

## **PLANNING COMMITTEE – 6 NOVEMBER 2018**

<b>Application No:</b>	<b>18/01337/RMA</b>		
<b>Proposal:</b>	<b>Reserved matters application for the erection of 3 dwellings. Approval sought for the design, siting, scale and layout. Approved reference 17/00383/OUT</b>		
<b>Location:</b>	<b>Brooklyn, Lower Kirklington Road, Southwell</b>		
<b>Applicant:</b>	<b>Mr Simon Pogson</b>		
<b>Registered:</b>	<b>19 July 2018</b>	<b>Target Date: 13 September 2018</b>	<b>Extension of Time Agreed Until 8 November 2018</b>

**Whilst the professional recommendation aligns with the views of Southwell Town Council, this application is before the Planning Committee for determination as the Business Manager considers that this is a scheme that Members should determine, given their previous decision to refuse outline consent.**

### **The Site**

The site comprises a modern chalet style bungalow (Brooklyn, the host property) set well back from Lower Kirklington Road and its extensive mature garden. The site is bound largely by mature hedgerows and there are a number of trees within the site, forming a wild orchard setting. The land rises gradually from the road and falls away again towards the south of the site.

Vehicular access to Brooklyn is currently taken from the eastern side of the frontage on Lower Kirklington Road which leads to a gravel driveway and plenty of off-street parking for the existing dwelling. Brooklyn has some outbuildings attached to its western side and there is a pergola/covered structure adjacent to its eastern side.

There is a dyke to the south of the southern site boundary. The site lies in flood zone 1 and is not identified as an area prone to surface water drainage issues on the Environment Agency maps.

There is a mix of housing styles and types in the vicinity of the site, including both single and two storey development. Franklyn to the south-east is a property similar in design and style to Brooklyn whereas the new two storey dwelling constructed adjacent to Benaigh is contemporary in design and scale.

### **Relevant Planning History**

17/00383/OUT – Outline permission was sought for the erection of 3 dwellings with just the means of access open for consideration. All other matters were reserved. It was recommended for approval by officers but refused by the Planning Committee on 9<sup>th</sup> May 2017 for the following summarized reasons:

- That the site was green field and brown field sites should be developed first where we can demonstrate a 5YHLS
- Loss of green character, removal of trees, loss of ecological habitat and piecemeal approach would have detrimental impact upon the character and appearance of this part of Southwell
- Proposal for 3 units with substantial plots would not deliver the smaller house types that Southwell requires as identified by Policy SoHN1

APP/B3030/W/17/3179351 – This refusal was subject to an appeal which was allowed on 17<sup>th</sup> January 2018 subject to 13 conditions.

### The Proposal

Reserved matters approval is sought for 3 dwellings on this site where outline permission has been granted upon appeal.

Originally the scheme was for 2 x 5 bedroom dwellings and 1 x 6 bedroom dwelling all with triple garages. Following concerns raised, the application has been amended as follows.

All dwellings are two storey detached and set out in a linear arrangement of development in depth served off a private access drive from Lower Kirklington Road.

#### **Plots 1 & 2**

At ground floor an open plan kitchen, sitting and dining room, separate lounge, snug, cloakroom, store and hall are proposed whilst at first floor 4 bedrooms (1 with dressing room and en-suite, 1 with just en-suite), bathroom and room labelled 'study' are proposed. A triple garage is proposed for each unit which is attached to the dwelling via a single storey link.

#### **Plot 3**

At ground floor an open plan kitchen, sitting and dining room, separate lounge, snug, cloakroom, store and hall are proposed whilst at first floor 5 bedrooms (1 with dressing room and en-suite, 1 with just en-suite), bathroom and room labelled 'study' are proposed. A triple garage is attached to the dwellings.

The application is accompanied by the following amended plans received 15 October 2018:

- Drawing No. 580-04 Rev A (Site Layout and Location Plan Scheme Design) \*
- Drawing No. 580-02 Rev E (Plot 1 Scheme Design)
- Drawing No. 580-01 Rev E (Plot 2 Scheme Design)
- Drawing No. 580-03 Rev G (Plot 3 Scheme Design)
- Drawing No. 580-05 (Site Access Showing Visibility Splays)

*\*it should be noted that the scale appears to be incorrect on this plan*

### Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter. A site notice has also been displayed near to the site giving an overall expiry date of 13 August 2018.

### Planning Policy Framework

#### The Development Plan

#### **Neighbourhood Plan**

Policy SD1 – Delivering Sustainable Development  
Policy E1 – Flood Risk Assessments and Mitigation  
Policy E2 – Flood Resilient Design

Policy E3 – Green Infrastructure and Biodiversity  
Policy DH1 – Sense of Place  
Policy DH2 – Public Realm  
Policy DH3 – Historic Environment  
Policy DH4 – Highways Impact  
Policy TA4 – Parking Standards

### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 1 – Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
Core Policy 13 – Landscape Character

### **Allocations & Development Management DPD**

Policy So/Ho/4 – Southwell – Housing Site 4  
Policy So/HN/1 – Southwell Housing Need  
Policy So/PV – Southwell Protected Views  
Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM2 – Development on Allocated Sites  
Policy DM3 - Developer Contributions  
Policy DM4 - Renewable and Low Carbon Energy Generation  
Policy DM5 - Design  
Policy DM7 - Biodiversity and Green Infrastructure  
Policy DM9 - Protecting and Enhancing the Historic Environment  
Policy DM12 - Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Publication Core Strategy
- Appeal Decision APP/B3030/W/17/3179351

### **Consultations**

**Southwell Town Council** – Comments on amended plans awaited.

(04/09/2018)

‘Southwell Town Council considered application 18/01337/RMA Brooklyn Lower Kirklington Rd and agreed by majority to object to this application for the following reasons:

- The conditions of appeal must be applied in particular the treatment of foul and surface must be submitted and approved in writing.
- Policy E1 Flood Risk Assessments and Mitigation and Policy E2 Flood Resilience Design- The data used in the Flood Risk assessment is out of date.
- There are no plans for the treatment of surface water and these must be submitted in writing and permission should not be granted without this, it should be remembered that this location can negatively impact on flooding downstream.
- In the original application (17/00383/OUT), there was an unjustified assumption that ground drainage was suitable despite the fact that no percolation tests had been carried out. These are essential for proving the case for ground drainage.
- The designs increase the Massing edge of the town.
- The view of the planning inspectorate should be observed regarding the information required.'

(03/08/2018) 'Southwell Town Council considered application 18/01337/RMA Brooklyn Lower Kirklington Rd and agreed by majority to object to this application for the following reasons:

Policy E1 Flood Risk Assessments and Mitigation and Policy E2 Flood Resilience Design- The flooding risk assessment used is out of date.

There are no flood mitigation plans and percolation test results.

The designs increase the Massing edge of the town.

The view of the planning inspectorate should be observed regarding the information required.'

**NCC Highways Authority** – Comments on the amended plans are awaited.

(06/08/2018) 'The submitted drawings do not provide sufficient detail to discharge condition 5 of the planning appeal decision relating to 17/00383/OUT.'

**Southwell Civic Society** – (12/08/2018)

'The plan area of all three houses has increased from the scheme approved by the Planning Inspector who states in Schedule 4 of his Decision that the development shall be carried out in accordance with Site Location Plan 118.F01. This clearly shows smaller houses than now proposed. Furthermore this site was not included in Allocated site So/04 because of its ecological importance. It is worth repeating part of NSDC's Decision to refuse application 17/00383/OUT.

*The site offers important green amenity and relief within this part of the town, which is otherwise largely surrounded by residential development, permissions or site allocations. The loss of green character with removal of numerous trees, ecology habitat, and general piecemeal approach to development with multiple planning submissions for housing and their own access points will be detrimental to the character and appearance of this part of the settlement. The proposals are therefore contrary to Core Policies 9 and 12 of the Newark and Sherwood Core Strategy (2011) and Policies DM5 and DM7 of the Allocations and Development Management DPD (2013), which seek to promote local distinctiveness and character as well as protecting the biodiversity of the District. There are no other material planning considerations that would outweigh such harm.*

Site Plan 118.F02 Rev B submitted with 17/00383 (which was part of the Inspector's package) shows five mature trees to be left in place. The Block Plan submitted with this application shows that except for one on plot 1 all the trees are within the buildings. In fact even the single remaining tree is not shown. There are no proposals to replace them.

The Flood Risk Assessment is out of date and no mitigation strategy has been submitted.'

**NSDC Tree Officer – (19/10/2018)**

'Considering the amount of tree and associated vegetation removals for this site there is still little to demonstrate any mitigation planting or otherwise. The latest layout plan only notes a retained hedgerow and shows some illustrative greenery on plots with no detail. Insufficient for a reserved matters application.'

(20/07/2018) - 'There has been no submission of any soft landscaping as required as part of the reserved matters'

**NSDC Access & Equalities Officer – Makes general observations**

**Severn Trent Water – (31/07/2018):**

"Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building."

**Environment Agency – Confirm they have no comments to make.**

**Trent Valley Internal Drainage Board –** 'The site lies outside of the Trent Valley Internal Drainage Board district but within the Boards catchment. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent within the channel or a riparian watercourse will require the Boards prior consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website. Surface water run-off rates to receiving watercourses must not be increased as a result of development. The design, operation and future maintenance of the site drainage systems must be agreed with the LLFA and the LPA.'

**A representation has been received from 1 local resident /interested party which can be summarised as follows:**

No objections in principle to this development (which already has outline permission), would like substantial green border to Avondale Lane to remain. This border has been in place for many years and comprises a mature tree line and other landscaping. Concerned that this border feature may be removed as part of the proposed development (although do not believe it is necessary to do so) and replaced with a fence or new immature landscaping features that may take many years to grow. If planning permission is granted, it should be done so with a strict condition that the existing boundary landscaping be retained so as to protect the existing character of the area and amenity of residents both in existing properties on Avondale Lane and the new properties to be constructed.

### **Comments of Business Manager**

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

### **Principle of Development**

Outline planning permission has already been granted for the erection of 3 dwellings with just the means of access having been considered. As such the principle for housing at this quantum is already established through an extant permission and this is not a matter that can or should be revisited by this reserved matters application.

However as other matters (scale, appearance, layout and landscaping) were reserved, the Council is entitled to assess these against the Development Plan, which is the starting point for decision making along with any other relevant material planning considerations, including the previous appeal decision on this site. I therefore make an assessment of the relevant issues below.

### **Housing Need and Mix**

Core Policy 3 of the adopted Development Plan states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. It goes on to say that 'such a mix will be dependent on the local circumstances of the site, the viability of the development and any localized housing need information'. I am also mindful of the proposed amended CP3 as set out within the Publication Core Strategy which deletes reference to family housing of 3 bedrooms or more but is otherwise broadly unchanged. However equally I note that there are unresolved objections to this policy such that I do not attach full weight to this. It should be noted that Policy HE1 of the SNP only applies to developments of 11 or more dwellings.

In addition to CP3 of the Core Strategy (both the adopted version and the Publication amended version), Policy So/HN/1 of the Allocations and Development Management DPD sets out that within Southwell, subject to local circumstance and the viability of the development, the majority of new housing on allocated and windfall sites shall be one or two bedroom units in line with the identified housing need.

I have carefully considered the appeal decision which allowed the outline scheme and I acknowledge that the Policy SO/HN/1 was considered by the Inspector to be somewhat outdated being based on 2011 evidence. However I also note that housing mix is a reserved matter (given that layout and appearance were reserved) and it is right and proper that this matter is assessed as part of the reserved matters submission. The applicant's advisors dispute this as a matter of fact.

It is noted that the previous case officer for the outline consent made a recommendation to the planning committee that on balance, *'a deviation from the Southwell Housing Need policy could be justified with units that better utilize the plots available and better reflect the immediate character of the area subject to final design.'* The outline committee report went on to say that: *'The reserved matters application will determine the final housing mix but it is considered in this particular instance that a scheme with no 2 bedroom dwellings could be justified.'*

However, Members resolved to refuse the scheme, in part, because they felt the scheme would not deliver the smaller units envisaged by Development Plan policy. This represents the most recent Council view and one which weight should be attached, along with those views of the Inspector who determined the subsequent appeal.

Bearing in mind the conclusions the Inspector drew regarding So/HN/1, I have therefore considered the most up to date evidence of the housing need in Southwell which is contained within the Housing Needs Survey Sub Area Report 2014 by DCA. This provides that **in the Southwell Sub Area** (where this site falls) the most needed type of accommodation are 2 beds (37.9%) followed by 4 beds (33%) followed by 3 beds (16.3%) followed by 1 beds (10.1%) and finally five or more beds (2.7%). It confirms that *'In the market sector the main size of property required by both existing and concealed households moving is two bedrooms.'*

I note that at paragraph 10 of his decision the Inspector states:

*"The most recent evidence on housing need is the Housing Market Needs Sub Area Report which was published in 2014. It found in Southwell that there was a greater need for houses of 3 or more bedrooms than there was for properties of two bedrooms or less. As a result, the proposed development would provide housing of a size for which the current local evidence is the greatest need exists in Southwell..."*

On the face of it therefore, the Inspector's conclusions appear to be incorrect. However, following further interrogation it appears that the Inspector may have been making a reference to a cumulative need, i.e. the cumulative percentage need for 3, 4 and 5 beds is 52% which is greater than the cumulative percentage need for 1 and 2 beds at 48%. In any event it was not in the public interest to challenge the Inspector's decision given that the reserved matters application is able to deal adequately with the matter.

Setting this aside for a moment, I turn now to the scheme which this Authority is being asked to consider. As originally submitted the application was for 2 x 5 bedroom units and 1 x 6 bedroom unit which are the least needed types of accommodation in the area. After concerns were raised that the dwellings promoted did not meet the identified need, the applicant has amended the scheme to what they describe as 2 x 4 bedroom dwellings (with floor areas of 254m<sup>2</sup> and 258m<sup>2</sup> plus triple garages) and 1 x 5 bedroom dwelling (with a floor area of 316m<sup>2</sup> plus triple garage.)

However as Members will note from 'The Proposal' section of this report and the plans, the dwellings promoted remain very large and whilst the plans are labelled as having 4 and 5 bedrooms, in reality, in all three plots there would be an upstairs 'study' capable of being used as a 5<sup>th</sup> and 6<sup>th</sup> bedroom. I therefore conclude that all 3 dwellings proposed are more akin to 5 and 6 bedroom dwellings which are significant in size, floorspace and footprint and are thus unlikely to cater for the most needed types of houses identified in the locality.

I note that the agent has sought planning advice (via IBA Planning and The Planning Hub) relayed to me through letters dated 10 August 2018 and 6 September 2018 which have been submitted in support of the application. I have read and noted all of the contents.

I note that the advice given to the agent from their planning advisors is that the Inspector created an expectation that 3 larger units would be acceptable. I do not disagree with this. Indeed I have some sympathy with the applicant's position albeit many applications are made subject to detailed reserved matters approval being granted and if the applicant has bought the land on an unconditional basis this would be at their own risk. The application for reserved matters must be assessed on the basis of the material planning considerations. I note that the indicative block plan provided at outline stage showed 3 reasonably large detached units but that the dwellings proposed as part of the reserved matters application are even larger units in footprint terms than previously depicted and in all cases the footprint has increased by between 44% and 49%. I have below set out a table which sets out the footprint of the units as indicated on the plan at outline stage, as originally submitted with this application and as now amended for ease of reference. I have used footprint for comparative purposes given that this is available in all 3 scenarios.

	<b>Plot 1</b>	<b>Plot 2</b>	<b>Plot 3</b>
<b>Outline (indicative footprint incl. garage)</b>	151m <sup>2</sup>	167m <sup>2</sup>	181m <sup>2</sup>
<b>Original Plans submitted with Reserved Matters (footprint incl. garage)</b>	221m <sup>2</sup>	229m <sup>2</sup>	290m <sup>2</sup>
<b>Amended Plans at Reserved Matters (footprint incl. garage)</b>	218m <sup>2</sup>	249m <sup>2</sup>	266m <sup>2</sup>

In this particular case, I agree with the applicants and their advisors that based on the appeal decision as a material consideration, the Council is unlikely to be able to secure two bedroom dwellings (the most needed type) on this site. However importantly I do not consider that the appeal decision has the effect of allowing dwellings that do not address the housing need in any sense. Had the scheme been presented as genuine 4 and 5 bedroom dwellings, my recommendation may have differed. However based on the proposals before me I consider that the 3 large dwellings proposed being in reality still 5 and 6 bedroom dwellings are the least needed house type in Southwell and this must carry significant weight.



No viability information has been provided to support the proposal in an attempt to justify why smaller units (such as the second most needed type of dwellings; 4 bedrooms for example or any other mix) cannot be provided. It is not for the planning system to sacrifice an appropriate mix because the land price may have been too high (a principle that para 11 of the NPPG makes clear). In this case I am not satisfied that the planning system has secured the maximum benefit in the public interest given the types of units proposed and I have to conclude that the scheme fails in this regard.

### Design and Appearance

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The SNP also reflects this. The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application is set behind the host dwelling known as Brooklyn with Plot 1 being over 75m from the back edge of the footpath and the other plots being even further back into the site. As a result of their set back and context these units will not be readily visible from the public realm. This type of development in depth is evident on the adjacent site (Avondale Lane) and as far as I can see is the only way in which the site could be developed for 3 units but in any case I consider that it would not be alien to the character, appearance or grain of the area. The design and appearance of the 3 dwellings is acceptable and they accord with the identified policies in this regard.

### Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

There are existing dwellings to the north (Brooklyn – the host dwelling) and to the east of the application site; (north to south) Franklyn, 2 Avondale Lane, a currently unnamed property and Benaiah. Having assessed the impact of the dwellings upon the existing dwellings I find that there would be no adverse impact that would lead to a loss of unacceptable loss of privacy through overlooking, overshadowing or overbearing. Where there are any, the first floor windows at first floor level facing the application site serve non habitable rooms to avoid overlooking and the applicant has been careful to align the dwellings to avoid overbearing/overshadowing impacts. I am satisfied that the scheme accords with DM5 of the Development Plan.

## Highway Impacts

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.

Condition 5 of the outline consent granted on appeal states:

*Notwithstanding condition 4 (the plan condition), details submitted pursuant to the application for approval of reserved matters consent shall include the following which the development shall be carried out in accordance with:*

- i) Minimum access of 4.8m for the first 10metres behind the public highway boundary (with an additional 0.5m if bounded by a wall, fence or hedge; 1m if bounded on both sides).*
- ii) A dropped curb crossing of the existing footway;*
- iii) Visibility splays in accordance with the County Council's current Highway Design Guide. (It is noted that splays of 2.4mx65m to the south-east and 2.4m x 140m to the north east are submitted as being available and if achieved these are acceptable).*

NCC Highways initially advised that there is insufficient detail to deal with the matter however further information has been submitted to fulfil the condition which they have been consulted upon. Their comments are awaited.

Each of the dwellings propose a triple garage and parking in front of these such that there would be adequate off-street parking provision provided for the units.

## Tree and Ecology Impacts

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application site boundaries comprise mature vegetation which currently offers a robust level of screening to neighbours as well as offering benefits through retaining trees and habitat. The block plan as amended shows that 3 trees would need to be removed to accommodate Plot 1, 2 trees would be removed to accommodate Plot 2 and 7 trees would be lost to make way for Plot 3. For the access a number of smaller trees would need to be removed.

The Tree Survey submitted as part of the outline application identifies that most of the trees within the site are of category C (low quality and value but could be retained) and U (trees considered to have no landscape value but with no overriding need for removal.) Only two trees were identified as B graded trees, being a Sycamore near the site frontage which appears to be retained and an Ash tree to the southern part of the site. B graded trees are considered desirable to retain and of a moderate quality and value.

The Ash tree (T16) appears to be one of the 7 lost to accommodate Plot 3, which is categorized as of reasonable quality with a good life expectancy and was suggested as being retained if possible in the Tree Survey. The loss of this tree is therefore regrettable, especially in the context that a smaller unit here might have avoided the loss of this tree. However I am also mindful that the tree would grow and dominate this part of the site such that in the longer term, there may have been pressure to remove this in any event such that I am minded to conclude that this should not be a barrier to development in itself.

The Tree Survey does not include the hedgerow or vegetation to the eastern boundary but I note that it is shown as being retained. I note the Council's tree advisor has raised concerns that there is adequate information submitted. However I also note that Condition 7 of the outline permission requires these details to be submitted before any development commences and there is therefore a mechanism for this to be agreed albeit it is outside of the reserved matters application. In any event the garages of the plots are between 0.85m and 1.3m to the boundary hedge which is likely to be adequate to ensure that vegetation remains along these boundaries.

In terms of ecological impacts, these were assessed at outline stage and measures to mitigate any harm to bats and breeding birds were subject to conditions at outline stage. I am therefore satisfied that there would be no unacceptable harm to the ecological value of the site.

### Flood Risk Impacts

Policy E2 of the SNP states that development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping. In addition the site is not considered to be at high risk of surface water flooding. I note that Condition 9 of the appeal decision requires that a scheme for foul and surface water disposal needs to be submitted before development can be commenced. I consider that this is therefore a matter for a discharge of condition application to consider rather than the reserved matters application.

### Planning Balance and Conclusions

The principle of developing 3 dwellings on this site is established through the extant outline permission. I am satisfied that the scheme is acceptable in terms of design, amenity and ecology. It is regrettable that one of the better trees is to be removed to make way for Plot 3 but overall I consider that this is not so detrimental that it should form a reason for refusal. In terms of the impact upon the highway, information to satisfy the planning condition imposed by the Inspector granting the permission has been provided and I am not anticipating an objection from NCC Highways.

Whilst I do not now consider that the Council will be able to secure any 2 bedroom dwellings on the site, given the previous appeal decision, I do consider it appropriate to secure a mix that at least reflects the remaining need of the area. The next needed type/size of houses after 2 bedroom dwellings in this area are 4 bedroom houses which this scheme would not provide for at all. Rather it provides for the least needed type of houses in the area. I have concluded that the proposed scheme does not provide an appropriate mix of housing taking into account the identified housing needs in the Southwell Sub Area.

Taking all matters into account, I find that the inadequate mix to meet the identified need should mean that the application should fail on this occasion as there are no positives that would outweigh the planning harm. I consider that this is a defensible position on appeal.

### **RECOMMENDATION**

**That planning permission is refused for the following reasons:**

## Refuse

01

Core Policy 3 (Housing Mix, Type and Density) of the adopted Newark and Sherwood Core Strategy states that the Local Planning Authority will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. It goes on to say that 'such a mix will be dependent on the local circumstances of the site, the viability of the development and any localized housing need information'. The proposed amended CP3 as set out within the Publication Core Strategy deletes reference to family housing of 3 bedrooms or more but is otherwise broadly unchanged albeit limited weight can be attached to this as there remain unresolved objections. In addition to CP3 of the Core Strategy (both the adopted version and the Publication amended version), Policy So/HN/1 of the Allocations and Development Management DPD sets out that within Southwell, subject to local circumstance and the viability of the development, the majority of new housing on allocated and windfall sites shall be one or two bedroom units in line with the identified housing need.

In the opinion of the Local Planning Authority the scheme proposed does not represent an appropriate mix of dwellings to meet the identified local need for the Southwell Area. The most up to date evidence of the housing need in Southwell is contained within the Housing Needs Survey Sub Area Report 2014 by DCA (as advocated by the Inspector in allowing the outline permission) and provides that in the Southwell Sub Area (where this site falls) the most needed type of accommodation are 2 beds (37.9%) followed by 4 beds (33%) followed by 3 beds (16.3%) followed by 1 beds (10.1%) and finally five or more beds (2.7%). The dwellings as advanced whilst described as 4 and 5 bedroom dwellings are in reality more akin to 5 and 6 bedroom dwellings given their significant sizes and that there is an upstairs study in all three plots capable of being used as a bedroom. Thus these plots are unlikely to cater for the most needed types of houses, rather they are the least needed type of accommodation in the locality and do not offer an appropriate mix to meet the identified need. The proposal is therefore contrary to CP3 of the Development Plan. There are no other material planning considerations that outweigh the harm identified.

## Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

Background Papers

Application Case File.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**

