

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01645/RMAM
Proposal:	Application for reserved matters to allow the erection of 67 dwellings and associated public open space, landscaping and infrastructure works in line with the outline approval reference 16/02169/OUTM
Location:	Land Off Allenby Road Southwell Nottinghamshire
Applicant:	Miller Homes Ltd - Mrs Helen Dawkins
Registered:	04.09.2018 Target Date: 04.12.2018
	Extension of Time Agreed Until 07.12.2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site is a relatively square plot of agricultural land approximately 2.68 hectares in extent to the western extent of the urban boundary of Southwell. The site is immediately south west of the junction of Halam Road and Allenby Road with the former constituting the northern boundary of the site and the latter the western boundary. As demonstrated by the Proposals Map within the Allocations and Development Management DPD, the site is allocated for housing under allocation So/Ho/1.

There is a belt of trees running north to south broadly centrally within the site as well as a belt of trees along the eastern boundary. Both are protected by Tree Preservation Orders. There is also a public right of way along the southern and eastern boundary of the site. The designated Conservation Area of Southwell is some 120m to the south west of the site with the nearest listed building being on the opposite side of Halam Road approximately 20m from the north eastern corner of the site. The site is within Flood Zone 1 according to the Environment Agency maps.

Owing to the location of the site within, but on the edge of the urban boundary, land to the north and west is open in nature with the field on the opposite side of Halam Road featuring a large balancing pond, whilst land to the east and south forms residential development of the wider Southwell settlement. There is a notable change in the gradient of the land with Halam Road to the north of the site forming a valley floor to rising land.

Relevant Planning History

Outline permission was approved in March 2018 for the erection of up to 67 dwellings (reference 16/02169/OUTM). The permission was also subject to an associated Section 106 legal agreement. The Section 106 secures provisions towards:

- *Education* - £2,406 per dwelling for Primary Education at Lowe's Wong Anglican Methodist Junior School;
- *Community Facilities* - £1,384.07 per dwelling towards Southwell Leisure Centre;
- *Affordable Housing* - 30% on site
- *Open Space* - £926.26 per dwelling for a Children and Young People Contribution towards Norwood Gardens; Green Open Space on site with a minimum total size of 500m² including buffer zones to ensure 20m distance from nearest inhabited property; £282.94 per dwelling for an Open Space contribution towards Norwood Gardens;
- Development Drainage and Open Space Specifications;
- Highways Works.

During the life of the reserved matters application, the agent has suggested that they wish to seek to amend the original Section 106 in respect to the affordable housing provisions (relating to mortgagee clauses rather than numbers or tenures). This is being dealt with as a separate process to the reserved matters application (through application reference (18/02076/VAR106).

The Proposal

The application represents the reserved matters submission in line with the aforementioned extant outline approval which exists on the site. The application continues the principles of the outline approval in that the proposal seeks detail for the approval of 67 dwellings of both market (70%) and affordable (30%) accommodation with associated infrastructure and open space. The application has been amended during its lifetime owing to Officer negotiations such that the schedule of accommodation sought for approval is broken down as follows:

Market Dwellings

House Type	Description	No. of Units
7FA – Fairfield	2-bed bungalow	13
2BE – Beckford	2-bed 2-storey	10
3AS – Astley	3-bed 2-storey	5
3PE – Pebworth	3-bed 2-storey	3
4WI – Witley	4-bed 2-storey	2
4WH – Whittington	4-bed 2-storey	3
4AS – Astwood	4-bed 2-storey	8
5HO – Honeybourne	5-bed 2-storey	3
		Total: 47

Affordable Dwellings

House Type	Description	No. of Units
HQI M1GF	1-bed apartment	4
HQI M1FF	1-bed apartment	4
2BM	2-bed apartment	2
LTH2	2-bed 2-storey	6
LTH3	3-bed 2-storey	4
		Total: 20

The properties within the site would be delivered through a series of product types with a variety

of materials with a predominance of brick. The bungalows would have maximum pitch heights of approximately 5.9m whilst the two storey properties would vary in their height with an approximate maximum of 8.5m. The site layout plan demonstrates an attenuation pond broadly centrally within the site (albeit slightly towards the northern end and Halam Road) and a children's play area in the south east corner of the site.

The application submission has been accompanied by and considered on the basis of the following documents:

- Tree Report by ACD Environmental dated 30th October 2018
- Tree Reference Plan – MILL21997-01 dated August 2018
- Landscape and Ecological Management Plan (LEMP) by ACD Environmental dated 29th August 2018
- Building for Life 12 - Assessment by miller homes
- Arboricultural Impact Assessment & Method Statement by ACD Environmental 20th August 2018
- Location Plan – SOUT LOC 01
- Street Scenes – SOUT SS 01
- POS Plan – SOUT POS L01 Rev. A (received 1st November 2018)
- Materials Layout – SOUT MAT L01 Rev. A (received 1st November 2018)
- Planning Layout – SOUT DPL L01 Rev. B (received 20th November 2018)
- Boundary Treatments – SOUT BTP L01 Rev. A (received 21st November 2018)
- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)
- Tree Protection Plan – MILL21997-03 Rev. A (received 1st November 2018)
- LEAP Proposals – MILL21997 09
- Topographical Survey – 30934-T Rev. 0
- Refuse Vehicle Tracking – 20286-02-010-01
- House Type Pack – Part 1 (revised version received 1st November 2018)
- House Type Pack – Part 2
- Drainage Technical Note – Ref. 20286/10-18/6377

Departure/Public Advertisement Procedure

Occupiers of 75 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.

Planning Policy Framework

The Development Plan

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 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy So/Ho/1 - Southwell – Housing Site 1
Policy So/HN/1 – Southwell Housing Need
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Developer Contributions and Planning Obligations
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

Southwell Neighbourhood Plan (made October 2016)

Policy SD1 - Delivering Sustainable Development
Policy E1 - Flood Risk Assessments and Mitigation
Policy E2 - Flood Resilient Design
Policy E3 - Green Infrastructure and Biodiversity
Policy E4 - Public Rights of Way and Wildlife Corridors
Policy DH2 - Public Realm
Policy CF2 - Green and Open Spaces and Burial Grounds
Policy TA3 - Highways Impact
Policy HE1 - Housing Type and Density
Policy SS1 - Land East of Allenby Road

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Developer Contributions SPD

Consultations

Southwell Town Council - Southwell Town Council considered Planning application 18/01645/RMAM Land off Allenby Road and agreed unanimously to object to this proposal.

STC welcomed the change in the number of houses and also the change of layout and the introduction of a play space and affordable housing

The objections were as follows:

The boundary near to Allenby Road is only about 2 metre deep which is not in accordance with the requirement of an 8 metre buffer strip as recommended in the Neighbourhood Plan.

Policy CF2 Pg 99 Para2.

The play space and open space area are separate, with the play area being small and at the top end of the development which is not ideal for the safety of children. The council suggest that the play area is switched to with houses 3, 4 & 5 , which will create a greater sense of place. There has been no engagement with the town on the type of play equipment to be installed which could be noisy and potentially intrusive on neighbouring houses in particular those outside the development. The council also noted that 2 large mature trees have been felled, which on the original tree survey had a high retention value.

When the Beaumont Avenue development was built, it was stated by the Newark & Sherwood engineers that the balancing (Starkeys) pond was not a suitable long term solution for future development and it was recommended that the proposed by-pass be built to alleviate this and this could be funded by future developments such as this proposal.

There are no proposals in this application as to how surface water is to be handled. There are no drainage plans or plans to get water into the balancing pond from the lower half of the development. Maybe the pond would be better situated at the lowest point of the development.

Because of the flood history of this area and the potential to cause further flooding in other areas of this catchment area, the council is very concerned that a more detailed surface water treatment plan is created and that the mitigation plans of the Nottinghamshire County Council as the LFA are taken into account. It is essential that condition 6 in the approval of the outline planning application 16/02169OUTM is applied to this application.

NCC Highways Authority – *Additional comments received 20th November 2018:*

The layout shown on drawing SOUT/DPL/L01 Rev. B is now acceptable subject to the conditions I have already recommended.

Additional comments received 20th November 2018:

Amended layout plan SOUT/DPL/L01 Rev. A

The layout plan has been amended to include wheelie bin stores at the edge of the private drives, and not within the footway. The only issue is that the parking spaces for plots 51 and 52 do not have sufficient space behind to enable a vehicle to easily manoeuvre. Obviously, this will result in the spaces not being used. Could the bin store be placed so as not to interfere with the parking provision.

Also, appropriate carriageway widening around the bend near the attenuation pond is required. If the matters above are satisfactorily addressed, the Highway Authority would recommend the following conditions:

1. No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a

minimum of 2m behind the highway boundary. The surfaced drives and any parking areas shall then be maintained in such hard 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.).

2. Any garage doors shall be set back from the highway boundary a minimum distance of 6.1m. **Reason:** To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

3. Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any works commencing on site. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

4. No dwelling forming part of the development hereby permitted shall be occupied until its associated access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. **Reason:** To ensure surface water from the site is not deposited on the public highway causing danger to road users.

Original comments received 16th October 2018:

This is a reserved matters application for the erection of 67 dwellings. The following comments relate to drawing SOUT/DPL/L01.

The shared private driveways serving plots 5 and 6, 11-14, 15-21, 46-57 and 65-67 will require a bin store located as near as practicably possible to the back edge of (but not within) the footway.

Could the parking for plots 36-61 be clarified. It has been noted in the past with previous developments that if residents cannot park their vehicle adjacent their property, an increase in on street parking occurs in the vicinity. Therefore, it is recommended that the layout be amended and vehicle parking be provided adjacent each unit.

At all junctions and private driveways it is necessary to demonstrate that sufficient visibility is available. The carriageway width in general is acceptable, however, appropriate widening around bends is required.

It is assumed that the area which is shown coloured red within the highway on the plan, adjacent plots 26 and 27 relates to the removal of trees/hedge.

It is most likely that garages will have an up and over garage door. In which case, the minimum acceptable driveway length is 6.1m. Therefore, garages will need to be set back from the back edge of footway accordingly.

The Highway Authority strongly recommends that these issues be addressed prior to any approval being granted.

Environment Agency – No comments to offer on the reserved matters.

NCC Flood – *Additional comments received 19th November 2018:*

Current comments:

1. This reserved matters application seeks approval for Appearance Landscaping, Layout and Scale. It is noted that the layout and scale provides for surface water attenuation.
2. A detailed review of the surface water proposals will be carried out should this application proposals progress to 'full' status and our comments dated 15 March 2017 should be referred to as part of any further submissions.
3. It should be noted that the introduction of full kerb faces along sections of Halam Road has the potential to modify the direction of existing surface water run off flows and as such the implications of this must be fully understood to ensure it does not increase the risk of flooding downstream of the development. This will be considered in detail as mentioned in 2. above.

Original comments received 21st September 2018:

This reserved matters application seeks approval for Appearance Landscaping, Layout and Scale. It is noted that the layout provides for surface water attenuation and as such we have no further comments to make.

Severn Trent Water – No comments received.

Trent Valley IDB – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourse in close proximity to the site.

The Board's letters dated 15 February 2017 and 25 April 2017 in relation to the Outline Planning Application 16/02169/OUTM are still applicable.

The site is in an area that the Board understand has suffered from surface water flooding. The development should not be allowed until the applicant is able to demonstrate that the development itself is safe from flooding and flood risk to surrounding land and/or properties is not increased.

Southwell Flood Forum - Southwell Flood Forum has reviewed and considered the above application and would like the following comments to be considered:- The land at the corner of Allenby Road and Hallam Hill is a major bottle neck for surface water run-off from the 2- km2 upper catchment north side of Southwell

The land in question and households downstream of the proposed site have suffered from many flooding events over the last four decades with major flooding events in 2007 & 2013 with many homes flooding. These events have resulted in a major on-going flood alleviation scheme being developed in Southwell. The plot of land in question and its immediate surroundings area play a major part in the flood risk to the north side of Southwell.

As mentioned above, surface water runoff in the area is a major problem. The proposal by the developer is to attenuate the water on the site and then feed into the existing storage pond sited

downstream on Norwood Park, however as proved by the flood study the existing storage pond is already undersized and does not have the capacity for additional run off. Any increase in its size as proposed by the flood alleviation scheme does not take into account the additional run off from the proposed site. The pond's potential size increase is also limited by its physical position and factors around it.

We would ask that Newark and Sherwood Council consider its own recommendations from its meeting held in May 1995, that the balancing pond on Norwood Park is a temporary measure and phase 2 of the surface water bypass pipe be financed by future developments such as the proposed development. To date there have been 2 further major developments in the area downstream of the proposed site and existing attenuation pond, Dudley Doy and Merryweather/Humberstone. All have used attenuation as part of its surface water management plan. Both developments have suffered major flooding with Humberstone site flooding before construction was completed.

NSDC Environmental Health (noise) – I refer to the above application and confirm that I have no comments to make.

NSDC Community, Sports and Arts - No comments received.

NSDC Parks and Amenities – No comments received.

NSDC Conservation – *Additional comments received 9th November 2018:*

Thank you for consulting Conservation on the revised plans. I do not think there is any alteration contained in these which will materially change the impact on the setting of heritage assets and as such Conservation's comments have not altered.

I have read the Civic Society's concerns about not strengthening the hedgerow around plot 48-50, being the road approach into Town. In repeating my earlier comments (that while not a specific Conservation concern, a general good design approach here should, I believe, have a soft transition from the open countryside) I would echo their concern. That being said, I do note that this chamfered junction does have tree planting, so hopefully this will soften the approach.

Original comments received:

This application follows on from the above OUTM application and for ease I copy in again my comments from this previous application, which set out my analysis of potential impact on heritage assets and more general design concerns about the treatment of the Allenby Road/Halam Road junction.

Looking through the details now submitted I note that the building are not over two storeys so I uphold my previous views of negligible impact on the setting of heritage assets.

I am also pleased to see the corner of Allenby Road and Halam Road is much more low key than initially proposed, retaining a hedgerow and a softer transition into open country.

In conclusion, Conservation retains its no objection on this application.

NSDC Archaeology – No archaeological input required.

NSDC Access and Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements

NSDC Strategic Housing – *Additional comments received 15th November 2018:*

I refer to the revised reserved matters application at Allenby Road in respect of changes made to the affordable housing provision.

I support the amended changes to the affordable housing proposals in so far as a reduction of two units x 2 bed apartments to a two bed house type. I am also aware that the proposed changes will be acceptable to a Registered Provider. I am however disappointed that the applicant has declined to provide an element of the proposed bungalow accommodation as part of the affordable housing contribution

Original comments received:

I refer to the reserved matters application at Allenby Road. I do not currently support the proposal as it stands until a revised affordable housing scheme has been discussed with and submitted to the Council's Strategic Housing Business Unit.

Affordable Housing Policies and Provision

The Council's Core Strategy sets the affordable housing targets for any suitable site at 30% and applies the following dwelling threshold for Southwell:

- 5 or more dwellings / 0.2 hectares irrespective of the number of dwellings.

Therefore on this site (67 dwellings) there is a requirement for 20 affordable dwellings.

DCA Housing Needs Study (2014)

I note that the applicant proposes to provide 20 affordable units with a mix of 1, 2 and 3 bed homes. This (8 x 1 bed, 4 x 2 bed and 8 x 3 bed). Whilst this does not accord with the DCA Housing Needs Survey for the Southwell area (the demand in affordable terms is for 1 and 2 beds) the Council's Housing Register provides information on lettings and this demonstrates that there is a demand for 3 bed dwellings in addition. However, my main concern is the type of property proposed. The preference by the Council and most Registered Providers is to provide the two bedroom dwellings as houses and bungalows as opposed to apartments contained within a block. The proposal for this type of accommodation may lead to issues with lettings and management arrangements.

Southwell Neighbourhood Plan (2016)

The Southwell Neighbourhood Plan was 'made' on the 11th October 2016 and so now forms part of the Development Plan. Policy HE1 details the housing mix that will be sought from all new residential development. On greenfield sites all schemes of 11 or more dwellings will be required to deliver the following housing mix and associated densities.

Dwelling Type	Proportion
---------------	------------

1 or 2 bedroom (inc starter homes)	40%
1 or 2 bedroom bungalows	20%
3 Bedroom Family Homes	15%
4 Bed homes	25%

The proposal, whilst meets the bedroom number criteria does not meet the type required.

Revised Proposal

I would wish to see a revised proposal put forward that will provide a more suitable and integrated mix of housing to meet the guidance contained within the Council's policies, evidence base and Southwell Neighbourhood Plan. The proposal should be as follows:

Beds	Affordable Units
1-bed	4*
2-bed houses	8
2 bed bungalows	4
3-bed	4
Total	20

*Miller Homes delivered 8 x 1 bed apartments at the site on Nottingham Road, therefore in this case we would like to seek a reduction on this site.

NCC Developer Contributions - No comments received.

NCC Rights of Way – No comments received.

Natural England – Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Nottinghamshire Wildlife Trust – No comments specific to this application.

NCC Ecology – *Additional comments received 5th November 2018:*

I can confirm that this addresses all of my comments in relation to the landscaping scheme and I have nothing further to add.

Additional comments received 2nd November 2018:

In light of the additional information submitted in relation to this planning application, I can confirm that my previous comments relating to the landscaping scheme have been addressed. Unfortunately I had overlooked the inclusion of *Acorus calamus* 'Variegata' in the marginal/aquatic planting mix – ideally the non-variegated form of this plant would be used, but given that I missed this last time I don't feel like I can formally request this change.

Original comments received 8th October 2018:

- I am unclear why the trees in the retained internal hedgerow are to be removed. Reference should be had to section 5.3 of the November 2016 Ecological Appraisal.
- Regarding the landscaping:
 - o In the marginal/aquatic planting, the native form of *Iris pseudocorus* should be used, not the 'Ivory' form, whilst *Comarum palustre* should be removed, as this species is very rare in the county
 - o In the native hedgerow planting, *Carpinus betula* should be removed (as this species is not native to Nottinghamshire), and *Crataegus monogyna* should be added in at a rate of 50% (with the proportions of the other species reduced accordingly).
- I am happy with the other details (e.g. nest boxes)

Tree Officer – *Additional comments received 2nd November 2018:*

The proposed soft landscaping and tree protection measures are sufficient for landscaping reserved matters and discharge of extant conditions 2(landscaping), 3 and 7.

Original comments received:

Proposed soft landscaping details are acceptable.

Proposed layout is broadly acceptable apart from Plot 5 which indicates an unacceptably close relationship between the proposed dwelling and adjacent trees which will result in continual ongoing issues from overhanging canopies, high levels of seasonal nuisance and shading and pressure for removal by any future occupants.

Ramblers Association – I have nothing to add to my original comment on application 16/02169 - namely that we have no objection to the development as long as the integrity of the footpaths to the south and east of the site are respected.

Southwell Civic Society – *Additional comments 9th November 2018:*

We refer to the very recently submitted landscape drawings and in particular drawing number Mill 21997-11B Sheet 4 of 4 which shows no reinforcement of the existing hedge at the corner of Allenby Road and Halam Road unlike the rest of the boundary along Allenby Road. This is most important as plots 49 and 50 are hard up against the existing hedge unlike the rest of the site where the actual buildings are set back.

These are the first buildings at the very entrance to Southwell. It is an extremely sensitive location and there needs to be tree planting to soften the impact and to provide a balance between that side of the road and Norwood Park opposite. The whole development would benefit from a much greener aspect at this location. The relationship between the houses and the countryside should be a key aspect of the design, but it fails if there is no acknowledgement of that at this critical junction.

The layout needs revision or more simply the elimination of plots Numbered 49 and 50.

Original comments received:

We welcome the use of the site for mixed housing to meet the policies of the Newark and Sherwood District Council's (NSDC) Local Development Framework (LDF) and Southwell Neighbourhood Plan (NP), Policy HE1-Housing Type and Density. We particularly welcome the provision of bungalows, which are badly needed in the town. Unfortunately, the application does not adequately take account of the need for sustainable development as required in the National Planning Policy Framework, the policies and guidance within the NSDC LDF or specific to the Southwell Neighbourhood Plan.

Policy SS1 Site Specific Policies for Site So/Ho/1 Land East of Allenby Road and Southwell Neighbour Plan Policies.

In addition to the general policy requirements in the NSDC Core Strategy and the Development Management Policies in Chapter 7 and the NSDC particular policies for site So/Ho/1 are the Southwell NP Policies below:-

- 1) Land east of Allenby Road has been allocated on the Policies Map for development providing around 65 dwellings
- 2) An application must show appropriate design, density and layout which addresses the site's gateway location and manages the transition into the main built-up area. In order to assimilate the development, provision should be made for the retention and enhancement of the site's existing landscape screening. *Hedges to the west of the site and along the site's northern boundary must be retained and enhanced to screen the development from Halam and Allenby Roads.*

Wherever possible, dwellings should not normally be of more than two storeys unless design solutions demonstrate that they can be accommodated without impacting on the Site's gateway location

- 3) The incorporation of the tree lines subject to Tree Preservation Orders into the site's layout, *retaining mature trees and vegetation on the site, based on a thorough survey of the quality and health of trees within the site. Such a layout will incorporate the hedge which runs north to south through the centre of site.*

A buffer strip must be left between the perimeter of the site and the boundaries of individual building plots and also between the central hedge and the individual building plots.

- 4) Provision of appropriate pedestrian access as part of the design and layout of any planning application. *This includes the retention and enhancement of the existing Public Rights of Way, avoiding diverting them onto estate roads but, wherever possible, routing them through landscaped or open space areas to ensure a contribution to the Green Infrastructure.*

5) The investigation of potential archaeology on the site and any necessary post determination mitigation measures secured by condition on any planning consent, and

6) *The provision of an open space/play area as a focal point of the development.*

Surface Water Measures.

We are extremely concerned that it has not been demonstrated that the requirements in Policy SS1 2) have been met as no detailed scheme has been put forward to deal with the surface water drainage. The Policy states:-

“The positive management of surface water through design and layout of development to ensure that there is no detrimental impact on runoff onto surrounding residual areas or existing drainage regime”.

This is a very wet field and water accumulates at the bottom alongside Halam Road, and after rain, water still lies on the surface several days later when all the surrounding areas have dried up. The field was severely flooded during the floods of 2007 and 2013. One scheme put forward to prevent further flooding downstream was to construct a bund across the lower part of the field to retain any floodwater. Surface water from this development will drain into Norwood (Starkey’s) pond and no calculations have been put forward to show this will adequately take the extra flow or indeed what will be the flow from the site. An open space is shown on the drawings with tadpoles indicating it is below the surrounding ground level. There is nothing stating what this is. We assume it is to act as a balancing pond in time of flood.

We find it incredible that detailed landscape proposals are included even stating the types of grasses, detailed route plans for the refuse vehicles are given and yet no drainage details showing exactly how the site will be drained and how any high rainfall events are to be dealt with.

The Southwell flood study, for some unknown reason, did not include any of the allocated sites so there was no allowance for this site. We are surprised and dismayed at the Lead Flood Authority’s lamentable response to this application. It states, *“It is noted that the layout provides for surface water attenuation and as such we have no further comments to make”*. All that the drawings show is a depression in the ground with no levels stated. This is in stark contrast to their comments on the outline application 16/02169 which we copy below:-

Application: 16/02169/OUTM – Allenby Road Southwell

Current preliminary comments: No objections in principle to the proposals subject to the following comments:

1. No construction should start until a detailed surface water design and management proposal has been agreed by the LPA. This should be supported by a detailed plan showing, but not limited to, the following:
 - a. The existing and proposed ditches on Halam Road including their piped connections.
 - b. Proposed piped connection to Norwood Park pond
 - c. Exceedance flow paths
 - d. Cross sections of all relevant surface water conduits / assets and flow paths.
 - e. Explanatory notes to allow referencing of micro drainage results with layout plan.
2. Permeability tests must be provided and if suitable the drainage strategy should be amended and infiltration should be used as part of the surface water drainage proposals.

3. Details of the condition, operation, connectivity and fitness for purpose of the Norwood Pond as part of the proposals must be provided. This should include consideration of the comments submitted by the IDB and details of the receiving watercourse.
4. Evidence on how future ownership and maintenance of the surface water system, including any SUDs / attenuation features, will be managed. It is noted that the FRA suggests both Norwood Park pond and the proposed site attenuation pond are to be put forward for adoption however it is not clear to whom, or how this will be progressed. Future ownership and effective maintenance are critical to the efficiency of any surface water system.
5. This consultation response has been prepared being mindful of the Southwell Neighbourhood Plan.
6. There is no evidence to suggest the proposals would prejudice any future flood mitigation measures for the catchment.

We believe that the NCC Flood Risk Management Team have a responsibility to the Planning Authority and the citizens of Southwell to ensure a drainage scheme is put forward which will not be detrimental, not only to the new residents of the site but also properties downstream which have been subject to flooding in the past.

The approach to Flood Risk Assessment (FRA) is incorporated in the NSDC LDF and detailed for Southwell in the NP for the town -Policy E1- Flood Risk Assessments and Mitigation and Policy E2- Flood Resilient Design

We note that on the Becketts Field development (13/00689) Miller Homes Ltd submitted a Flood Risk assessment and detailed drainage drawings showing exactly how the surface water from the site would be dealt with.

Landscape and Boundary Measures.

We refer to Southwell Neighbourhood Plan Policy E3 and Design Guide 1. Buffer Strips requiring a minimum buffer strip to existing hedgerows and trees of 8 metres.

It has not been demonstrated that the Neighbourhood Plan appendix 1 requirement for an 8 metre minimum buffer strip on all hedgerows and landscape boundaries is unreasonable. This width of buffer should, therefore, be shown on site plans and specified in the Landscape and Ecological Management Plan.

We note no dimensions are given on the drawings but by simple scaling in some places it is considerably less. Of greatest concern is the block situated at the corner of Allenby Road and Halam road where the building is proposed right up against the hedge. The whole of this block and the adjacent block are also too close as is the garage of plot 34.

The eastern boundary buffer definitely appears to be too narrow and we agree with the North Kesteven Tree Officer (response dated 10th Sept 2018) that plot 5 is too close to existing trees.

The Arboricultural Survey and Report produced in May 2011 for outline planning application 16/02169/OUTM appears to have been ignored. Tree 11 of that report was given a High (A) Retention Category and was retained in the outline scheme. (See para 8.1 attached). This tree has recently been removed (see photo), together with a similarly sized beech.



There is no reference to these trees in the ACD Environmental Arboricultural Impact Assessment, which merely states that there are no TPOs relating to the site. This deliberate removal of mature trees, which were shown as being retained in the outline planning application, is in direct contravention of NP Policy SS1, which requires the retention of mature trees and vegetation based on a thorough survey of the quality and health of trees within the site.

Further along Halam Road on the Beaumont Avenue development site, hedgerows and mature trees were successfully protected by TPOs and the resulting benefits can be seen to this day. The retained hawthorn hedge led to the naming of May Hill.

The District Council must, as a matter of urgency, take action to ensure that such protection is given to this site so that further destruction is avoided.

Para 4.7 of the Landscape and Ecological Management Plan states that no existing trees shall be removed without the written permission of the Local Planning Authority and existing trees are to be retained, protected and undisturbed throughout the project. Has the District Council been consulted on the change to the layout since outline planning permission was granted which has led to the unjustifiable removal of valuable trees?

We note that in Condition 018 in the approval of 16/02169/OUTM no construction of the connection to Norwood Pond shall commence until approval is given by the Council. The drainage of the site must be designed at this stage as a fully engineered system, it cannot be considered in isolation or as an afterthought. The layout of the estate and the size of the attenuation pond are fundamental aspects that have to be determined at this stage especially as the site and this part of Southwell have been subject to flooding in the past.

We therefore request that this application be withdrawn and resubmitted in full compliance with the statutory Southwell Neighbourhood Plan and the NCC Flood Risk Management Team's requirements stated in their response to the outline application 16/02169.

NHS England – No comments received.

CCG Newark and Sherwood – No comments received.

Representations have been received from 14 local residents/interested parties which can be summarised as follows:

Impact on Amenity

- Loss of privacy from Plot 15 to neighbouring gardens
- Noise and light pollution
- The development is too close to neighbouring properties to allow the maintenance of trees which will lead to a lack of privacy when they deteriorate
- Overlooking will be worse in winter when there is less foliage

Impact on Infrastructure

- Detrimental effect to the local amenities
- It is difficult to get doctors appointments

Impact on Flooding

- The current flood mitigation scheme for Southwell does not take account of this development
- The proposed development will seriously increase the risk of flooding to areas such as Glenfields already badly flooded in 2013
- Agreed flood mitigation should be in place before building works begin
- There must be adequate storm water drainage proposals so there is no storm water run off on to the roads
- There were errors in the original Flood Risk Assessment
- Permission should not be granted until a detailed Flood Risk Assessment is completed which addresses the concerns of the Town Council and the Southwell Flood Forum advisory group
- There is no information about adequate drainage – the existing drains cannot cope
- The comments of NCC do not take account of previous and real concerns raised
- The development needs more than surface water attenuation
- Previous development were required to make improvements including a major drain running from High Town area to the river Greet but this did not take place
- The Norwood pond is not fit for purpose
- Previous floods were partly due to the fact that so many gardens have been converted to hard standing
- The development fails to show that flood risk to surrounding land / properties is not increased
- There is no detail or plans to get water into the drainage pond from the lower half of the development – it is not clear if the intention is to discharge into the existing balancing pond which is not suitable
- Policy SS1 2 requires management of surface water
- NCC have a responsibility to the citizens of Southwell
- The application has not taken account of the NP policies

Impact on Highways

- The proposed development will inevitably increase traffic flows along Hopkiln Lane which is a major hazard
- Consideration should be given to making Hopkiln Lane one way traffic from Kirklington Road to Halam Road and reducing the speed limit to 30mph

- Hopkilyn Lane is very narrow with no pedestrian pavement but the road is regularly used by pedestrians and horse riders etc.
- Increased traffic will cause greater risk to pedestrian safety
- Hopkilyn Lane is used as a rat run

Impact on Trees and Ecology

- It is unlikely that any of the trees in the northern boundary can be given a satisfactory root protection area.
- It is unclear whether the application is committed to offering the detail of the application.
- The buffer strips are not definitive enough.
- Landscaping has been destroyed along the southern boundary.
- The amended plan shows a narrowed footpath with no real margin and a hard boundary division – screening and amenity trees need to be included along the full length.

Comments of the Business Manager

Principle of Development

Outline approval for 67 dwellings was approved on 6th March 2018 following a resolution to grant at the Planning Committee meeting on 5th September 2017 (the intervening period being required to finalise the associated Section 106 agreement). The outline approval has therefore accepted the principle of development within the site but notwithstanding this, it is notable that the site forms a housing allocation (So/Ho/1) in the Allocations and Development Management DPD.

The National Policy position has been updated since the outline approval through the publication of the updated National Planning Policy Framework (NPPF) on July 24th 2018. Nevertheless paragraph 59 of the revised document confirms that the Governments agenda remains focused on *'boosting the supply of homes'* and that *'the needs of groups with specific housing requirements are addressed.'* Moreover, specifically in the context of this application given the outline approval, there is an identified importance of ensuring *'that land with permission is developed without unnecessary delay.'*

Housing Mix

As previously identified through the description of the proposal above, the reserved matters application seeks approval for a total of 67 dwellings. In the context of the aforementioned stance of national policy to ensure housing meets specific requirements, significant weight must be attached to the requirements of the Neighbourhood Plan for Southwell in terms of the desired mix sought on greenfield sites. Although this was debated at outline stage, clearly this was based on an indicative mix and it is only with the benefit of the reserved matters details that this can be fully assessed.

Policy So/HN/1 seeks to secure a majority of one or two bedroom units, Policy HE1 of the Southwell Neighbourhood Plan (SNP) is more prescriptive and seeks the following mix on Greenfield sites:

<i>Dwelling Type</i>	<i>Proportion</i>	<i>Density</i>
1 or 2 Bedroom (incl. starter homes)	40%	50 dph
1 or 2 bedroomed bungalows	20%	30 dph

3 Bedroom (Family Homes)	15%	40 dph
4 + Bedroom (Executive Homes)	25%	20 dph

The policy goes on to state a strong support for developments which provide bungalow and other types of accommodation for elderly and disabled people.

The proposed development includes a range of housing sizes and tenure types including apartment blocks with 1 and 2 bed units; bungalows; semi-detached and detached dwellings. As is outlined by the proposal section above, the scheme incorporates 30% affordable housing (as secured by the associated Section 106 agreement).

In respect to the originally proposed scheme (which as confirmed above has been amended during the course of application), the % proportion of housing mix was as follows:

<i>Dwelling Type</i>	No. Units	<i>Proportion</i>
1 or 2 Bedroom (incl. starter homes)	22	33%
1 or 2 bedroomed bungalows	13	19%
3 Bedroom (Family Homes)	16	24%
4 + Bedroom (Executive Homes)	16	24%

The most obvious discrepancy in assessment of these figure was the under provision of 1 or 2 bedroom homes and overprovision of three bedroom homes. The applicant undertook pre-application advice prior to the submission of the reserved matters submission and this was raised as a concern by Officers. Unfortunately, the mix was still carried through to the original submission stage which has warranted further discussion. The applicant has revised the housing mix, partially in line with Officer advice, such that the dwelling type proportions would now be as follows:

<i>Dwelling Type</i>	No. Units	<i>Proportion</i>
1 or 2 Bedroom (incl. starter homes)	26	39%
1 or 2 bedroomed bungalows	13	19%
3 Bedroom (Family Homes)	12	18%
4 + Bedroom (Executive Homes)	16	24%

Whilst there would still be a slight over provision of 3 bed units and subsequent under provision of 1 or 2 bed and 4 bed units, this would be marginal in comparison to the aspirations of Policy HE1. The sites secure much need affordable and smaller dwellings, which when additionally measured against the locality as a whole is an appropriate mix for the area. On this basis the revised proposed is deemed to represent an appropriate mix which would comply with Policy So/HN/1 and Policy HE1.

Impact of Layout on Character including Landscaping and Trees

Given the extant approval for outline planning permission for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this change.

The housing allocation (Policy So/Ho/1) for the site confirms that the development on the site will be subject to an appropriate design, density and layout which addresses the sites gateway location and manages the transition into the main built up area. The policy also makes reference to the

need for the retention and enhancement of the sites existing landscape screening. This is carried by Policy SS1 of the Southwell Neighbourhood Plan (SNP) but with the explicit mention of the need to retain the hedges to the west of the site and along the sites northern boundary.

Other than the highways access from Halam Road on the northern boundary (which was agreed at outline stage) the northern and western boundaries feature a landscape buffer which incorporates both existing tree and hedgerow specimens and, as detailed by the detailed landscape proposals, additional proposed planting. Along the western boundary this forms proposed native woodland with an understorey planting mix. The landscaping plans include a cross section of this landscaping buffer showing that approximate growth over 5 years would achieve appropriate screening of the dwellings through tree heights. This is aided by the lack of development above two storey height which meets the intentions of Policy SS1 of the SNP. The width of the buffer strip would be a minimum of 6m which notably meets the requirement of the condition imposed at outline stage seeking a minimum of 5m. The original comments of the Town Council make reference to a 2m boundary which has been queried. It is stated that this distance is in reference to the flats in the North West corner of the site and Halam Road. However, Officers measure this distance to be around 5.5m with the corner boundary around 3.5m thus the concern is still considered unfounded. The proposed depth is considered acceptable and sufficient to achieve the desired screening. For the avoidance of doubt, the landscaping buffer is outside of the defined residential curtilages and maintenance would be controlled through the Section 106.

As well as the gateway location, the site has constraints through trees protected by Tree Preservation Orders (TPO). Clearly, these were known at time of site allocation (and equally outline approval stage) and thus there is an implicit acceptance that the delivery of residential development with the site will affect, to a degree, protected tree specimens. For the avoidance of doubt, this falls to be assessed through the current planning application and there would be no further requirement for the applicant to seek separate TPO works consent. In light of this, consultation has been undertaken with the Council's appointed Tree Consultant with comments listed in full above.

The application includes supporting documentation to assess the impact on existing trees including a Tree Reference Plan; Tree Protection Plan; and Arboricultural Impact Assessment & Method Statement. Unfortunately, the original version of the Arboricultural Assessment document incorrectly stated that there were no trees on site subject to a TPO. This has been raised as an issue during the life of the application and a revised document received on 1st November 2018.

Regardless of the original omission, the constraints of the site are well known and thus there is sufficient information to allow a full and thorough assessment of the application on the existing trees within the site.

The application submission details that the proposal will necessitate the removal of seven individual tree specimens and part of two groups (along the northern boundary and the hedge which dissects the centre of the site). Other than one of the trees which is categorised as U, the remainder of the specimens for removal are categorised as C. As is evidenced by the associated landscaping plans, the loss of these trees would be mitigated through additional onsite planting.

The Tree Officer comments are listed in full above but briefly the original comments accepted the development as proposed with the exception of Plot 5 where the positioning of the dwelling was deemed too close to the adjacent trees to a degree which may lead to future pressure for

removal. This concern has been passed to the applicant during the life of the application and addressed through the revised submissions. The latest comments of the Tree Officer are listed in full above which confirm an overall acceptance of the scheme.

I appreciate the comments of the Town Council which refer to the felling of mature tree specimens since the outline approval. Having assessed the supporting documentation of the outline approval it does appear that high quality (category A) specimens have been removed towards the southern boundary of the site. However, these specimens were not afforded any protection (being outside of the TPOs). Thus whilst their removal is unfortunate, it is not unauthorised.

In respect of matters of overall layout, Officers raised concerns with the original submission in terms of the car parking for the majority of the affordable units (in front of the dwellings rather than to the side as achieved for the market units). There are also instances on some corner plots (e.g. Plots 10, 24, 30 and 62) where occupiers would have to walk around the corner from their car parking spaces to their front door which may potentially lead to on street parking closer to the front door. Officers are conscious that it in a development of this size, there is a balance to be struck in terms of different forms of car parking, from garaging and driveways, to side driveways, to frontage in curtilage parking. The revised proposal has addressed some areas of street frontage parking in the north west corner of the site, albeit this has been retained in other areas.

The Town Council comments make reference to the position of the Local Equipped Area of Play (LEAP) in the south east corner of the site. This was raised as a concern with the applicant at pre-application stage noting that the positioning lacks a maximisation of public surveillance being tucked into the corner of the site. Policy SS1 states that the open space / play area should be a focal point of the development. Whilst this is a reasonable conclusion for the drainage pond proposed in the centre of the site, clearly this would not apply to the proposed position of the LEAP. The position of the LEAP has been discussed with the applicant during the life of the application. The S106 which accompanies the outline permission has set an off-set parameter which does impact on the ability of the LEAP to be enveloped too closely by residential properties,

“The area of the LEAP required within the s106 Agreement is a minimum of 500sq.m, which is provided for on the layout. In addition to this, a 20m offset is required from the nearest habitable room, so it is not as simple as just providing an area 500sq.m. By locating the POS in the corner of the site, this reduces the impact of the 20m off-sett on the developable areas, which if moved would impact upon overall numbers of the development and not make best use of the site. I would also advise that we believe having the POS in the south-west corner is a suitable location for the existing residential properties, to create a more inclusive environment between and existing and new properties.”

Officers consider that the LEAP does provide for on-site use for residents when balanced against achieving the off-set in the interests of amenity. Additionally the LEAP relates well and allows better integration with public footpaths which surround the site.

Impact of Dwelling Design

Policy DH1 of the SNP requires proposals to demonstrate how they have taken account of the Southwell Design Guide acknowledging that the community is very proud of the character and appearance of the Town. The Design Guide Criteria are split into four areas:

- Natural Environment Features;
- Built Form;
- Materials and Detailing; and
- Utilities and External Storage Spaces.

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Neither local nor national policies are intended to be prescriptive in respect to matters of design. It is fully appreciated (and indeed expected) that the design of the proposed dwellings is based on an established product and indeed one which has been delivered elsewhere in the Town. The development would deliver a number of different house types which would add visual interest to the scheme as evidenced by the submitted street scene plans.

As is referenced above, the predominant material type is brick which conforms to the intentions of the NP Design Guide. It is equally acknowledged that render is also characteristic of the town and therefore the material palette proposed is considered appropriate.

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The site is bordered to the east and south by existing residential curtilages. In respect of the eastern boundary, the adjacent dwellings would incorporate four properties each with their gable ends towards the shared boundary. Plots 1, 5, and 16 would broadly align with the gable ends of the closest properties and would have approximate distances of a minimum of 12m away from the closest neighbouring properties. Noting the trees and hedges which form this boundary, this is considered to be an acceptable relationship. Plot 6 would be set further northwards than the closest dwelling to the east (16 Beaumont Avenue) however the rear elevation of Plot 6 would be set almost in line with the principle elevation of 16 Beaumont Avenue and therefore the neighbouring dwelling built form would protect any vantage (noting it would be at an oblique line of site in any case) towards the rear amenity space. Whilst there is a small side window at the first floor of the neighbouring dwelling, this appears to be a secondary window and in any case as referenced above, the boundary treatment of the site would greatly assist in screening the proposed development.

In comparison, the proposed properties along the southern boundary (Plots 17-20 inclusive and 32-35 inclusive) would have a back to back relationship with the dwellings along Vicarage Road. As existing the shared boundary features a close boarded timber fence with some vegetation within the neighbouring plots. The public footpath runs to the north of the timber fence. The proposed boundary treatment shows that the rear gardens of the plots would be bounded by a 1.8m fence. I have carefully considered the consequence of this boundary treatment to the users of the public footpath noting that as existing the site is completely open in nature to the north of the footpath. The 'tightest' width (i.e. distance between existing and proposed fence) would be at the point of

access from Allenby Road. However, along the majority of the footpath there are areas of trees and scrub to the south of the path (and to the east along the eastern boundary) such that the users of the footpath would experience a degree of openness.

There is a minimum distance of approximately 30m between the rear elevation of Plots 17-20 and the properties to the south. Despite the concerns raised during consultation, I consider this to be an appropriate distance to ensure that there are no unacceptable impacts in terms of overbearing or overlooking particularly given that the proposed dwellings at this point of the site are single storey bungalows. The distance between Plots 32 and 33 are slightly shorter at around 26m but this marginal shortfall does not alter the conclusion that these plots would have an acceptable amenity relationship with neighbouring properties. Plots 34 and 35 would have a slightly different relationship given that the closest properties to the south are orientated towards the corner of Allenby Road and Vicarage Road. Thus, whilst the distance between is shorter at around 16m, the relationship would be more akin to a rear to gable one. I have specifically considered the impact on no.26 Allenby Road as I consider this to be the most sensitive relationship. Again, due to the single storey nature of the proposed plots at this point of the site, I have identified no unacceptable detrimental impacts in respect of overlooking or overbearing.

In addition to the impact on existing neighbouring properties, Officers have also assessed the amenity provision for the proposed occupiers of the 67 plots. The distances between dwellings within the site are considered adequate to ensure appropriate amenity relationships. Rear gardens are also deemed to be commensurate in size to the dwellings they serve. Whilst it is noted that the gardens along the western boundary are slightly shorter, this is due to the need for the landscaping buffer and in any case these would serve the smaller semi-detached units primarily and therefore a slightly smaller rear garden (albeit still a minimum of approximately 7m in length) is considered appropriate.

Officers raised concern during the life of the application in respect to the lack of outdoor amenity space for the proposed apartments. Whilst it is fully appreciated that there is not always an expectation for outdoor amenity space for apartments it is often the case that there is at least an area of communal space. This has been partially addressed through the revised plans with a small area of amenity space for Plots 49-50 (the larger two bed units) and Plots 11-12 and 15-16 inclusive. It is noted that Plots 47-48 and 58-59 inclusive still would not be afforded private amenity space but in the context of the overall scheme which offers a mix of solutions this is not considered harmful to a degree to warrant resistance.

On the basis of the above discussion, the scheme as revised is considered to represent appropriate amenity provision for the proposed occupiers and also adequate amenity protection for existing neighbouring residents in compliance with the relevant elements of Policy DM5.

Impact on Highways Network

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The positioning of the proposed single access was agreed at outline stage subject to conditions. The current reserved matters submission however also requires assessment in respect to the

proposed internal road network. This has been assessed by Nottinghamshire County Council as the Highways Authority with their comments listed in full above. The applicant has addressed the initial queries and minor concerns raised such that NCC Highways have raised no objection subject to conditions which can be reasonably attached to the reserved matters submission.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

Matters of ecology were considered at outline stage with various supporting documents considered. The Ecological Appraisal at outline stage considered the overall nature conservation value of the habitats within the site to be low. Nevertheless it was recommended that the existing trees and hedgerows should be retained where possible as part of any soft landscaping design. This has been incorporated through to the reserved matters submission as well as additional areas of planting. On this basis Officers remain satisfied that the proposals will not unacceptably impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Flood Risk and Drainage

The application site is located within Flood Zone 1. However, in terms of flood risk from other sources Core Policy 9, Policy So/Ho/1 and Policy SS1 all carry the expectation that the design and layout of development will contribute towards the positive management of surface water, ensuring that there is no detrimental impact in run-off into surrounding areas or the drainage regime. Policy E2 adds to this approach in seeking to restrict run-off to relevant greenfield rates, via inclusion of a standard which proposals are expected to meet.

It is fully appreciated that matters of flooding remain of utmost importance in Southwell and understandably the lack of drainage information submitted with the current application has been raised as a cause for concern by consultees including the Town Council as well as neighbouring residents. However to confirm, and indeed as acknowledged by the comments of NCC as the Lead Local Flood Authority, matters of drainage would still be controlled by the pre-commencement condition and wording of the Section 106 in relation to the outline approval. It is noted that NCC Flood Team have provided further comments during the life of the application suggesting that there would be elements of the currently submitted drainage regime which would not be accepted through a discharge of condition request. This need not be fatal to the reserved matters submission as the finer surface water details would still be controlled by the discharge of condition from the outline consent. Having discussed the latest comments with NCC Flood it has been confirmed that any changes to the service water provision would not affect the overall layout of the site and there are potential solutions to create appropriate drainage provision within the existing design of the proposals.

The applicant has confirmed that they would wish to agree drainage through a separate discharge of condition request. There is nothing procedurally to prevent the applicant taking this route and NCC Flood Team would be involved in this process.

Developer Contributions

The extant outline approval was accompanied by a Section 106 agreement. These secured contributions towards

- *Education* - £2,406 per dwelling for Primary Education at Lowe's Wong Anglican Methodist Junior School;
- *Community Facilities* - £1,384.07 per dwelling towards Southwell Leisure Centre;
- *Affordable Housing* - 30% on site (as is referenced there is a currently pending deed of variation in respect to the mortgagee clauses but this does not affect the agreed type or tenure);
- *Open Space* - £926.26 per dwelling for a Children and Young People Contribution towards Norwood Gardens; Green Open Space on site with a minimum total size of 500m² including buffer zones to ensure 20m distance from nearest inhabited property; £282.94 per dwelling for an Open Space contribution towards Norwood Gardens;
- Development Drainage and Open Space Specifications;
- Highways Works.

Any reserved matters approval would be read alongside the legal agreement secured at outline stage. However, it is necessary to confirm that the details of the reserved matters submission do not prejudice the ability for compliance with the agreement.

As is already referenced, the scheme demonstrates that it would deliver 30% affordable housing provision on site. Strategic Housing Officers have confirmed support for the revised scheme acknowledging the benefit in altering some of the two bed apartments to two bed dwellings. Whilst a preference for some of the bungalows to be affordable has been expressed, this is not considered fundamental when taken in the context that the overall revised mix of the scheme is acceptable.

The only other on site requirement (other than the aforementioned drainage provisions) would be a minimum of 500m² green open space with associated buffer zones. This is demonstrated in the south eastern corner of the site with the quantum therefore meeting the requirements of the associated legal agreement.

CIL

Southwell is within the Very High Zone of the CIL Charging Schedule which amounts to a payment of £100 per internal m². The agent has confirmed the following internal floor space figures:

Affordable Units	1,306.18 m ²
Market Units (including garages)	5,013.14 m ²
Total	6,319.32 m²

The total CIL charge will therefore amount to **£736,496.29** (albeit once affordable housing exemption has been applied the actual CIL amount collected would be **£584,265.24**)

Overall Balance and Conclusion

The application relates to an allocated site with an outline approval and therefore the principle of development within the site has already been accepted. The reserved matters submission has been subject to negotiations during the life of the application in order to address a number of issues, namely; the originally proposed housing mix; impact on trees; and the overall layout in respect of parking and amenity provision. With the exception of small remaining elements of compromised parking provision (for example in the south western corner of the site) and a lack of outdoor amenity provision for some of the apartments, the revised scheme has addressed Officer concerns. The proposal now appropriately meets the aspirations of local policy in terms of housing mix and demonstrates an acceptable design and layout with appropriate screening as envisaged by the original policy allocation. Whilst there remains outstanding concerns in respect to the site drainage arrangements this would remain to be covered by the conditions and section 106 agreed through the outline such that it is not considered reasonable to delay the current reserved matters determination on this basis.

Significant positive weight must be attached to the residential delivery of the site in a sustainable settlement and in the absence of any planning harm arising from the details submitted to accompany the reserved matters submission, the Officer recommendation is one of approval subject to the conditions outlined below. For the avoidance of doubt, as is already suggested above, the conditions imposed on the outline consent remain to be valid and for compliance as does the signed legal agreement (or indeed any subsequently amended agreement).

RECOMMENDATION

That reserved matters approval is granted subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Landscape and Ecological Management Plan (LEMP) by ACD Environmental dated 29th August 2018
- Location Plan – SOUT LOC 01
- POS Plan – SOUT POS L01 Rev. A (received 1st November 2018)
- Materials Layout – SOUT MAT L01 Rev. A (received 1st November 2018)
- Planning Layout – SOUT DPL L01 Rev. B (received 20th November 2018)
- Boundary Treatments – SOUT BTP L01 Rev. A (received 21st November 2018)
- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)

- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)
- Tree Protection Plan – MILL21997-03 Rev. A (received 1st November 2018)
- LEAP Proposals – MILL21997 09
- Refuse Vehicle Tracking – 20286-02-010-01
- House Type Pack – Part 1 (revised version received 1st November 2018)
- House Type Pack – Part 2

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The approved landscaping shown on plan references:

- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)

shall be completed within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species 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 and neighbouring amenity and biodiversity.

04

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway boundary. The surfaced drives and any parking areas shall then be maintained in such hard 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.).

05

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1m.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

06

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works

commencing on site. The approved measures shall be implemented prior to any works commencing on site.

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

07

No dwelling forming part of the development hereby permitted shall be occupied until its associated access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

Notes to Applicant

01

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

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

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The approval should be read in conjunction with the outline permission (16/02169/OUTM) and its associated S106 Agreement (Planning Obligation) which accompanies this permission.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01645/RMAM

