period unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to afford existing trees adequate protection during the construction phase.</p>	<p>A new survey and AIA supports this application which meets the requirements of this condition which will need to be complied with during development. No further condition is necessary.</p>
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011	<p>The following activities must not be carried out under any circumstances.</p> <ul style="list-style-type: none"> a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site. b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to 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 or adjacent to the application site. e) No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to 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 or adjacent to the application site. g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to 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. <p>Reason: In order to afford trees adequate protection.</p>	For compliance
012	<p>No tree identified as having a moderate bat roost potential in the Ecological Impact Assessment (by Quants Environmental dated September 2020) shall be removed from the site until it has been subject to an endoscope survey by a suitably qualified ecologist within a 24 hour period prior to it being felled. Should a roost be found, the tree shall not be felled until such time as a licence is received from Natural England to undertake works and the Local Planning Authority have been informed of this in writing.</p> <p>Reason: In order to safeguard protected bats from harm that could otherwise result from the development in line with the recommendations of the assessment submitted in support of this application. For the avoidance of doubt this condition will relate to trees T1, T2, T3, T4, T5, T6 and T7.</p>	For compliance

013	<p>Any application for reserved matters approval pursuant to this outline consent shall be accompanied by a Scheme of Ecological Mitigation and Enhancement which shall build upon the recommendations set out in the Ecological Impact Assessment, by Quants Environmental, dated September 2020 and shall include:</p> <ul style="list-style-type: none"> a) purpose, aims and objectives of the scheme; b) a review of the site's ecological potential and any constraints which shall include an updated ecological walkover survey if this is submitted after February 2022; 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; e) selection of specific techniques and practices for establishing vegetation; f) sources of habitat materials (e.g. plant stock, log piles) 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; n) a plan showing the areas of retained habitats; o) clear commentary on what is considered mitigation and what is an enhancement. <p>It shall also include as a minimum details of;</p> <ul style="list-style-type: none"> o deadwood log piles using the trees felled within the site; o the contribution that the sustainable urban drainage scheme will make to habitat creation; o 6 integrated terrace house sparrow boxes, 6 integrated starling boxes and 6 integrated swift boxes (the scheme shall identify precise locations and the position of the boxes as well as manufactures details) o 5 integrated bat boxes to be installed within the new builds (the scheme shall identify which plots and the position of the boxes as well as manufactures details); o 5 bat boxes to be installed on trees within the site (the scheme shall identify the precise location, height of installation and manufactures details of the boxes) 	The revised LEMP complies with this condition, which has been satisfactorily addressed.
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	<ul style="list-style-type: none"> o a minimum length of 90 metres of new diverse hedgerow to be planted for mitigation purposes for that lost; o a minimum of 10 integrated bee sticks at locations to be specified; o permeable boundary treatments to be installed to allow hedgehogs to move through the site (including designs and locations). <p>The approved details shall be implemented on site to an agreed timetable which shall be embedded within the scheme.</p> <p>Reason: In order to secure mitigation and enhancement measures that are identified as necessary within the submission to protect biodiversity.</p>	
014	<p>No clearance work including the removal of hedgerows, trees, semi-improved grassland, scrub or woodland that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority. Any active nest found should be left undisturbed until the chicks have fledged or the nest is no longer in use.</p> <p>Reason: To ensure that adequate provision is made for the protection of nesting birds on site.</p>	For compliance
015	<p>Prior to first occupation, 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 with particular regard to nocturnal wildlife. 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 unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of visual and residential amenity and to minimise impacts on foraging and commuting bats.</p>	No details submitted

016	<p>No development shall be commenced until a Construction Environmental Management Plan and timetable has been submitted to and approved in writing by the local planning authority. The plan shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats during the construction period and shall include:</p> <p>a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;</p> <p>b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction including those highlighted within the Ecological Impact Assessment, by Quants Environmental, dated September 2020</p> <p>c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;</p> <p>d) details of a person responsible for the management of the protection zones.</p> <p>Development shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of maintain and enhancing biodiversity.</p>	Not yet discharged – see 23/01822/DISCON
017	<p>No development, including site clearance, shall be undertaken after March 2021 unless an updated Badger Survey (including mitigation as necessary, detailing timings of this) has been undertaken and the findings have been submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation measures embedded in the Survey shall be carried out in full.</p> <p>Reason: In order to adhere to the recommendations contained within the Ecological Impact Assessment, by Quants Environmental, dated September 2020 given the transient nature of badgers.</p>	Discharged 22.11.2023 by 22/01822/DISCON
018	No development shall take place until a written scheme of archaeological investigation has been submitted to	Details submitted under planning reference

	<p>and approved in writing by the Local Planning Authority. This scheme shall include the following:</p> <ol style="list-style-type: none"> 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; and 6. Nomination of a competent person/organisation to undertake the work. <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.</p>	<p>24/01039/DISCON – pending consideration. Discharged</p>
019	<p>The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition 18. The applicant shall 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.</p> <p>Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.</p>	For compliance
020	<p>A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.</p>	For compliance

